



# DIRT ALERT

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**David C. Levy, Editor**

## **105th Nebraska Legislature Bill Introduction**

March 8, 2017, is Day 43 of the 1st Session of the 105th Nebraska Legislature. The full body has achieved very little, but committee hearings are in full swing. Here is a list of recent or upcoming relevant committee hearings and our positions on behalf of our clients:

Tax Increment Financing (LBs 262, 489, and 597): February 21 (oppose)  
Energy (LB 547): February 23 (oppose)  
Tax Increment Financing (LBs 95 and 496 and LR16CA): February 28 (oppose, support, support)  
Energy (LB 504): March 1 (oppose)  
Tax Equalization and Review Commission (LBs 322, 385, and 555): March 1 (support with amendments, support, neutral)  
State Historic Tax Credits (LBs 272 and 475): March 3 (support, oppose)  
State New Market Tax Credits (LB 528): March 3 (support)

Below is a chart of the bills we are following related to economic development, energy, liquor, municipal law, real estate, tax increment financing, taxes and the Tax Equalization Review Commission, and water. 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.

| Bill                         | Summary  | Introducer | Committee     | Hearing Date | Current Status       |
|------------------------------|--|------------|---------------|--------------|----------------------|
| <b>Economic Development</b>  |  |            |               |              |                      |
| <a href="#"><u>LB 74</u></a> | Change population thresholds relating to annexation, suburban development, and planned unit development by a city or village | Crawford   | Urban Affairs | 1/17/17      | Approved by Governor |
| <a href="#"><u>LB 97</u></a> | Adopt the Riverfront Development District Act  | Crawford   | Urban Affairs | 2/14/17      | General File         |

| Bill                           | Summary  | Introducer              | Committee         | Hearing Date | Current Status         |
|--------------------------------|--|-------------------------|-------------------|--------------|------------------------|
| <a href="#"><u>LB 126</u></a>  | Change sunset dates under the Nebraska Job Creation and Mainstreet Revitalization Act and the Nebraska Advantage Act   | Groene                  | Revenue           | 2/9/17       | Committee              |
| <a href="#"><u>LB 131</u></a>  | Change provisions relating to urban growth districts and urban growth bonds and refunding bonds  | Urban Affairs Committee | Urban Affairs     | 1/17/17      | Approved by Governor   |
| <a href="#"><u>LB 161</u></a>  | Change a carryover period under the Nebraska Advantage Act   | Friesen                 | Revenue           | 1/25/17      | General File           |
| <a href="#"><u>LB 272</u></a>  | Change procedures for tax credits under the Nebraska Job Creation and Mainstreet Revitalization Act  | Vargas                  | Revenue           | 3/3/17       | Committee              |
| <a href="#"><u>LB 291</u></a>  | Adopt the Special Economic Impact Zone Act   | Larson                  | Revenue           | 3/1/17       | Committee              |
| <a href="#"><u>LB 374</u></a>  | 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              |
| <a href="#"><u>LB 387</u></a>  | Change and eliminate provisions relating to various tax credit programs and economic development activities  | Lindstrom               | Revenue           | 2/9/17       | Committee              |
| <a href="#"><u>LB 467</u></a>  | Change provisions relating to certain tax incentive programs   | Krist                   | Revenue           | 3/15/17      | Committee              |
| <a href="#"><u>LB 475</u></a>  | Change the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act  | Schumacher              | Revenue           | 3/3/17       | Committee              |
| <a href="#"><u>LB 528</u></a>  | Change provisions relating to the New Markets Job Growth Investment Act  | Harr                    | Revenue           | 3/3/17       | Committee              |
| <a href="#"><u>LB 543</u></a>  | Change provisions relating to applications and reporting requirements under the Nebraska Advantage Act   | Watermeier              | Revenue           | TBD          | Committee              |
| <a href="#"><u>LB 546</u></a>  | Change the Nebraska Advantage Act  | Watermeier              | Revenue           | 2/9/17       | Committee              |
| <a href="#"><u>LB 564</u></a>  | Adopt the Nebraska Main Street Fairness Act  | McCollister             | Revenue           | 1/27/17      | Committee              |
| <a href="#"><u>LR 16CA</u></a> | 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      | Committee              |
| <b>Energy</b>                  |  |                         |                   |              |                        |
| <a href="#"><u>LB 87</u></a>   | Redefine a qualified facility and authorize local distribution utilities to waive certain requirements relating to net metering                                | Blood                   | Natural Resources | 2/22/17      | Indefinitely Postponed |
| <a href="#"><u>LB 352</u></a>  | Adopt the Wind, Solar, and Fuel Cell Business Financing Act  | Vargas                  | Natural Resources | 3/2/17       | Indefinitely Postponed |

