



DIRT ALERT

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105th Nebraska Legislature, Second Session

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The Second Session of the 105th Nebraska Legislature convened on January 3, 2018. This Dirt Alert provides an update on certain bills introduced during the first five days of the Session related to economic development, municipal law, real estate, renewable energy, taxation and water/natural resources law. Bills of interest carried-over from the First Session of the 105th Nebraska Legislature are available below the 2018 chart.

Through the first five days of the session, we have identified eleven bills warranting particular watchfulness. These bills are:

- LB 722 (mandating that large public power districts operating in Nebraska acquire at least 25 percent of their electric power from renewable energy resources by 2020);
- LB 723 (increasing the maximum capacity of a Qualifying Facility eligible for net metering from twenty-five kilowatts to one hundred kilowatts);
- LB 820 (instituting a penalty and remedial actions for a private electric supplier's failure to adhere to the rules of the Nebraska Power Review Board);
- LB 752 (eliminating a public entity's ability to acquire right-of-ways for electric energy transmission on behalf of a private electric supplier);
- LB 901 (heightening the regulations and oversight for the approval process governing construction of certain structures, e.g., wind turbines, from the Nebraska Director of Aeronautics);
- LB 854 (expanding the ability to establish a land bank from cities of the metropolitan class to all cities and villages in the state);
- LB 756 (prohibiting any municipal ordinance regulating/discouraging short-term residential rentals, e.g., Airbnb);
- LB 846 (bolstering the transparency, documentation and oversight of the approval process for redevelopment projects utilizing tax increment financing);

- LB 874 (full-scale change to the community redevelopment and tax increment financing laws);
- LB 905 (shifting the burden of proof in a tax protest to the county assessor to show that his or her assessed value complies with the law); and
- LB 919 (expediting the expiration of Nebraska Historic Tax Credit program by three years).

We will provide summaries of these bills in the coming weeks and an update after bill introductions conclude on January 18, 2018. Copies of all bills are available on the Nebraska Legislature's website at <http://www.nebraskalegislature.gov/bills/>. Please contact us if you have questions about these bills or any others. Thank you.

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Bill	Summary	Introducer	Committee	Hearing Date	Current Status
Economic Development					
LB 768	Redefine economic development program to include early childhood infrastructure development for cities of the first and second class and villages	Quick	Urban Affairs	TBD	Committee
LB 919	Adopt the Student Loan Repayment Tax Credit Act and change certain taxation and grant provisions	Bolz	Revenue	TBD	Introduced
LB 942	Adopt the Metropolitan Port Authority Act	Wayne	Urban Affairs	TBD	Introduced
Energy/Renewable Energy					
LB 722	Provide a renewable energy electric power generation requirement for certain public power and irrigation districts	Wayne	Natural Resources	TBD	Committee
LB 723	Change net metering provisions by redefining qualified facility and increasing the rated capacity limit as prescribed	Wayne	Natural Resources	TBD	Committee
LB 820	Change provisions relating to privately developed renewable energy generation facilities	Hughes	Natural Resources	TBD	Committee
LB 901	Require Director of Aeronautics to consult with the Military Department in certain structure permitting decisions	Bostelman	Transportation and Telecommunications	1/22/18	Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
Liquor					
LB 734	Change provisions relating to special designated licenses under the Nebraska Liquor Control Act	Scheer	General Affairs	TBD	Committee
LB 747	Provide for bottle clubs under the Nebraska Liquor Control Act	Thibodeau	General Affairs	2/26/18	Committee
Municipal Law					
LB 707	Change provisions of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles by eliminating applicability and references to manufactured homes and renaming the code	Kolterman	Urban Affairs	TBD	Committee
LB 720	Change applicability provisions for building codes	Wayne	Urban Affairs	TBD	Committee
LB 748	Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies	Hansen	Urban Affairs	1/16/18	Committee
LB 752	Limit the authority of certain political subdivisions to acquire rights-of-way	Brewer	Judiciary	TBD	Committee
LB 767	Adopt changes to the state building code	Quick	Urban Affairs	TBD	Committee
LB 806	Change the Conveyance Safety Act	Kuehn	Business and Labor	1/22/18	Committee
LB 850	Require disclosure of the anticipated cost to a political subdivision to pay off its bonds	Linehan	Government, Military and Veterans Affairs	TBD	Committee
LB 854	Expand the number of municipalities which may create a land bank and change land bank powers and board requirements	Quick	Urban Affairs	TBD	Committee
LB 865	Change provisions relating to passage of ordinances by cities and villages	Crawford	Urban Affairs	1/16/18	Committee
LB 889	Provide and eliminate duties relating to fire codes	Wayne	Urban Affairs	TBD	Committee
LB 940	Change provisions of the Civic and Community Center Financing Act relating to fund use, grant request limits, property sale restrictions, and grant application priority	Friesen	To Be Determined	TBD	Introduced
Real Estate					

