



DIRT ALERT



1700 Farnam Street • Suite 1500
Omaha, NE 68102 • 402.344.0500
www.bairdholm.com

March 24, 2014

David C. Levy, Editor

103rd Nebraska Legislature, Second Session: Real Estate, Renewable Energy and Municipal Law Update – Part 10 (Days 44 - 47)

Only three full weeks remain in the second session of the 103rd Nebraska Legislature. Here is an update on the bills we are tracking related to real property, renewable energy, and municipal law.

Copies of the bills and information regarding status of the bills can be found on the Nebraska Legislature’s website at <http://www.nebraskalegislature.gov/bills/>.

Please do not hesitate to contact us if you have questions about any of these bills. Thank you.

David C. Levy
Amy L. Lawrenson
Brian R. Schumacher
Hannah K. Fischer, Law Clerk

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
Action by the Governor					
None					
Final Reading					
LB 402	Change provisions relating to power purchase agreements	Mello	Natural Resources	3/1/13	Placed on Final Reading with ST42; ER92, AM684, AM740, and AM1237 adopted; Senator Davis Priority Bill

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 749	Adopt the Nebraska Model Business Corporation Act	Harr	Banking, Commerce and Insurance	2/3/14	Placed on Final Reading; ER135 adopted; Banking, Commerce and Insurance Priority Bill
LB 844	Extend the termination date of the Nebraska Litter Reduction and Recycling Act	Schilz	Natural Resources	1/24/14	Placed on Final Reading; Natural Resources Priority Bill
LB 986	Change homestead exemption income limitations	Revenue Committee	Revenue	2/5/14	Placed on Final Reading; ER157, AM2041, and AM2060 adopted; Revenue Priority Bill
LB 1014	Change provisions for election of metropolitan utilities district board of directors	Murante	Urban Affairs	2/11/14	Placed on Final Reading; Urban Affairs Priority Bill
LB 751	Enact the Nebraska Benefit Corporation Act	Conrad	Banking, Commerce and Insurance	2/3/14	Advanced to Enrollment and Review for Engrossment; ER176 adopted; Speaker Adams Priority Bill
LB 836	Declare legislative findings to support tax incentive programs	Legislative Performance Audit Committee	Revenue	2/27/14	Advanced to Enrollment and Review for Engrossment; Legislative Performance Audit Priority Bill

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 867	Change provisions relating to review of sales and use tax information by municipalities	Hadley	Revenue	1/23/14	Advanced to Enrollment and Review for Engrossment; ER155, AM1954, AM2011, AM2190, AM2223, AM2262, and AM2449 adopted; Senator Hadley Priority Bill
LB 946	Change provisions relating to county board, election commissioners, certain special elections, and officials' salaries	Murante	Government, Military and Veterans Affairs	2/5/14	Advanced to Enrollment and Review for Engrossment; AM2047, AM2120, AM2121, AM2204, AM2448, AM2548, and ER179 adopted; Senator Murante Priority Bill
LB 1012	Change provisions related to blighted areas under the Community Development Law	Schilz	Urban Affairs	2/4/14	Advanced to Enrollment and Review for Engrossment; Urban Affairs Priority Bill
Select File					
LB 13	Require radon resistant construction and radon mitigation statements for residential real property	Krist	Human Services	1/23/13	Placed on Select File; ER121 and AM260 adopted; MO131 Motion to Bracket until 4/10/14 approved
LR 29CA	Constitutional amendment to change provisions relating to redevelopment projects	Adams	Urban Affairs	2/12/13	Placed on Select File with ER117; AM273 adopted

