

The Nebraska Planner

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ANNOUNCEMENTS

REGISTER NOW FOR THE NE PLANNING CONFERENCE!

The 2024 Nebraska Planning Conference will take place on March 6-8 at the Younes Conference Center North in Kearney, NE. The agenda has been set, and registration is now open! For more information, and to register, visit [NPZA's website here](#).



NACO PLEDGES \$5,000 TOWARD REWRITE OF NEBRASKA PLANNING HANDBOOK

NPZA is in the beginning stages of rewriting the Nebraska Planning Handbook. At their December 2023 meeting, the Nebraska Association of County Officials pledged to donate \$5,000 to aid in the completion of the document as a great resource. More info to come soon!

NPZA PROPOSES CONSTITUTION AND BYLAW AMENDMENTS

Voting for proposed NPZA constitution and bylaw amendments will take place at the Nebraska Planning Conference. To learn more about the proposed amendments, please look at page 7.

FIRST TIME ATTENDEE SCHOLARSHIP OFFERED IN HONOR OF DONNA LYNAM

NPZA and APA NE are proud to announce the Donna Lynam First Time Conference Attendee Scholarship. In honor of Donna, this program will award up to 10 scholarships to cover the full registration costs to those who are attending the Nebraska Planning Conference for the first time. Learn more about Donna and this scholarship on page 3. Apply for this scholarship [here](#).

CONGRATULATIONS ON PASSING THE AICP EXAM!

We had 2 Nebraska planners successfully pass the AICP exam during the November 2023 exam cycle. Please congratulate:

- Brent Kusek
- Gregory Youell

IN THIS ISSUE:

- Presidents' Updates - 2
- Donna Lynam First Time Attendee Scholarship - 3
- 2023: A Year in Review - 4
- Book Review: "Invisible Women: Data Bias in a World Designed for Men" - 6
- Proposed NPZA Bylaw & Constitution Amendments - 7
- State Legislative Summit - 8
- UNL Research Aims to Conserve and Protect Wetlands via Satellite Technology - 10
- GIS Quarterly: A Column - 12
- Legislative Update - 14
- APA NE Chapter Sponsorships - 28
- Jobs & Upcoming Events - 29
- Resources - 30

PRESIDENTS' UPDATES

Happy New Year, it's 2024! As we open a new year, representatives for NPZA and Nebraska APA are hammering out the final touches for the 2024 Annual Conference, registration officially opened on January 15th. This year's conference will be held March 6-8 at Younes Conference Center North in Kearney. The conference includes sessions on housing, alternative energy, economic development and rural agricultural issues. Specific session details can be found on our website <http://www.npza.org>. We are anticipating large participation with a number of new sponsors, so be sure to check out the sponsor booths while you're attending the conference.

As our communities grow and change, it's important to keep updated on how we as planners, consultants, elected and appointed officials adjust to that change. Education is key as we experience changes in the years to come.

"Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how." – Edward T. McMahon

I look forward to seeing you in March.



Judy Clark, MPA - NPZA President



First, I want to thank everyone for their support and encouragement over the years that has brought me to my current role as the APA Nebraska Chapter president. I am excited to serve in this leadership role and steward our chapter through the next two years. As I stepped into this role, I wanted to get a sense of who came before me and with the help of past chapter presidents tried to piece the history of our chapter together. Our collective memory takes us back to 1996 when we only had a president and vice president. The chapter filed for tax exempt status as early as 1983, but possibly could have been active earlier as APA national was founded in 1978. For the sake of evidence though, I'll say that our chapter officially celebrated our 40th anniversary last year. In all that time, while we had women on the board in various positions, we never had a woman serving as chapter president, so I'm honored to be the first. This year we have big plans that include updating our 5-year strategic plan, reviving our Legislative Committee (see the 2023 State Legislative Summit article for more details), and finding ways to generate more value for our membership. I hope you will consider getting involved, even in a small way, to help champion good planning in Nebraska and contribute your ideas. I am looking forward to getting started on all these great projects with the help of our great membership base.



Stephanie Rouse, AICP - APA NE President



FIRST TIME CONFERENCE ATTENDEE SCHOLARSHIP OFFERED IN HONOR OF DONNA LYNAM

BY: BRUCE FOUNTAIN, AICP

The Nebraska Planning and Zoning Association and the Nebraska Chapter of the American Planning Association are excited to announce the Donna Lynam First Time Conference Attendee Scholarship. In honor of Donna, this program will award up to 10 scholarships to cover registration costs to those who are attending the Nebraska Planning Conference for the first time. The scholarship application, and more information, can be found [here](#).

Donna was a long-time supporter and attendee of the Nebraska Planning Conference. She was active in both APA and NPZA and had a successful career in planning, zoning and building, working for the City of Gretna and Sarpy County. She began her career with Sarpy County as an Administrative Assistant/Permit Tech in 1992. She left in 1998 to begin work in Gretna. She worked her way up to become Planning and Zoning Administrator there while also doing building inspections and code enforcement. In August 2012, she was hired back by Sarpy County as Zoning Administrator/Building Inspector and was promoted to Assistant Planning Director in 2014. Donna was made the Acting Planning Director for Sarpy County in 2019 and then deservedly promoted to that role permanently. She retired from Sarpy County in March 2022.

Donna was self-taught in most of these roles as she moved her way up with more on-the-job learning and training. She valued the education she gained through organizations such as APA, NPZA and the Nebraska Code Officials Association (NCOA). She volunteered and was elected to leadership positions in many of them. She loved attending the Nebraska Planning Conference every year because of all she learned there, but also because of the camaraderie and lifetime friendships made there.



Donna Lynam with Bruce Fountain after receiving the Loretta Ludemann Award in 2019

She was fittingly recognized for her hard work and dedication in 2019 when she was awarded the Nebraska Planning and Zoning Association's Loretta Ludemann Award for an Outstanding Woman in Planning.

Donna passed away in March 2023 after a year long battle with cancer. She was one of the most positive, energetic, loyal, dedicated and hardworking people you could ever meet.

She was a constant advocate for planning, zoning and building professions and their roles in promoting quality, sustainable development.

She is sorely missed by all who had the pleasure to know her and work with her. The Nebraska Planning and Zoning Association and the Nebraska Chapter of the American Planning Association Boards of Directors hope this First Time Attendees Scholarship in Donna's honor and memory will continue her legacy by bringing more participation by those wanting to build their careers through the excellent educational opportunities offered at the conference.

2023: A YEAR IN REVIEW

BY: STEPHANIE ROUSE, AICP

Every year the APA Nebraska Chapter prepares an annual report to summarize the activities of the past year. The annual report was created several years ago to ensure the chapter membership was up to date on the activities and financial positions of the chapter. To read the full report, [download a copy from the APA NE website](#).