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 736	Change real estate agent duties with respect to certain written disclosures	Lindstrom	Banking, Commerce and Insurance	1/22/18	Committee
LB 749	Change provisions relating to recording and filing fees	Williams	Government, Military and Veterans Affairs	TBD	Committee
LB 750	Change provisions relating to recording of real property instruments and rights and duties of secured creditors	Williams	Banking, Commerce and Insurance	TBD	Committee
LB 756	Prohibit ordinances prohibiting certain short-term rentals of residential property	Morfeld	Urban Affairs	1/16/18	Committee
Tax Increment Financing					
LB 846	Change provisions relating to findings and the enforceability of certain agreements under the Community Development Law	Briese	Urban Affairs	TBD	Committee
LB 874	Change the Community Development Law	Urban Affairs Committee	Urban Affairs	TBD	Committee
Taxes and Tax Equalization and Review Commission					
LB 884	Change and eliminate provisions relating to county sales and use taxes	Harr	Revenue	1/18/18	Committee
LB 885	Change provisions relating to property tax protests	Harr	Revenue	1/19/18	Committee
LB 905	Change the burden of proof for certain protests of real property valuations	Kuehn	Revenue	1/19/18	Committee
LB 935	Facilitate tax incentive performance audits by requiring certain application materials, reporting, and data retention for certain tax incentive programs	Legislative Performance Audit Committee	Executive Board	TBD	Introduced
LB 937	Change filing fees for appeals to the Tax Equalization and Review Commission	Stinner	Revenue	TBD	Introduced
Water/Natural Resources					
LB 758	Require collaboration between natural resources districts and counties under the Nebraska Ground Water Management and Protection Act	Hughes	Natural Resources	1/17/18	Committee
LB 822	Change provisions relating to the Department of Natural Resources	Hughes	Natural Resources	1/18/18	Committee

105th Nebraska Legislature, First Session – Carry-Over Bills

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
Economic Development					
LB 126	Change sunset dates under the Nebraska Job Creation and Mainstreet Revitalization Act and the Nebraska Advantage Act	Groene	Revenue	2/9/17	Committee
LB 272	Change procedures for tax credits under the Nebraska Job Creation and Mainstreet Revitalization Act	Vargas	Revenue	3/3/17	Committee
LB 291	Adopt the Special Economic Impact Zone Act	Larson	Revenue	3/1/17	Select File
LB 373	Change and eliminate revenue and taxation provisions	Schumacher	Revenue	3/22/17	Committee
LB 374	Provide an income tax credit for corporate income taxes paid and change sunset dates under the Nebraska Advantage Act	Schumacher	Revenue	3/15/17	Committee
LB 387	Change and eliminate provisions relating to various tax credit programs and economic development activities	Lindstrom	Revenue	2/9/17	Committee
LB 467	Change provisions relating to certain tax incentive programs	Krist	Revenue	3/15/17	Committee
LB 475	Change the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act	Schumacher	Revenue	3/3/17	Committee
LB 528	Change provisions relating to the New Markets Job Growth Investment Act	Harr	Revenue	3/3/17	Committee
LB 543	Change provisions relating to applications and reporting requirements under the Nebraska Advantage Act	Watermeier	Revenue	3/15/17	Committee
LB 546	Change the Nebraska Advantage Act	Watermeier	Revenue	2/9/17	Committee
LB 557	Updates Nebraska's tax incentive programs; sunsets Nebraska Advantage	Harr	Revenue	3/8/17	Committee
LB 564	Adopt the Nebraska Main Street Fairness Act	McCollister	Revenue	1/27/17	Committee
LR 16CA	Constitutional amendment to allow cities and villages to pledge taxes relating to a redevelopment project for up to twenty years if area is extremely blighted	Wayne	Urban Affairs	2/28/17	General File
Energy/Renewable Energy					