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 191	Adopt the Nebraska Job Creation and Mainstreet Revitalization Act	Nordquist	Revenue	1/13/13	Placed on Select File with ER138; AM707 and AM1918 adopted; Senator Johnson Priority Bill
LB 800	Provide for designation of enterprise zones and preferences in certain business incentive programs located in such zones	Mello	Business and Labor	2/3/14	Advanced to Enrollment and Review Initial; AM1891 adopted; Senator Cook Priority Bill
LB 810	Provide that only state and federal law govern the enforcement and servicing of real estate loans	Watermeier	Banking, Commerce and Insurance	2/3/14	Advanced to Enrollment and Review Initial; AM1865 and AM2557 adopted; AM2560 filed; Speaker Adams Priority Bill
General File					
LB 150	Change provisions relating to retail sale of natural gas by metropolitan utilities districts to exempt sales and purchases of energy or fuel used in the compression of natural gas	Nordquist	Revenue	3/13/13	Placed on General File with AM1711
LB 348	Change assessment of rent-restricted housing projects	Harr	Revenue	3/1/13	Placed on General File with AM642; AM1764 filed; MO89 pending; Speaker Priority Bill
LB 373	Change and eliminate provisions of Nebraska Prompt Pay Act	Mello	Business & Labor	2/11/13	Placed on General File with AM1550; Speaker Adams Priority Bill
LB 668	Provide extinguishment of a lien or security interest by sale of goods subject to lien	Hadley	Banking, Commerce and Insurance	1/21/14	Placed on General File

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 679	Change notice requirements related to zoning, redevelopment projects and neighborhood associations	Mello	Urban Affairs	1/21/14	Placed on the General File
LB 681	Change provisions relating to land banks and application for a tax deed on properties with delinquent property taxes	Mello	Revenue	1/22/14	Placed on General File
LB 683	Update reference to federal rules and regulations relating to storm water management	Scheer	Natural Resources	2/5/14	Placed on General File
LB 686	Amend certification date relating to nonirrigated acres under the Nebraska Ground Water Management and Protection Act	Christensen	Natural Resources	1/30/14	Placed on General File with AM2280
LB 687	Change application procedures for real estate licenses	Christensen	Banking, Commerce and Insurance	1/21/14	Placed on General File
LB 693	Change affidavit requirements for successors to real estate property on small estates	Seiler	Judiciary	1/24/14	Placed on General File with AM1782
LB 697	Require publication of a list of tax delinquent properties	Larson	Revenue	1/23/14	Placed on General File
LB 702	Change procedures for organization of cities of second class and villages	Johnson	Urban Affairs	1/28/14	Placed on General File with AM1738
LB 710	Require a public hearing before voting on a ground water augmentation project	Christensen	Natural Resources	1/30/14	Placed on General File with AM2281
LB 717	Change provisions of the Real Property Appraiser Act relating to professional qualifications	Gloor	Banking, Commerce and Insurance	1/27/14	Placed on General File; AM2135 pending; Speaker Adams Priority Bill
LB 720	Change provisions relating to complaints about rules and regulations of a political subdivision	Crawford	Executive Board	2/6/14	Placed on General File with AM1874
LB 723	Subdivide the classification of irrigated cropland for property tax valuation and sales	Christensen	Revenue	2/19/14	Placed on General File with AM2270
LB 746	Change election provisions to authorize provisional ballots and require identification for certain voters	Avery	Government, Military and Veterans Affairs	2/5/14	Placed on General File

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 750	Change provisions and procedures relating to lien perfection and termination	Harr	Banking, Commerce and Insurance	2/4/14	Placed on General File with AM1859
LB 757	Create a mailbox location exception and eliminate an obsolete road-numbering system	Smith	Transportation and Telecommunications	1/21/14	Placed on General File
LB 780	Change provisions relating to transfer on death deeds	Wightman	Judiciary	1/24/14	Placed on General File
LB 791	Authorize cities of the first and second class and villages to borrow from state-chartered or federally chartered financial institutions	McGill	Urban Affairs	1/21/14	Placed on General File
LB 798	Allow certain power districts to use a fiscal year rather than a calendar year	Christensen	Natural Resources	1/31/14	Placed on General File
LB 801	Provide notice and hearing procedures relating to nuisances	Urban Affairs Committee	Urban Affairs Committee	1/21/14	Placed on General File with AM1842
LB 803	Change mayoral veto powers and procedures for first and second class cities	Urban Affairs Committee	Urban Affairs	1/21/14	Placed on General File
LB 817	Modify member provisions for public power district boards	Haar	Government, Military and Veterans Affairs	2/7/14	Placed on General File
LB 819	Change provisions relating to future advance on mortgages or trust deeds	Wightman	Banking, Commerce and Insurance	1/27/14	Placed on General File with AM1826
LB 833	Change election and employment provisions for county surveyors	Dubas	Government, Military and Veterans Affairs	1/29/14	Placed on General File with AM1919
LB 845	Provide for regulation of meteorological evaluation towers	Schilz	Government, Military and Veterans Affairs	2/7/14	Placed on General File with AM2043; AM2054 pending
LB 885	Require merger of certain vacant lots and compel use of the income approach to value certain real property for tax purposes	Harr	Revenue	2/27/14	Placed on General File with AM2201
LB 896	Change provisions related to the Erosion and Sediment Control Act	Carlson	Natural Resources	2/6/14	Placed on General File AM2133
LB 915	Require a person to designate a representative to accept notices for violations of mortgaged property or ordinances	Crawford	Urban Affairs	1/28/14	Placed on General File with AM2095