Beginning with board membership, the President, Vice President/PDO, Treasurer, Secretary, Past President, and NPZA Liaison make up the executive committee. Additional board members include liaisons for the UNL Planning Faculty, Allied Professionals, Emerging Planners Group, and the Student Planning Association of Nebraska (SPAN). Representation on this board changed slightly in 2024, with Jeff Ray stepping into the role of Past President, Stephanie Rouse as President, Cale Brodersen as Vice President, Bruce Fountain in the newly separated role of Professional Development Officer (PDO), and Yunwoo Nam as the UNL Planning Faculty Liaison. Remaining in their current roles are Jesse Poore- Treasurer, Kristen Ohnoutka-Secretary, Chris Solberg-NPZA Liaison, Caitlin Bolte-Allied Professionals Liaison, and Lynsey Byers-SPAN Liaison.

Looking at chapter membership from December 2022 to December 2023, there was a loss of 22 members, most notably due to 10 group planning board members not renewing and 7 students that may have graduated and moved outside the state.

Regarding educational events, the chapter assisted with the spring Nebraska Planners Conference in Kearney March 8-10 which had a total attendance of 271 individuals. There were 53 Certification Maintenance (CM) credits available and two keynote speakers—Ed McMahon and Sheila Shockey. The annual chapter fall workshop was held on September 21st at the Assurity Building in Lincoln. The one-day workshop and walking tour of the Antelope Valley Parkway and Telegraph District redevelopments explored the many disciplines of urban planning as they related redevelopment projects.

The event was certified for 5.5 CM with 1 Sustainability credit. Three additional events were certified in 2023 for a total of 60 CM credits available to chapter members last year.

Another educational opportunity hosted by the chapter is the Booked on Planning Podcast which was launched in 2022 and just received grant funding from the Chapter Presidents Council of APA National for its third season. The show grew by over 10,000 downloads in its second year with the top episode, Walkable City with author Jeff Speck, receiving 880 downloads alone. The show also received an award from the Chapter Presidents Council in 2023.

The chapter has several committees that provide value to our membership. The Newsletter Committee produced quarterly newsletters in January, April, July, and October. Co-editor responsibilities were transferred to Kristen Ohnoutka, assisting Cale Brodersen. The Mentorship Committee, while attempting to relaunch in Fall 2022, didn't see the participation rates anticipated. A new team led by Kelechi Chibuikem, met in 2023 to discuss a relaunch at the 2024 spring conference to be coordinated with UNL faculty and SPAN leadership. Emerging Planners hosted their annual happy hour at the spring conference, four virtual book clubs, and established monthly Pints with Planners in both Lincoln and Omaha. The Legislative Committee and the Social Media Committee were less active in 2023, however will be rebooted in 2024 to take a more active role in promoting chapter priorities.

The annual awards program was overhauled with simplified categories, submission criteria, and overall process. This led to two awards given for planning implementation—LTU School Safety Zones and the Central Platte NRD Hazard Mitigation Plan. In addition, there were six individual awards given to Scott Dobbe, AIA, Stephen Osberg, AICP, David Cary, AICP, Kristen Ohnoutka, AICP Candidate, Chris Solberg, AICP, and Jesse Poore, AICP.

For more on these awards see the April 2023 issue of the newsletter.

Rounding out our annual report is the chapter finances. The total year end assets for the chapter were \$51,955.80, up \$11,630 from 2022. Our Chapter Treasurer did some amazing work cleaning up outstanding invoices left by his predecessor to reduce our accounts receivable balance from \$4,200 to \$0. Chapter revenue is primarily earned through membership dues and events, with additional funds in the form of grants and our chapter sponsorship program. Membership dues in 2023 totaled \$6,806 with funds from the conference and workshop at \$10,464. The scholarship fund for UNL CRPL students started last year and raised \$1,380. Corporate contributions (grants and sponsorship) accounted for \$5,864, bringing total revenue to \$24,515 for 2023. Expenditures accounted for \$11,573 with most going to event related expenses or program contracts/promotions. A total of \$2,038 was grant funded project expenditures and \$797 was legal and professional fees.

As we look toward 2024, we are already planning a great spring conference for the chapter membership and are open to ideas for our fall workshop. As mentioned, we are re-launching our Legislative Committee and stepping up our social media presence to keep our members informed. Our new board of dedicated leaders looks forward to making our chapter strong in 2024.

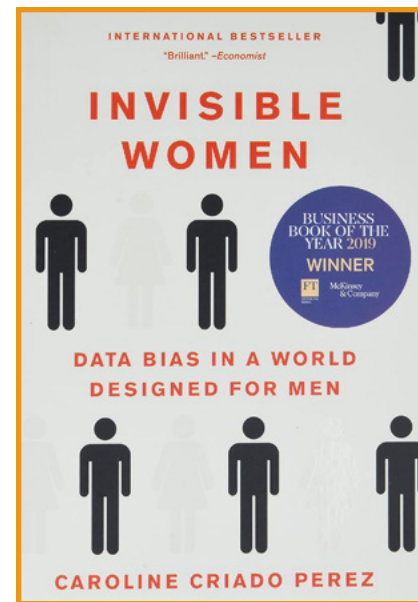
BOOK REVIEW: “INVISIBLE WOMEN: DATA BIAS IN A WORLD DESIGNED FOR MEN” BY CAROLINE CRIADO PEREZ

BY: EAVAN MOORE, AICP

“Invisible Women is the story of what happens when we forget to account for half of humanity,” writes Caroline Criado Perez in the introduction to her 2019 book. In 300 pages, she presents overwhelming evidence of what she calls the “gender data gap” – the erasure of women from medical research, product design, emergency management, occupational health and safety, tax systems, artificial intelligence, government, and more.

The first two chapters deal directly with planning issues. In Chapter 1, “Can Snow-Clearing be Sexist?” Criado Perez writes that when travel data are disaggregated by sex, women’s travel patterns often turn out to be different from the trips for which transport systems are designed. Around the world, women have been found to travel at different times of day, using different modes, and for different purposes than men – usually because they have more complex daily tasks than a there-and-back work commute, and fewer material resources to accomplish said tasks. But because relatively few women are involved in transportation planning, their needs are left out.

The book’s strengths include its attention to hard numbers and its focus on what can be gained from sex-specific data. Criado Perez relates the story of Karlskoga, Sweden, which was re-evaluating its policies from a sex equality perspective. The city had been clearing snow from arterial streets first, then clearing sidewalks. Officials realized that they were prioritizing men over women, who disproportionately traveled by foot and by public transit. The subsequent switch to sidewalk-first snow removal in Swedish cities was motivated by equity concerns, and it will also have economic benefits. Hospital data showed that slippery conditions were more likely to injure pedestrians than motorists, and the estimated cost of pedestrian falls in one winter was in the millions – about twice the cost of winter road maintenance.



Criado Perez covers a wide range of subjects, hammering home her main point: sex-disaggregated data must be collected and it must be used, because the consequences are costly, often to a fatal degree. Safety gear doesn’t fit. Cyclone warnings go unheard. In a particularly disturbing chapter entitled “The Drugs Don’t Work,” she explains that female subjects (both animal and human) have been systematically excluded from medical trials in the belief that male test results apply universally.