| Bill                          | Summary  | Introducer | Committee                                 | Hearing Date | Current Status         |
|-------------------------------|--|------------|---|--------------|------------------------|
| <a href="#"><u>LB 392</u></a> | Adopt the Wind Friendly Counties Act   | Larson     | Natural Resources                         | 2/9/17       | Committee              |
| <a href="#"><u>LB 429</u></a> | Provide for virtual net metering   | Wishart    | Natural Resources                         | 2/22/17      | Indefinitely Postponed |
| <a href="#"><u>LB 494</u></a> | Provide for withholding public records relating to energy infrastructure   | Briese     | Government, Military and Veterans Affairs | 2/2/17       | Committee              |
| <a href="#"><u>LB 504</u></a> | 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              |
| <a href="#"><u>LB 547</u></a> | State legislative findings and change provisions relating to eminent domain and review by the Nebraska Power Review Board                              | Watermeier | Natural Resources                         | 2/23/17      | Indefinitely Postponed |
| <a href="#"><u>LB 610</u></a> | Adopt the Community Solar Energy Economic Development Act  | Kolowski   | Natural Resources                         | 2/22/17      | Committee              |
| <a href="#"><u>LB 625</u></a> | Change the Property Assessed Clean Energy Act  | Larson     | Urban Affairs                             | 2/14/17      | Committee              |
| <a href="#"><u>LB 626</u></a> | Adopt the Shared Community Solar Act   | Larson     | Natural Resources                         | 2/9/17       | Indefinitely Postponed |
| <a href="#"><u>LB 657</u></a> | Adopt the Retail Electricity Transparency Act  | Wayne      | Natural Resources                         | 2/16/17      | Indefinitely Postponed |
| <a href="#"><u>LB 660</u></a> | Adopt the Nebraska Retail Electricity Choice Act and remove a restriction on the sale or delivery of retail electricity by a private electric supplier | Wayne      | Natural Resources                         | 2/16/17      | Indefinitely Postponed |
| <b>Liquor</b>                 |  |            |   |              |                        |
| <a href="#"><u>LB 254</u></a> | Change provisions relating to making and serving alcoholic liquor by nonlicensed persons as prescribed   | Crawford   | General Affairs                           | 2/13/17      | Committee              |
| <a href="#"><u>LB 632</u></a> | Change provisions relating to the Nebraska Liquor Control Act and music licensing agencies   | Larson     | General Affairs                           | 2/13/17      | Committee              |
| <b>Municipal Law</b>          |  |            |   |              |                        |
| <a href="#"><u>LB 78</u></a>  | Change provisions relating to relinquishment or abandonment of any portion of a state highway system   | Crawford   | Transportation and Telecommunications     | 1/30/17      | Committee              |
| <a href="#"><u>LB 113</u></a> | Change population threshold provisions relating to municipalities and eliminate obsolete provisions  | Hansen     | Urban Affairs                             | 1/17/17      | General File           |