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 937	Change quorum requirements for county supervisors	Karpisek	Government, Military and Veterans Affairs	2/6/14	Placed on General File
LB 964	Provide a homestead exemption for individuals who are not married	Brasch	Judiciary	2/7/14	Placed on General File
LB 965	Change public policy provisions and findings required by the Nebraska Power Review Board relating to the provision of electric service	Haar	Natural Resources	1/31/14	Placed on General File with AM2045; AM2461, AM2349, and AM2346 pending; Senator Haar Priority Bill
LB 980	Change provisions relating to termination of a township board	Johnson	Government, Military and Veterans Affairs	2/19/14	Placed on General File; AM2069 filed
LB 996	Define state agency and require response to legislative requests for information	McGill	Executive Board	2/6/14	Placed on General File with AM1881
LB 1008	Update duties of the Climate Assessment Response Committee	Haar	Agriculture	2/4/14	Placed on General File
LB 1043	Exempt certain deeds from the documentary stamp tax	Nelson	Revenue	2/26/14	Placed on General File
LB 1044	Provide procedures for abandoned mobile homes	Schilz	Judiciary	2/19/14	Placed on General File with AM2191
LB 1067	Extend the sunset dates under certain tax incentive	Hadley	Revenue	2/26/14	Placed on General File; AM2457 and AM2546 pending; Senator Garrett Priority Bill
LB 1115	Appropriate funds to the Nebraska Power Review Board for a study and state public policy	Davis	Natural Resources	2/12/14	Placed on General File with AM1999; Speaker Adams Priority Bill