Yet when sex is included as a variable, both animal and human studies often show markedly different disease symptoms, drug reactions, and drug effectiveness. Unfortunately, the sex differences that go unexamined during the clinical trial phase may be revealed after a drug is approved. For example, she writes, “drugs that are commonly prescribed to treat high blood pressure have been found to lower men’s mortality from heart attack – but to increase cardiac-related deaths among women.”

As a woman, I made my way through this book alternately furious and exuberant. The fury is easy to explain; it’s not easy to be confronted with so much life-shaping discrimination. The exuberance? Well, that goes back to her point: having this knowledge means that we can use it for good.

PROPOSED NPZA CONSTITUTION AND BYLAW AMENDMENTS

BY: CHRISTOPHER SOLBERG, AICP

The NPZA Board of Directors is considering amendments to the NPZA Constitution and Bylaws. Such amendments will be introduced and voted on by the general membership at the NPZA annual meeting, to take place during the Nebraska Planning Conference in Kearney this March. Amendments must be approved by a 2/3 vote of the eligible voting members in attendance. The proposed updated bylaws and constitution are posted on the [“Planning News”](#) page of the NPZA website.

Here is a bulleted summary of the major changes proposed:

- Article V, Section 1 changed Membership Secretary and Treasurer to just Treasurer as Board member and appointed officer
- Article V, section 1 changed the At-large membership on the Board from three (3) to five (5) members
- Article V, Section 1 added that the At-large Board member positions should be given due consideration for representing the areas formerly comprising the NPZA districts
- Article V, Section 2 changed Elected Officers to include the President, Vice President, and the five (5) At-large Board members
- Article V, Section 2 added that Appointed Officers serve at the pleasure of the Board and any vacancy in an appointed office would be filled pursuant to Section 7
- Article V, Section 7 amended to provide vacancies in elected offices would be filled by a majority vote of the Board and serve until the next NPZA election as provided in Section 5
- Article V, Section 7 amended to provide vacancies in appointed offices would be filled by a majority vote of the Board (Since appointed officers serve at the pleasure of the Board, they have no term of office and could be replaced anytime there would be a vacancy or if the Board simply wanted to make a change in who held that office)
- Article V, Section 9 amended the duties of the Treasurer
- Article VII, Section 1 amended the duties of the Nomination Committee
- Article VII, Section 1 added a Membership Committee to provide for the duties of the former Membership Secretary position

2023 STATE LEGISLATIVE SUMMIT

BY: STEPHANIE ROUSE, AICP

The American Planning Association held its sixth State Legislative Summit in Des Moines, Iowa in early December. The two-day event began with a morning bootcamp covering strategies and information to successfully lobby and champion good legislation at the state level. By waiting for legislation to pass and report the results, we lose a valuable opportunity to shape the laws that impact how we operate and provide services. Understanding the process, preparing, and then reaching out to legislators on bills that will impact the profession are key to shaping a better future for cities.

Often, the words policy and advocacy are used interchangeably, however they are not the same. Policy is the what, while advocacy is the how. We draft new policy or edits to existing policy, then advocate to ensure that policy is adopted. Effective advocacy is a year-round process across multiple issues. Regular and consistent connection with legislators, partners, and cohorts is needed to ensure that when the time comes to make policy decisions, the groundwork has already been laid.

Grassroots advocacy is not a new term, however the topic of grasstops was a newly introduced concept. A grasstop advocate is a pre-existing relationship that provides quick access to discuss an issue. They could be a professional connection or personal but are someone you are familiar enough with to call on when an issue arises that they could help advance. I'm definitely an advocate in a number of fields, but I wonder if I'll ever end up as someone's grasstop advocate.

With any outreach however, it's important to be prepared and find common ground. Doing homework to understand the audience and what motivates them provides an opportunity to craft a personal story that will get their attention. What drives them, worries them, what committees they are on, and where they land on the political spectrum are all important pieces of information to have when walking into a meeting where you are asking for support on your issue.



Picture of the Iowa State Capitol Building in Des Moines, Iowa.

Communication is key to gaining support for legislative priorities. Framing the issue, creating a narrative, messaging consistently, and developing a story are all key components. The story is an element often overlooked that has incredible power to gain support. Humans remember details far better when conveyed within a story. Data alone is often forgotten, which works against a strategy to get elected officials on board with your policy changes. Stories have the effect of humanizing a pitch and are easier to relate to and envision the potential positive outcome.

The final key to a successful advocacy campaign is a committee of dedicated individuals to track bills, write policy, complete advocate mapping, create a communications strategy, and meet with legislators.

No one person can track the whirlwind of activity that occurs during a legislative session and often no one organization can advance meaningful change. It takes a cohort of like-minded groups working together to advocate for better legislation, working within each group's strengths and network of connections.

This summit of chapter legislative leaders came at an ideal time as the second year of the biennium session of the Nebraska Unicameral kicked off January 3rd. This being the short session, there are only 60 working days and every bill that was introduced but not passed last year is still in play and can be resurrected. As a chapter, Nebraska has not had a very active Legislative Committee and has mainly reported bills activity impacting the profession through the quarterly newsletter. We have the opportunity as a chapter to revive this committee and become more proactive with policy and legislation that impacts our members and their communities across the state. We are looking for volunteers to join the committee this year and help develop our first strategic plan, set annual priorities, track bills, meet with legislators to ask for support, and communicate to the chapter membership what is coming through the legislature and how they can get involved. We hope someday to organize our very first Planners Day at the Capitol! As this article shows, effective advocacy for policy change takes a team. If you are interested in joining, send an email to apanebraska@gmail.com. We hope to convene the first meeting in early March 2024.



Picture of the legislative chambers in the Iowa State Capitol Building in Des Moines, Iowa.

UNL RESEARCH AIMS TO CONSERVE AND PROTECT WETLANDS VIA SATELLITE TECHNOLOGY

REPRINTED FROM [NEBRASKA TODAY](#); PUBLISHED 12/4/2023

In the past 100 years, Nebraska has seen significant loss of its natural resources from tallgrass prairies to wetlands. According to the Nebraska Game and Parks, 98% of the tallgrass prairies and 35% of wetlands have been lost, primarily due to conversion to cropland or construction activities.

However, a regional collaboration, involving University of Nebraska–Lincoln researchers and area conservation management agencies are looking to mitigate flooding and the loss of more wetlands with the implementation of high-tech Sentinel satellites for near real-time wetland monitoring. The work will help local stakeholders identify agriculture lands that are prone to flooding so conservation decisions and efforts can be implemented. Regionally, the current management system lacks scientific data to effectively make accurate conservation decisions or landowner recommendations and guidance.

With the help of a new grant from the United States Department of Agriculture, principal investigator Zhenghong Tang, director of the College of Architecture’s Community and Regional Planning Program, and his collaborators will develop conservation tools created from satellite collected data. The new data will help researchers and managers develop watershed inundation maps identifying areas that are regularly, periodically flooded and also create maps specifying areas suitable for future conservation easement program enrollment.