| Bill                   | Summary  | Introducer  | Committee                                 | Hearing Date | Current Status       |
|------------------------|--|---|---|--------------|----------------------|
| <a href="#">LB 127</a> | Change notice requirements under Open Meetings Act   | Groene  | Government, Military and Veterans Affairs | 2/2/17       | Committee            |
| <a href="#">LB 130</a> | Change municipal annexation provisions relating to certain districts   | Urban Affairs Committee                             | Urban Affairs                             | 1/24/17      | General File         |
| <a href="#">LB 132</a> | Change provisions relating to improvement districts and extraterritorial zoning jurisdictions  | Urban Affairs Committee                             | Urban Affairs                             | 1/17/17      | Approved by Governor |
| <a href="#">LB 133</a> | Change and eliminate provisions regarding cities of the second class and villages  | Urban Affairs Committee                             | Urban Affairs                             | 1/17/17      | General File         |
| <a href="#">LB 339</a> | Merge the Department of Aeronautics into the Department of Roads and rename as the Department of Transportation                                      | Friesen, at the request of the Governor             | Transportation and Telecommunications     | 1/30/17      | Committee            |
| <a href="#">LB 383</a> | Change membership provisions for certain municipal community redevelopment authorities, citizen advisory review committees, and planning commissions | Quick   | Urban Affairs                             | 1/31/17      | General File         |
| <a href="#">LB 389</a> | Adopt the Small Wireless Facilities Act  | Friesen   | Transportation and Telecommunications     | 2/21/17      | Committee            |
| <a href="#">LB 618</a> | Change provisions relating to the use of the Transportation Network Company Regulation Cash Fund   | Wayne   | Transportation and Telecommunications     | 2/14/17      | General File         |
| <a href="#">LB 627</a> | Provide for the operation of autonomous motor vehicles as prescribed   | Larson  | Transportation and Telecommunications     | 2/28/17      | Committee            |
| <a href="#">LB 644</a> | Provide, change, and eliminate provisions governing boards, commissions, and similar entities  | Government, Military and Veterans Affairs Committee | Government, Military, and Veteran Affairs | 2/23/17      | Committee            |
| <b>Real Estate</b>     |  |   |   |              |                      |
| <a href="#">LB 20</a>  | Change provisions relating to homestead exemption certifications   | Kolterman   | Revenue                                   | 1/19/17      | General File         |
| <a href="#">LB 38</a>  | Authorize electronic or digital signatures for instruments submitted to register of deeds  | Harr  | Government, Military, and Veteran Affairs | 1/20/17      | General File         |

| Bill                           | Summary  | Introducer | Committee                                  | Hearing Date | Current Status |
|--------------------------------|--|------------|--|--------------|----------------|
| <a href="#"><u>LB 228</u></a>  | Change provisions relating to rent-restricted housing projects   | Harr       | Revenue                                    | 3/3/17       | Committee      |
| <a href="#"><u>LB 236</u></a>  | Change provisions relating to the inclusion of multiple lots in one parcel   | Erdman     | Revenue                                    | 2/23/17      | Committee      |
| <a href="#"><u>LB 304</u></a>  | Change provisions relating to the Nebraska Housing Agency Act  | Crawford   | Urban Affairs                              | 1/31/17      | General File   |
| <a href="#"><u>LB 315</u></a>  | Change provisions relating to the sale of real property by a city of the second class or village                       | Murante    | Urban Affairs                              | 1/24/17      | General File   |
| <a href="#"><u>LB 364</u></a>  | Change and eliminate licensure, regulation, and penalty provisions under the Professional Landscape Architects Act     | Walz       | Government, Military and Veterans Affairs  | 3/8/17       | Committee      |
| <a href="#"><u>LB 365</u></a>  | Change provisions relating to access to public records and provide for fees  | Blood      | Government, Military and Veterans Affairs  | 2/2/17       | Committee      |
| <a href="#"><u>LB 371</u></a>  | Eliminate condemnation authority of the State Fire Marshal   | Crawford   | Judiciary                                  | 2/1/17       | General File   |
| <a href="#"><u>LB 388</u></a>  | Authorize remote electronic notarial acts  | Lindstrom  | Government, Military, and Veterans Affairs | 1/25/17      | Committee      |
| <a href="#"><u>LB 399</u></a>  | Change provisions relating to housing commissions  | Wayne      | Urban Affairs                              | 1/31/17      | General File   |
| <a href="#"><u>LB 439</u></a>  | Change licensure and regulation provisions for assisted-living facilities  | Wishart    | Health and Human Services                  | 3/16/17      | Committee      |
| <a href="#"><u>LB 492</u></a>  | Adopt the Self-Service Storage Facilities Act and authorize certain liens  | Harr       | Judiciary                                  | 2/15/17      | Committee      |
| <a href="#"><u>LB 510</u></a>  | 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      |
| <a href="#"><u>LB 518</u></a>  | Adopt the Rural Workforce Housing Investment Act and transfer funds from the Affordable Housing Trust Fund             | Williams   | Business and Labor                         | 2/13/17      | Committee      |
| <a href="#"><u>LB 535</u></a>  | Provide an exception for filing a statement with the register of deeds when recording an oil, gas, or mineral lease    | Hughes     | Revenue                                    | 2/22/17      | Committee      |
| <b>Tax Increment Financing</b> |  |            |  |              |                |
| <a href="#"><u>LB 95</u></a>   | Change provisions relating to the Community Development Law and tax-increment financing                                | Crawford   | Urban Affairs                              | 2/28/17      | Committee      |
| <a href="#"><u>LB 151</u></a>  | Change and provide for duties of the Auditor of Public Accounts and certain audited entities                           | Stinner    | Government, Military and Veterans Affairs  | 1/19/17      | General File   |