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
Held by Committee					
LR 393CA	Constitutional amendment to reduce signature requirements for initiative petitions	Murante	Government, Military and Veterans Affairs	2/21/14	Held by Committee
LR 423CA	Constitutional amendment to provide that residential real property may be classified separately for property taxation	Nordquist	Revenue	2/28/14	Held by Committee; Schumacher Priority Resolution
LB 43	Change provisions relating to property tax exemption for charitable organizations	Cook	Revenue	3/1/13	Held by Committee
LB 101	Change valuation of agricultural and horticultural land	Watermeier	Revenue	2/28/13	Held by Committee
LB 145	Change valuation of agricultural land and horticultural land	Brasch	Revenue	2/28/13	Held by Committee; Senator Brasch Priority Bill
LB 237	Change provisions relating to property tax exemption to add retirement community	Karpisek	Revenue	3/1/13	Held by Committee
LB 411	Change to renewable energy tax credit	Nordquist	Revenue	3/6/13	Held by Committee
LB 419	Change Nameplate Capacity Tax provisions	Hadley	Revenue	3/6/13	Held by Committee
LB 482	Prohibit state and political subdivisions from adopting certain policy recommendations	Kintner	Judiciary	2/13/13	Held by Committee
LB 501	Change to redefine a term regarding production of electricity by using one or more sources of renewable energy to produce electricity for sale	Hadley	Revenue	2/14/13	Held by Committee
LB 516	Adopt Nebraska Water Legacy Act	Carlson	Revenue	3/15/13	Held by Committee
LB 529	Change requirements for approval of redevelopment plans	Dubas	Urban Affairs	2/12/13	Held by Committee
LB 557	Provide for community solar gardens	McGill	Natural Resources	3/5/13	Held by Committee
LB 567	Change provisions relating to approval of facilities and lines	Haar	Natural Resources	3/1/13	Held by Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 571	Adopt Community Enhancement Financing Assistance Act	Harr	Revenue	2/13/13	Held by Committee
LB 598	Change provisions relating to net metering	Larson	Natural Resources	3/5/13	Held by Committee
LB 622	Change provisions relating to research and conservation report	Haar	Natural Resources	2/6/13	Held by Committee
LB 664	Provide immunity under the Engineers and Architects Regulation Act during an emergency	Krist	Judiciary	2/12/14	Held by Committee
LB 665	Act to revise, harmonize and repeal sections of the Engineers and Architect s Act	Krist	Human Services	1/24/14	Held by Committee; AM1704 filed
LB 670	Change property tax valuations of agricultural and horticultural land	McCoy	Revenue	2/7/14	Held by Committee; Senator McCoy Priority Bill
LB 675	Eliminate property tax exemption for religious organizations	Chambers	Revenue	1/24/14	Held by Committee
LB 678	Change the funding allocation percentage from 25 to 30 percent for the Affordable Housing Trust Fund	Mello	Appropriations	1/30/14	Held by Committee
LB 684	Change provisions of the Nebraska Appraisal Management Company Registration Act relating to violations, hearings, and funding	Christensen	Banking, Commerce and Insurance	1/27/14	Held by Committee
LB 685	Modify provisions under the Real Property Appraiser Act relating to professional qualifications and the Real Property Appraiser Board	Christensen	Banking, Commerce and Insurance	1/27/14	Held by Committee
LB 695	Adopt limitations on radon levels for buildings hosting a child care center	Haar	Health and Human Services	1/23/14	Held by Committee
LB 733	Adopt the Mass Assessment Act for valuation of real property for ad valorem tax purposes	Schumacher	Revenue	1/23/14	Held by Committee
LB 760	Adopt the Combined Sewer Overflow Infrastructure Assistance Act and the Unfunded Federal Mandate Infrastructure Assistance Act	Mello	Revenue	1/29/14	Held by Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 778	Require certain entities to comply with provisions on open meetings, public records, and conflicts of interest	Chambers	Government, Military and Veterans Affairs	1/30/14	Held by Committee
LB 785	Provide when acknowledgment is not required for contract for sale of homestead property	Lathrop	Judiciary	2/6/14	Held by Committee
LB 796	Provide for disposition of a tenant's personal property upon death	Harr	Judiciary	1/24/14	Held by Committee
LB 813	Increase valuation for agricultural and horticultural land for property tax purposes	Hansen	Revenue	2/7/14	Held by Committee
LB 818	Increase rated capacity for qualified facilities relating to net metering	Haar	Natural Resources	2/13/14	Held by Committee
LB 823	Terminate existence of metropolitan utilities districts	Lautenbaugh	Urban Affairs Committee	2/18/14	Held by Committee
LB 839	Extend the effective period for a continuing lien for a garnishment of execution	Janssen	Judiciary	2/19/14	Held by Committee
LB 840	Allow a district to require a water well permit in management areas	Haar	Natural Resources	2/19/14	Held by Committee
LB 852	Change provisions relating to asbestos regulation	Crawford	Health and Human Services	2/19/14	Held by Committee
LB 856	Require water well metering for hydraulic fracturing stimulation under the Industrial Ground Water Regulatory Act	Wallman	Natural Resources	2/7/14	Held by Committee
LB 870	Enact the Public Debt Recovery Program Act	Bolz	Judiciary	2/13/14	Held by Committee