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 392	Adopt the Wind Friendly Counties Act	Larson	Natural Resources	2/9/17	Committee
LB 494	Provide for withholding public records relating to energy infrastructure	Briese	Government, Military and Veterans Affairs	2/2/17	General File
LB 504	Provide for a moratorium on industrial development of wind energy projects and for a task force study as prescribed	Brewer	Natural Resources	3/1/17	Committee
LB 610	Adopt the Community Solar Energy Economic Development Act	Kolowski	Natural Resources	2/22/17	Committee
Liquor					
LB 254	Change provisions relating to making and serving alcoholic liquor by nonlicensed persons as prescribed	Crawford	General Affairs	2/13/17	Committee
LB 632	Change provisions relating to the Nebraska Liquor Control Act and music licensing agencies	Larson	General Affairs	2/13/17	Select File
Municipal Law					
LB 78	Change provisions relating to relinquishment or abandonment of any portion of a state highway system	Crawford	Transportation and Telecommunications	1/30/17	General File
LB 127	Change notice requirements under Open Meetings Act	Groene	Government, Military and Veterans Affairs	2/2/17	General File
LB 130	Change municipal annexation provisions relating to certain districts	Urban Affairs Committee	Urban Affairs	1/24/17	General File
LB 389	Adopt the Small Wireless Facilities Act	Friesen	Transportation and Telecommunications	2/21/17	Committee
LB 618	Change provisions relating to the use of the Transportation Network Company Regulation Cash Fund	Wayne	Transportation and Telecommunications	2/14/17	General File
LB 627	Provide for the operation of autonomous motor vehicles as prescribed	Larson	Transportation and Telecommunications	2/28/17	Committee
Real Estate					
LB 228	Change provisions relating to rent-restricted housing projects	Harr	Revenue	3/3/17	Committee
LB 236	Change provisions relating to the inclusion of multiple lots in one parcel	Erdman	Revenue	2/23/17	Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 304	Change provisions relating to the Nebraska Housing Agency Act	Crawford	Urban Affairs	1/31/17	General File
LB 364	Change and eliminate licensure, regulation, and penalty provisions under the Professional Landscape Architects Act	Walz	Government, Military and Veterans Affairs	3/8/17	Committee
LB 365	Change provisions relating to access to public records and provide for fees	Blood	Government, Military and Veterans Affairs	2/2/17	General File
LB 388	Authorize remote electronic notarial acts	Lindstrom	Government, Military, and Veterans Affairs	1/25/17	Committee
LB 399	Change provisions relating to housing commissions	Wayne	Urban Affairs	1/31/17	Enrollment and Review Initial
LB 439	Change licensure and regulation provisions for assisted-living facilities	Wishart	Health and Human Services	3/16/17	General File
LB 510	Provide a restriction on installment contracts for the purchase of real or personal property by political subdivisions	Ebke	Government, Military and Veterans Affairs	3/8/17	Committee
Tax Increment Financing					
LB 95	Change provisions relating to the Community Development Law and tax-increment financing	Crawford	Urban Affairs	2/28/17	Committee
LB 262	Change provisions relating to undeveloped vacant land under the Community Development Law	Groene	Urban Affairs	2/21/17	Committee
LB 489	Redefine development project under the Community Development Law	Groene	Urban Affairs	2/21/17	Committee
LB 496	Define and redefine terms under the Community Development Law	Stinner	Urban Affairs	2/28/17	Enrollment and Review Initial
LB 594	Require a limited liability company seeking a tax benefit to file an amended certificate of organization	Groene	Banking, Commerce and Insurance	3/13/17	Committee
Taxes and Tax Equalization and Review Commission					
LB 49	Provide for the treatment of certain amendments to the Internal Revenue Code	Schumacher	Revenue	2/1/17	Committee
LB 51	Change provisions relating to sales of real property for nonpayment of taxes	Schumacher	Revenue	1/19/17	General File
LB 232	Provide a property tax exemption for property leased to the state or a governmental subdivision	Kolterman	Revenue	2/23/17	Committee
LB 322	Change the Tax Equalization and Review Commission Act	Craighead	Revenue	3/1/17	Committee

Bill	Summary	Introducer	Committee	Hearing Date	Current Status
LB 385	Change provisions relating to the burden of proof and who may appeal under the Tax Equalization and Review Commission Act	Lindstrom	Revenue	3/1/17	Committee
LB 555	Change and eliminate provisions of the Tax Equalization and Review Commission Act	Smith	Revenue	3/1/17	Committee
LB 565	Require the posting of tax incentive information under the Taxpayer Transparency Act	McCollister	Revenue	3/15/17	General File
LB 570	Provide a property tax exemption for all tangible personal property	Friesen	Revenue	3/9/17	Committee
LB 579	Provide for termination of city occupation taxes subject to a vote and require vote on tax rate changes	McDonnell	Urban Affairs	2/21/17	Committee
LB 613	Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act	Wayne	Revenue	3/16/17	Committee
Water					
LB 218	Provide for installation of ground water pumps by public entities	Groene	Natural Resources	2/15/17	Committee
LR 4	Interim Study to explore if the development of a more comprehensive water quality study is needed	Blood	Executive Board	TBD	Committee