“This satellite technology has several powerful applications for conservation easements,” said Shawn McVey, easement restoration specialist for the USDA. “The technology can help target watersheds where wetland easements can give taxpayers the biggest bang for their conservation dollars and help determine the ideal ratio of upland to wetlands for different wetland types to improve water quality by filtering sediments and chemicals.



Pictured: Zhenghong Tang, director and professor of community and regional planning in the University of Nebraska–Lincoln’s College of Architecture.

The technology also has potential to identify and prioritize wetland easements that may need additional restoration to be fully functional for migratory birds and other wetland dependent wildlife. Our wetland easements protect biological diversity and provides resilience to climate change.”

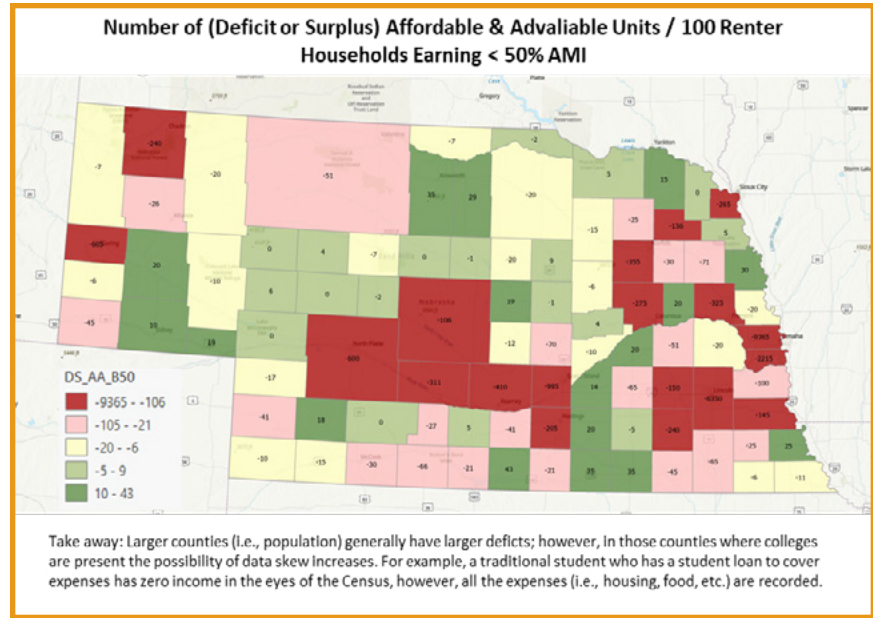
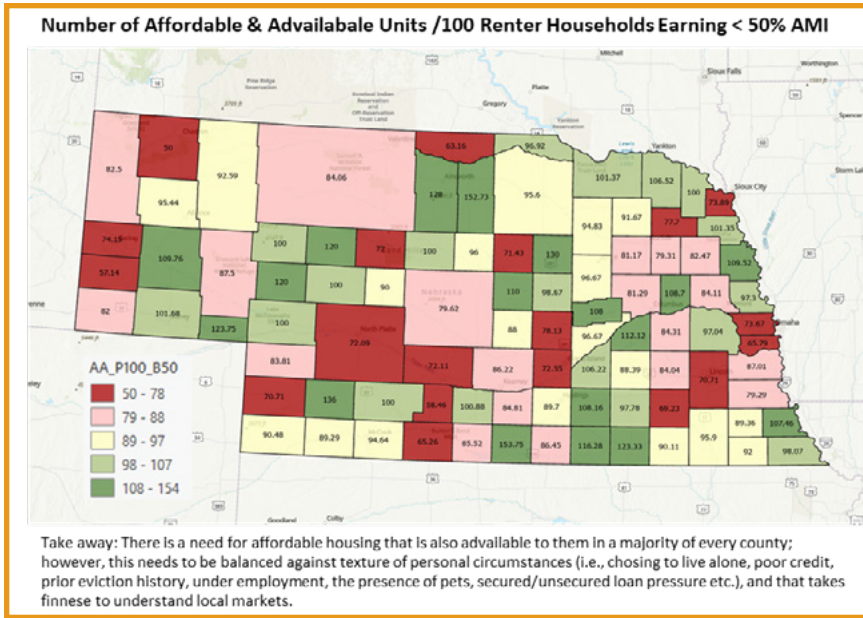
“Our state’s wetlands and conserved lands are rare ecological gems worth saving,” Tang said. “They are essential ecosystems that seamlessly blend ecological, geological and cultural wonders, rendering them a globally unique, exceptionally biodiverse treasure. Among their standout attributes is their remarkable biodiversity, which nurtures a diverse array of plant and animal species, some of which are found nowhere else on earth.”

The saline wetlands in and around Nebraska’s Lancaster County provide habitat for a variety of native plants and animal species that depend on a saline environment.

For example, the Salt Creek tiger beetle, considered to be an extremely rare and endangered insect, has adapted to the highly specific habitat conditions of the Nebraska saline wetlands and currently has a population count of a few hundred. Plant life such as the saltwort are also threatened and listed by Nebraska as endangered.

Plus, the Nebraska wetlands are home to more than 260 different bird species and these preserved wetlands serve as vital breeding grounds, nesting sites and sanctuaries for migratory birds, including sandhill cranes, ducks and geese, providing crucial respite during their challenging journeys. “Conservation efforts have made substantial and meaningful contributions to Nebraska’s ecosystems. Despite these conservation lands occupying a mere 11% of the total hydrological soil footprints, they account for a substantial 40 percent of the current total ponded water and hydrophytes,” said Tang. “This conservation importance harmonizes with the environmental objectives outlined in the Inflation Reduction Act of 2022 and the Farm Bill Conservation Programs, dedicated to addressing greenhouse gas emissions effectively.”

Tang’s research has garnered multiple sponsorships over the years including from the USDA and the U.S. Environmental Protection Agency. These ongoing research endeavors not only elevate the technical expertise and management efficiency of federal and state conservation programs but also provide technical support and research benefits to management agencies and their collaborative partners. The research findings hold the promise of serving as a robust decision support system, facilitating the effective realization of many state and federal conservation objectives.



LEGISLATIVE UPDATE - HIGHLIGHTS FROM THE FIRST HALF OF BILL INTRODUCTION IN THE 2024 SESSION

BY: SPENCER A. HOSCH & HANNES ZETZSCHE, EDITED BY DAVID C. LEVY.

REPRINTED FROM [BAIRD HOLM'S THE DIRT ALERT, JANUARY 16, 2024](#)

The Second Regular Session of the 108th Nebraska Legislature convened on January 3, 2024. As of January 10, fifty-four (54) legislative days remain in the session. Bill introduction will conclude on January 17, 2024. Through the first five days of bill introduction, we identified twenty-six (26) bills warranting particular attention.

All abbreviations and noun designations provided below apply only with respect to the paragraph in which it is located. All legislative bills with an emergency clause attached are identified by "(E)", meaning that the bill will take immediate effect upon passage and approval by the Governor.