| Bill  | Summary   | Introducer  | Committee                       | Hearing Date | Current Status |
|---|---|-------------|---------------------------------|--------------|----------------|
| <a href="#"><u>LB 262</u></a>                           | Change provisions relating to undeveloped vacant land under the Community Development Law                                 | Groene      | Urban Affairs                   | 2/21/17      | Committee      |
| <a href="#"><u>LB 489</u></a>                           | Redefine development project under the Community Development Law  | Groene      | Urban Affairs                   | 2/21/17      | Committee      |
| <a href="#"><u>LB 496</u></a>                           | Define and redefine terms under the Community Development Law   | Stinner     | Urban Affairs                   | 2/28/17      | Committee      |
| <a href="#"><u>LB 594</u></a>                           | 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      |
| <a href="#"><u>LB 597</u></a>                           | Provide for application process through county assessor and Tax Commissioner prior to using tax-increment financing       | Groene      | Urban Affairs                   | 2/21/17      | Committee      |
| <b>Taxes and Tax Equalization and Review Commission</b> |   |             |                                 |              |                |
| <a href="#"><u>LB 49</u></a>                            | Provide for the treatment of certain amendments to the Internal Revenue Code  | Schumacher  | Revenue                         | 2/1/17       | Committee      |
| <a href="#"><u>LB 51</u></a>                            | Change provisions relating to sales of real property for nonpayment of taxes  | Schumacher  | Revenue                         | 1/19/17      | Committee      |
| <a href="#"><u>LB 232</u></a>                           | Provide a property tax exemption for property leased to the state or a governmental subdivision                           | Kolterman   | Revenue                         | 2/23/17      | Committee      |
| <a href="#"><u>LB 322</u></a>                           | Change the Tax Equalization and Review Commission Act   | Craighead   | Revenue                         | 3/1/17       | Committee      |
| <a href="#"><u>LB 385</u></a>                           | Change provisions relating to the burden of proof and who may appeal under the Tax Equalization and Review Commission Act | Lindstrom   | Revenue                         | TBD          | Committee      |
| <a href="#"><u>LB 555</u></a>                           | Change and eliminate provisions of the Tax Equalization and Review Commission Act   | Smith       | Revenue                         | 3/1/17       | Committee      |
| <a href="#"><u>LB 565</u></a>                           | Require the posting of tax incentive information under the Taxpayer Transparency Act                                      | McCollister | Revenue                         | 3/15/17      | Committee      |
| <a href="#"><u>LB 570</u></a>                           | Provide a property tax exemption for all tangible personal property   | Friesen     | Revenue                         | 3/9/17       | Committee      |
| <a href="#"><u>LB 579</u></a>                           | 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      |

| Bill                          | Summary   | Introducer | Committee         | Hearing Date | Current Status |
|-------------------------------|---|------------|-------------------|--------------|----------------|
| <a href="#"><u>LB 613</u></a> | Change provisions relating to property tax exemptions under the Nebraska Housing Agency Act                           | Wayne      | Revenue           | 3/16/17      | Committee      |
| <b>Water</b>                  |   |            |                   |              |                |
| <a href="#"><u>LB 182</u></a> | Change powers and duties of the Department of Environmental Quality under the Drinking Water State Revolving Fund Act | Hughes     | Natural Resources | 1/25/17      | General File   |
| <a href="#"><u>LB 218</u></a> | Provide for installation of ground water pumps by public entities   | Groene     | Natural Resources | 2/15/17      | Committee      |
| <a href="#"><u>LR 4</u></a>   | Interim Study to explore if the development of a more comprehensive water quality study is needed                     | Blood      | Executive Board   | TBD          | Committee      |