LB 886	Amend the Nebraska Condominium Act to allow certain changes in boundaries and to decrease certain voting requirements	Harr	Banking, Commerce and Insurance	2/24/14	Held by Committee
LB 890	Change procedures and provisions relating to the acquisition of private property for a public purpose	Dubas	Judiciary	2/20/14	Held by Committee
LB 894	Change deadlines for personal property tax exemptions	Harr	Revenue	1/31/14	Held by Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 904	Create the Great Plains Black History Endowment Fund to support a museum and center	Kolowski	Appropriations	2/13/14	Held by Committee
LB 912	Adopt the Property Tax Relief Act	Kolowski	Revenue	2/6/14	Held by Committee
LB 913	Provide an income tax credit for property taxes paid on a primary residence	Kolowski	Revenue	2/7/14	Held by Committee
LB 924	Change provisions relating to qualifying businesses under the Local Option Municipal Economic Development Act	McGill	Urban Affairs	1/28/14	Held by Committee
LB 940	Create the Water Sustainability Fund and transfer fifty million dollars to it	Schilz	Appropriations	2/18/14	Held by Committee
LB 959	Provide exemption from permit application for water storage reservoirs	Carlson	Natural Resources	2/19/14	Held by Committee
LB 968	Provide powers for certain sanitary and improvement districts	Scheer	Urban Affairs	1/28/14	Held by Committee
LB 979	Change provisions relating to tax sales for delinquent property taxes	Harr	Revenue	2/26/14	Held by Committee
LB 985	Change provisions relating to natural resources districts and certain water appropriation regulations	Davis	Natural Resources	2/20/14	Held by Committee
LB 1003	Allow issuance of general obligation bonds for non-revenue-producing water projects	Kolowski	Natural Resources	2/21/14	Held by Committee
LB 1005	Eliminate the Interrelated Water Review Board, create the Surface Water and Ground Water Review Board, and provide powers and duties	Avery	Natural Resources	2/26/14	Held by Committee
LB 1010	Adopt the Nebraska Enterprise Act	Janssen	Banking, Commerce and Insurance	2/3/14	Held by Committee
LB 1011	Change the time limit on amending or repealing a municipal initiative	Janssen	Urban Affairs	2/4/14	Held by Committee
LB 1013	Permit counties to regulate peddlers, hawkers, and solicitors by ordinance	Murante	Government, Military and Veterans Affairs	2/19/14	Held by Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 1015	Include certain fire and rescue departments under the Political Subdivisions Tort Claims Act	Kintner	Judiciary	2/21/14	Held by Committee
LB 1018	Change public record provisions for withholding job application materials from the public	Hadley	Government, Military and Veterans Affairs	2/6/14	Held by Committee
LB 1019	Adopt the Development and Venture Enterprise Act	Schumacher	Appropriations	2/19/14	Held by Committee
LB 1038	Provide an income tax credit for certain property taxes paid on agricultural land and horticultural land	Dubas	Revenue	2/7/14	Held by Committee
LB 1040	Create an energy conservation grant program	Karpisek	Natural Resources	2/12/14	Held by Committee
LB 1049	Change provisions for actions for recovery of title or possession of real estate or foreclosure of mortgages or deeds of trust as mortgages	Wightman	Judiciary		Held by Committee
LB 1053	Provide state aid to municipalities, counties, and natural resources districts	Karpisek	Revenue	2/20/14	Held by Committee
LB 1065	Eliminate secret ballot provisions under the Open Meetings Act	Lautenbaugh	Government, Military and Veterans Affairs	2/20/14	Held by Committee
LB 1066	Require a recorded roll call vote by certain county boards	Lautenbaugh	Government, Military and Veterans Affairs	2/20/14	Held by Committee
LB 1071	Provide additional rules of the road for bicycles and bikeways	Lathrop	Transportation and Telecommunications	2/25/14	Held by Committee
LB 1074	Change provisions relating to the regulation of ground water	Lathrop	Natural Resources	2/6/14; 3/18/14 for AM2360	Held by Committee; AM2360 filed; Senator Lathrop Priority Bill
LB 1075	Prohibit employment of certain persons leaving public positions	Harr	Government, Military and Veterans Affairs	2/20/14	Held by Committee
LB 1086	Transfer cash reserve funds to the Property Tax Credit Cash Fund	Pirsch	Appropriations	2/18/14	Held by Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 1094	Change a fund transfer to the Property Tax Credit Cash Fund	Davis	Appropriations	2/18/14	Held by Committee
LB 1095	Create the Tax-increment Financing Division of the Department of Economic Development and change the Community Development Law	Davis	Urban Affairs	2/11/14	Held by Committee
LB 1096	Change provisions for expansion of a business improvement district	Ashford	Urban Affairs	2/4/14	Held by Committee
LB 1097	Change individual income tax brackets and rates and corporate income tax rates	Harr	Revenue	2/13/14	Held by Committee; Senator Smith Priority Bill
LB 1098	Change membership and powers and duties of the Nebraska Natural Resources Commission	Carlson	Natural Resources	2/26/14	Held by Committee; Senator Carlson Priority Bill
LB 1100	Create the Public Power Task Force	Haar	Natural Resources	2/13/14	Held by Committee
Indefinitely Postponed					
LB 1104	Change farm winery licensing provisions	Watermeier	General Affairs	2/3/14	Indefinitely Postponed
Withdrawn					
LB 1079	Authorize grants to certain county agricultural societies under the Civic and Community Center Financing Act	Davis	Revenue		Bill Withdrawn