Below are summaries of those bills that we identified as bills of interest, separated by category. We also included in each category bills of interest that were carried over from the previous legislative session. We summarized these carryover bills in a previous article that can be found at [this link](#).

Of the twenty-six bills of interest from days 1-5 of this session, there are five that warrant greater attention and elaboration. These are immediately below.

LB 866 (Bostelman) proposes to allow a former director, officer, or employee of an electric utility or elective state officer within the last four (4) years, to serve on the Nebraska Power Review Board ("Board"). This bill would only permit one (1) such individual to serve on the Board at a time. This individual would have to abstain from any action involving the applicable electric utility for four (4) year after such person's membership on the Board, and to increase the compensation of the members of the Board.

The bill also increases the compensation of Board members from \$60.00 to \$100.00 per day of actual and engaged participation on the Board, and increases the total amount per year from \$6,000.00 to \$7,000.00.

LB 948 (McDonnell) proposes to require certain additional requirements for all redevelopment contracts utilizing tax increment financing (TIF). For one, all contractors and subcontractors subject to such an agreement must compensate all laborers and mechanics at least at the prevailing rate for the locality of the redevelopment project.

Two, at least fifteen-percent of the redevelopment contract labor must be from qualified apprentices. These are defined as an individual that is represented by a 501(c)(5) exempt organization and that is employed by a Nebraska, registered apprenticeship program.

Three, each redeveloper, contractor and subcontractor under the redevelopment contract that has more than four employees must employ at least one qualified apprentice.

The qualified apprentice provisions are not required if an employer requests a qualified apprentice from a registered apprenticeship program and the request is denied or the program falls to respond to the request within five days.

LB 951 (Linehan) proposes to enact the "Public Officials on Private Boards Open Meetings Act." This act would require private entities, of which public officials serve on the governing board of, to publicize meetings of its governing board meetings.

his act very closely resembles the Open Meetings Act that all applies to all public bodies. This act would contain exclusions for such meetings that are voted to be held privately by a majority of its voting members for certain matters. These would include but are not limited to such as pending litigation, strategy discussion, or negotiations. An exception would also apply for emergent situations where it would not be reasonably possible to provide the public notice and access to such a meeting, however, the nature of the emergency would need to be reflected in the meeting minutes.

LB 956 (Bostar) proposes to require that light-mitigation technology (“LIT”) be installed on all wind energy conversion systems (“WECS”) by July 1, 2035. LIT is a system installed on a WECS that alerts over-flying aircraft of its location so as to avoid collision. The bill would apply to WECS that consists of ten or more wind turbines that are more than 250 feet in height. The costs of LIT installation, under this bill, must be the responsibility of the developer, owner, or operator of the WECS.

Under this bill, starting July 1, 2025, all newly constructed WECS must have LIT installed before it commences commercial operations. All existing but non-operational WECS must, after July 1, 2025, install LIT within thirty (30) days of its repowering. All WECS existing prior to July 1, 2025, but install LIT by July 1, 2035.

LB 1043 (McKinney) proposes an act that would incentivize non-profit economic developers to invest in “underutilized tax-exempt property” in “high-poverty area[s].”

This bill defines “underutilized tax-exempt property” as tax-exempt property that is “completely undeveloped or contains deteriorating structures.” A “high-poverty area” is an area that consists of one or more continuous census tracts in which more than 30% of persons’ income is below the poverty line. The bill would require non-profit economic developers owning such property in these areas to (1) increase the market value of the property by at least 20% and (2) create

new jobs or a new business on the property within its applicable deadline. For non-profit economic developers owning such described property prior to the passing of this bill, these requirements must be satisfied within two (2) years after the bill’s passage. For non-profit economic developers acquiring such property after this bill’s passage, the requirements must be met within two (2) years of acquisition.

If such an owner fails to meet the requirements within its applicable deadline, the Legislature would impose escalating penalties culminating in a revocation of the property’s tax-exempt status. The escalating penalties, in order, are \$500,000.00 for missing the deadline; \$1,000,000.00 for non-compliance one year after the deadline; and renovation of tax-exempt status for non-compliance two years after the deadline.

Lastly, any non-profit developer shall not sell underutilized tax-exempt property located in a high-poverty area more for more 50% above fair market value for the property. The bill would penalize such an action by revoking the property’s tax-exempt status.

Attorneys at Baird Holm LLP have experience in many areas of the law including government and lobbying, legislation, and economic development. Please do not hesitate to contact the firm should you have any questions. Please see below for summaries of the twenty-six introduced bills of interest we identified from days 1 through 5 of bill introduction.

ECONOMIC DEVELOPMENT

New Legislation Introduced in 2024:

LB 842 (McKinney) (E) proposes to amend the Municipal Density and Missing Middle Housing Act, Nebraska Affordable Housing Act, and Nebraska Housing Agency Act to adjust the income thresholds for “affordable housing,” for both residential dwellings and rental units, by redefining the terms “area median income,” “mixed-

income development,” “eligible income,” and “qualifying tenants,” thus expanding eligibility for the foregoing programs.

LB 843 (McKinney) proposes to amend the Nebraska Middle Income Workforce Housing Investment Act to lower the required matching funds applicants provide from 50% to 25% of the working house grant awarded and to increase the maximum grant allowed from five to ten million dollars.

LB 881 (Ballard) proposes to amend the Middle Income Workforce Housing Investment Act to expand the definition “urban community” to areas located in counties that also include a city of the primary class, even if the area is not located within the limits of the city.

LB 888 (Vargas) proposes to appropriate \$25,000,000.00 to the Department of Economic Development for purposes of the Middle Income Workforce Housing Investment Act.

LB 897 (Lippincott) (E) proposes to appropriate \$20,000,000.00 to the Department of Economic Development for Program 601 for purposes of the Workforce Housing Grant Program and an appropriate of \$20,000,000.00 to the same for state aid.

LB 975 (Ibach) proposes to amend the Shovel-Ready Capital Recovery and Investment Act to add to the definition of “qualified nonprofit organization[s],” which are 501(3) entities eligible to receive grant funds pursuant to the act, multi-function centers that at serve at least two of the three uses: (1) early childhood learning center, (2) community event center, or (3) indoor and outdoor sports training centers.

LB 1039 (Vargas) (E) proposes to appropriate \$25,000,000.00 to the Department of Economic Development for purposes of the Middle Income Workforce Housing Investment Act and \$25,000,000.00 for the purposes of the Rural Workforce Housing Investment Act.

LB 1043 (McKinney) please see summary at beginning of article.

LB 1088 (Linehan) proposes to amend the Nebraska Advantage Act change the time period in which a taxpayer must meet the requisite levels of employment and investment to earn tax incentives under the Act. Tier 1 and 3 projects, as well as Tier 6 projects approved prior to December 1, 2020, would need to meet the employment and investment thresholds by end of the fourth year. Tier 2 and 4 projects, as well as Tier 6 projects approved on or after December 1, 2020, would need to meet the employment and investment thresholds by end of sixth year.

Carryover Legislation Introduced in 2023:

LB 118 (Brandt) proposes to decrease the minimum investment amount for livestock modernization or expansion to receive a refundable credit under the Nebraska Advantage Rural Development Act. Under this bill, the minimum investment amount would decrease from \$50,000 to \$10,000 for all applications filed on or after January 1, 2024. On January 10, 2023, the Legislature referred this bill to the Revenue Committee.

LB 292 (Cavanaugh, M.) would amend the Jobs and Economic Development Initiative Act, which last year appropriated funds for the Department of Natural Resources to develop a lake between Lincoln and Omaha. This bill would prohibit political subdivisions from annexing land necessary for the lake, and it would prohibit the state from using eminent domain to acquire land for the project. On January 13, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 424 (DeBoer) proposes to address the fragmentation of housing related issues among multiple state agencies by consolidating and creating the Department of Housing and Urban Development. The bill would also create the Housing Advisory Commission to Department of Housing and Urban Development.

Effective July 1, 2024, all duties of the Housing Division of the Department of Economic Development and certain duties of the Department of Economic Development would transfer to the Department of Housing and Urban Development. On January 18, 2023, the Legislature referred this bill to the Urban Affairs Committee.

LB 477 (Wayne) (E) would appropriate \$100,000,000 to the Omaha Streetcar Authority to help establish, maintain and operate the Omaha streetcar. The bill would express a preference for one-half of the money to go toward developing a North Omaha line. On January 19, 2023, the Legislature referred this bill to the Appropriations Committee.

LB 481 (Raybould) proposes to adopt the Housing Incentive District Act. The Act would allow cities and counties to assist directly in the financing of public improvements that would support housing in areas that experience housing shortages. Prior to designating a housing incentive district, the cities and counties must conduct a housing needs analysis to determine what, if any, housing needs exist within the proposed incentive district and adopt a resolution that depicts the area and the findings of the analysis. On January 19, 2023, the Legislature referred this bill to the Urban Affairs Committee.

LB 504 (Aguilar) (E) would appropriate \$25,000,000 in each of the next two years to the Rural Workforce Housing Investment Fund to provide workforce housing grants under the Rural Workforce Housing Investment Act. The bill also proposes to appropriate \$25,000,000 in each of the next two years to the Affordable Housing Trust Fund to finance loans, grants, subsidies, credit enhancements and other financial assistance for community affordable housing projects. On January 19, 2023, the Legislature referred this bill to the Appropriations Committee.

LB 515 (Walz) would adopt the Rural Economic Development Initiative Act. Under the Act the Economic Development Grant Program would be established for the issuance of grants to counties to use to

hire an additional employee to assist with economic development measures in the county. On January 19, 2023, the Legislature referred this bill to the Banking, Commerce and Insurance Committee.

LB 530 (McKinney) proposes to amend the Nebraska Housing Agency Act. The bill would require two of the seven commissioners of a local housing agency be elected by adults who receive direct assistance from the local housing agency. The five other commissioners would remain appointed by the chief elected official of the city. Additionally, all commissioners of a local housing agency established by a city of the metropolitan class elected or appointed would serve for a term of four years. The bill would also require the executive director of a housing agency established by a city of the metropolitan class to be elected by adults who receive direct assistance from the local housing agency. On January 19, 2023, the Legislature referred this bill to the Revenue Committee.

LB 563 (Dorn) proposes to appropriate \$250,000 in each of the next two years to the State Historical Society. The bill would direct the Society to contract with programs that provide educational programming and technical expertise related to downtown or main street revitalization, business growth and historical preservation. On January 19, 2023, the Legislature referred this bill to the Appropriations Committee.

LB 621 (McDonnell) (E) would expand eligible activities under the Site and Building Development Fund to include grants to governmental subdivisions and Nebraska nonprofit organizations for the construction of an outdoor soccer stadium with a capacity of no more than 10,000 seats. The bill also proposes to appropriate \$50,000,000 from the Cash Reserve Fund to the Site Building Development Fund on July 15, 2023. On January 19, 2023, the Legislature referred this bill to the Banking, Commerce and Insurance Committee.

LB 622 (McDonnell) proposes to redefine “covered property” in the Sports Arena Facility Financing Assistance Act to include any real property, as of the date of application, is part of a project previously approved under the Act or a project previously approved under the Convention Center Facility Financing Assistance Act. The bill also proposes to expand the definition of “Eligible sports arena facility” to include any large public stadium in which initial occupancy occurs on or after March 1, 2025. The bill also proposes to define “Large public stadium” as a publicly owned open-air facility that primarily includes an outdoor field that may include some indoor areas used for competitive sports. On January 19, 2023, the Legislature referred this bill to the Revenue Committee.

LB 623 (McDonnell) would redefine “eligible sports arena facility” in the Sports Arena Facility Financing Assistance Act to include any enclosed, temperature-controlled building owned by a public entity or nonprofit organization that is primarily used for live music performances with a capacity of at least 2,500, but no more than 3,500 people. On January 19, 2023, the Legislature referred this bill to the Revenue Committee.

LB 633 (McKinney) (E) would require the Department of Economic Development to contract with a private contractor which has a headquarters in Nebraska to market financial incentives provided by the State of Nebraska for key industries in Nebraska. The financial incentives to be marketed would include, but not be limited to, those created under the Business Innovation Act and the Site and Building Development Act. On January 20, 2023, the Legislature referred this bill to the Banking, Commerce and Insurance Committee.

LB 644 (McDonnell) (E) proposes to appropriate \$80,000,000 from the Cash Reserve Fund to the Site and Building Development Fund for fiscal year 2023-24 and fiscal year 2024-25. The appropriated funds are to be placed in a subaccount and be used to support identifying, evaluating and developing large commercial and industrial sites and

building infrastructure to attract major investment and employment opportunities. On January 20, 2023, the Legislature referred this bill to the Banking, Commerce and Insurance Committee. The Legislature placed this bill on General File on March 9, 2023.

LB 662 (Ballard) would amend the Right to Farm Act to prohibit most nuisance actions against agricultural operations. Under the bill, the only such nuisance actions that could stand are those brought by a person who either (a) owns a majority interest in real property that is within one-half mile of the defendant and affected by the alleged nuisance or (b) can show a violation of federal, state or local law. Commonly accepted agricultural practices, as well as employment of new technology or changes in the type of farm product produced, could not give rise to nuisance liability. On January 20, 2023, the Legislature referred this bill to the Agriculture Committee.

LB 692 (Linehan) (E) would adopt the Good Life Transformational Projects Act. The Act would allow for state assistance to political subdivisions for the development and redevelopment of eligible areas within the state by authorizing cities and villages to establish good life districts. The amount of state assistance would be limited to a designated portion of state sales tax revenue collected within such good life district. Commencing July 1, 2023, the sales tax levy would be 6.00% on transactions occurring within a good life district. On January 20, 2023, the Legislature referred this bill to the Revenue Committee.

LB 697 (Conrad) proposes to amend the definition of improvements under the Nebraska Job Creation and Mainstreet Revitalization Act to mean a rehabilitation, preservation or restoration project that contributes to the basis, functionality or value of historically significant real property and that has a total cost which equals or exceeds \$5,000. The bill would also increase the nonrefundable tax credit under the act to (1) twenty-five percent of eligible expenditures for historically significant real property located

in a county that includes a city of the metropolitan class or a city of the primary class and (2) thirty percent of eligible expenditures for historically significant real property in any other county. The maximum credit allocated to any one project under the bill would increase to \$2,000,000. For calendar years beginning after January 1, 2025, the bill reduces the total amount of credits available under the act to \$12,000,000, of which \$4,000,000 would go for applications seeking an allocation of credits of less than \$100,000. On January 20, 2023, the Legislature referred this bill to the Revenue Committee.

LB 714 (Cavanaugh, J.) would amend provisions of the Nebraska Affordable Housing Act to allow for-profit entities to receive assistance under the Nebraska Affordable Housing Act, but only for new funds as of January 1, 2023 that have been transferred from the General Fund or Cash Reserve Fund to the Affordable Housing Trust Fund. The bill would also appropriate \$25,000,000 from the General Fund for fiscal year 2023-24 and fiscal year 2024-25 to the Affordable Housing Trust Fund. On January 20, 2023, the Legislature referred this bill to the Health and Human Services Committee.

LB 756 (Vargas) would amend the definition of improvements under the Nebraska Job Creation and Mainstreet Revitalization Act to mean a rehabilitation, preservation or restoration project that contributes to the basis, functionality or value of historically significant real property and that has a total cost which equals or exceeds \$5,000. The bill would also increase the nonrefundable tax credit under the act to (1) twenty-five percent of eligible expenditures for historically significant real property located in a county that includes a city of the metropolitan class or a city of the primary class and (2) thirty percent of eligible expenditures for historically significant real property in any other county. The maximum credit allocated to any one project under the bill would be increased to \$2,000,000. For calendar years beginning after January 1, 2024, the bill would reduce the total amount of credits available under the act to \$12,000,000, of which \$4,000,000 would go for applications seeking an allocation of credits of less than \$100,000. On January 20, 2023, the Legislature referred this bill to the Revenue Committee.

ENERGY & RENEWABLE ENERGY

New Legislation Introduced in 2024:

LB 956 (Bostar) please see summary at beginning of article.

LB 1072 (Dungan) proposes to establish a sales and use tax credit for purchased sustainable aviation fuel. Qualifying aviation fuel must (1) either meet the American Society for Testing and Materials International Standard D7566 or the Fischer-Tropsch provisions of the American Society for Testing and Materials International Standard D1655, Annex A1; (2) if purchased before June 1, 2028, be derived from biomass resources, waste streams, renewable energy sources, or gaseous carbon oxides, and if purchased after June 1, 2028, only from domestic biomass resources; (3) not be derived from palm derivatives; and (4) has at least a 50% lifecycle greenhouse gas emissions reduction as compared to petroleum-based jet fuel as calculated by the bill. The tax credit amount would be \$1.50 per gallon of sustainable aviation fuel purchased.

Carryover Legislation Introduced in 2023:

LB 49 (Dungan) proposes to prohibit the imposition or enforcement of any covenant or other land restriction prohibiting the installation or use of solar energy infrastructure. This bill also would find solar and wind energy sources are a necessary alternative to fossil fuels. On January 9, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 120 (Bostelman) proposes to eliminate Nebraska Revised Statutes sections 70-1029, 70-1030, 70-1031 and 70-1033. Those provisions authorized a 2014 Power Review Board study to identify opportunities for electric transmission improvements. On January 10, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 164 (McKinney) proposes to update the state building code with reference to certain sections of the 2021 International Building and Residential Codes. This bill would similarly update minimum standards for municipal building codes. On January 11, 2023, the Legislature referred this bill to the Urban Affairs Committee.

LB 255 (Brewer) proposes to limit certain public power districts' ability to develop renewable energy resources. This bill would prohibit Omaha Public Power District, Lincoln Electric System and Nebraska Public Power District from exercising their power of eminent domain to acquire any property for renewable energy generation. This bill would also limit the definition of "privately developed renewable energy generation facility" to remove any facilities that the foregoing entities own, and it would prohibit those entities from becoming a qualified owner in any new C-BED project or submitting any special generation application for renewable energy generation under Nebraska Revised Statutes section 70-1014.01. The Legislature referred this bill to the Natural Resources Committee on January 12, 2023.

LB 399 (Brewer) proposes to subject private renewable energy developers to additional oversight by the Power Review Board. Nebraska Revised Statutes section 47-1014.02 permits certain privately developed renewable energy generation facilities to commence construction upon filing a notice to the Board. This bill, however, would first require an application for such facilities and a hearing and opportunity for public comment before the Board. After the hearing, the Board could approve or deny the application. On January 17, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 450 (Brewer) proposes to amend the Integrated Solid Waste Management Act to prohibit the land disposal of wind turbine blades and their component parts. On January 18, 2023, the Legislature referred this bill to the Natural Resources Committee. The Legislature placed this bill on General File on March 6, 2023.

LB 541 (Lowe) proposes to provide for the nomination and election of public power and public power and irrigation district directors on a partisan ballot. On January 19, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee.

LB 566 (Bostelman) (E) proposes to direct the Natural Resources Committee to study the economic impacts of an increased reliance on intermittent renewable energy. The Committee would need to support a report to the Legislature by November 15, 2023. On January 19, 2023, the Legislature referred this bill to the Executive Board. The Legislature placed this bill on General File on March 21, 2023.

LB 567 (Bostelman) would redefine "reliable or reliability" under Nebraska Revised Statutes section 70-1001.01 to mean the ability of an electric supplier to supply the aggregate electric power and energy requirements of its electricity consumers at all times under normal operating conditions. On January 19, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 568 (Bostelman) proposes to adopt the Nuclear and Hydrogen Development Act. The Act would require the Department of Economic Development to create a Nuclear and Hydrogen Industry Work Group, with representatives from the community colleges, state universities, nuclear and hydrogen industries, public power districts and Legislature. The Group would determine the workforce training needs of the nuclear and hydrogen industries and establish grant criteria for supporting those needs. On January 19, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 636 (Albrecht) proposes to prohibit political subdivisions from enacting regulations that have the effect of restricting or prohibiting the types of permissible fuel sources by natural gas utilities, natural gas transmission companies or propane providers.

On January 20, 2023, the Legislature referred this bill to the Natural Resources Committee. The Legislature placed this bill on General File on March 6, 2023.

LB 725 (Dungan) proposes to prohibit certain electric companies and electric cooperative corporations from using ratepayer proceeds to campaign or lobby in elections. Violation of that ban could result in a criminal prosecution. On January 20, 2023, the Legislature referred this bill to the Natural Resources Committee.

LB 726 (Dungan) would adopt the Nebraska Electric Consumer Right to Transparency and Local Control Act. The Act would require each electric utility to publish the following information on its website: (1) board meeting dates, times and locations; (2) board meeting agendas; (3) board meeting minutes; (4) current rate schedules and fees, rents and other charges; (5) a full and complete statement of receipts and disbursements of the electric utility; (6) the fiscal year budget; (7) service territory, if applicable; (8) a list of all board members; (9) board member district and subdistrict boundaries; and (10) a method by which to contact board members and the electric utility's staff. On January 20, 2023, the Legislature referred this bill to the Natural Resources Committee.

GOVERNMENTAL & MUNICIPAL LAW

New Legislation Introduced in 2024:

LB 837 (Lowe) (E) proposes to allow for the division of voting precincts, to amend public power and irrigation district operating areas and form subdivisions that follow the newly divided voting precincts, and to remove the requirement of pre-approval by the Nebraska Secretary of State for voting precinct division.

LB 866 (Bostelman) please see summary at beginning of article.

LB 947 (Day) proposes to amend the Building Construction Act to allow for virtual inspections by a state agency, county, city or village, if (1) the building is less than three stories and 10,000 sq. ft., (2) the building permit holder or applicant provides a list of personnel completing the work onsite, and (3) the virtual inspection is live. The bill also allows for nonstructural permits and re-inspections to be conducted using video or photo documentation instead of in-person inspection.

LB 950 (Linehan) proposes a new method for collecting occupation taxes where the city levying the tax will continue collection and upon January 1, 2025, the Tax Commissioner shall collect the tax concurrently with its collection of state sales and use taxes. The Tax Commissioner would remit monthly proceeds to the imposing city after retaining a three-percent (3%) administrative fee.

LB 951 (Linehan) please see summary at beginning of article.

LB 963 (Wayne) proposes to require the Nebraska Attorney General, beginning January 1, 2025, to designate a district attorney for each of the district court judicial districts to serve as county attorney for each of the counties within the judicial districts. Designated district attorneys and other staff similarly assigned would be full-time employees of the Office of the Attorney General.

LB 988 (Linehan) (E) proposes to require that any action by a political subdivision or municipality to issue bonds, increase indebtedness, increase a tax levy or otherwise increase the property tax liability of its constituents must be on the general ballot during the State of Nebraska's general election. More specifically, this bill would require the following items to be on the general ballot:

- For a county, city, village, or municipality to issue aviation field bonds or increase its tax levy in lieu of the same; municipal bonds for construction of railroads, steam railroads, or electric or gas railroads, or other similar internal improvements; joint

public agency bonds; general obligation bonds, excluding refunding bonds; bonds to pay for county employee wages; coupon bonds; bonds to raise money for advances and loans for those negatively impacted by catastrophic weather events; bonds by a municipality that receives assistance under the Sports Arena Facility Financing Assistance Act; bonds by a municipality that owns qualified property under the Property Assessed Clean Energy Act; bonds relating to the acquisition, construction and maintenance of bridges or jails; and issue bonds relating to the acquisition, construction, or maintenance of light and power lights, utility distribution systems, and transmissions lines after a public referendum so requires; and to increase an airport authority's tax levy.

- For a county to take action relating to county fairs and county fair boards; to assess taxes in an aggregate amount exceeding \$0.50/\$100 taxable property; to issue general obligation bonds; and to accept an economic development program.
- For a school system to issue school district bonds and bonds relating to lease-purchase plans for capital construction projects exceeding \$25,000 or to provide housing facilities for school employees of any Class III district; to exceed its applicable growth percentage; and for a joint entity issue bonds.
- For cities of the metropolitan class to take any action relating to the acquisition, construction, and maintenance of bridges, including issuing of bonds to pay for condemnation awards, parks, and the bridges in general; for issuance of franchise or permits, or bonds for laying of pipelines on public property within metropolitan utilities district.
- For cities of the first class to borrow money or pledge property and credit of city upon its negotiable bonds in relation to waterworks projects, parks and recreation, public grounds, pipelines, or pursuant to the Off-Street Parking District Act, or to

acquire land for parks, parkways, and boulevards.

- For villages cities of the second class to borrow money and pledge property for negotiable bonds; any issuance of any bonds or indebtedness, increases in property tax levies, and decisions to exceed levy limit that requires voter approval; to issue bonds or incur indebtedness relating to flood control projects or relating to water supply; to issue bonds relating to pipelines, erection of power plants and distribution systems and transmission lines; and to acquire land for cemeteries and parks and recreation facilities.

LB 1003 (Hansen) proposes to amend the Child Care Licensing Act to prohibit cities, villages, and counties from adopting rules, regulations, or ordinances that establish physical well-being and safety standards for child care centers subject to state licensure requirements that conflict with the Nebraska Department of Health and Human Services staff-to-child ratios.

LB 1020 (Cavanaugh) proposes to require any private entity that is a public party to a public contract to provide copies of any requested records relevant to the public contract as requested by the member of the Legislature.

Carryover Legislation Introduced in 2023:

LB 21 (Wayne) proposes to increase the number of city council members in cities of the metropolitan class from seven to nine. This increase would take effect beginning with the 2025 general election. At least six weeks prior the filing deadline for a city council or mayoral candidate in the 2025 general election, the city council of a city of the metropolitan class would have to divide the city into nine city council districts of a "compact and contiguous territory." On January 9, 2023, the Legislature referred this bill to the Urban Affairs Committee.

LB 133 (Cavanaugh, J.) proposes to make any entity, whether public or private, that exercises the power of eminent domain a “public body” subject to the Open Meetings Act. On January 10, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee.

LB 171 (McKinney) proposes to eliminate sections in the Metropolitan Utilities District Act providing for an “outside member” on the board of directors of a metropolitan utilities district. This bill provides that the seven members of the board of directors of a metropolitan utilities district will be chosen by the registered voters within each respective election subdivision of the district and that terms of the members will be staggered. On January 11, 2023, the Legislature referred this bill to the Urban Affairs Committee. On March 6, 2023, the Legislature placed this bill on General File.

LB 224 (McKinney) proposes to adopt the Aid to Municipalities Act. The Act would provide state aid to municipalities in the form of grants which may be used to pay for infrastructure projects within the municipalities. The Act would appropriate \$15,000,000 to the Department of Economic Development annually to allocate to municipalities for qualifying infrastructure projects. The Legislature referred this bill to the Urban Affairs Committee on January 12, 2023. The Legislature placed this bill on General File on March 7, 2023.

LB 246 (McKinney) proposes to subject any sanitary and improvement district within the extraterritorial zoning jurisdiction of a municipality to the municipality’s comprehensive development plan, affordable house action plan, municipal zoning regulations and other reasonable planning requirements. In addition, the sanitary and improvement district would need to obtain prior approval from the municipality for any new plans or contracts under Nebraska Revised Statutes section 31-740. The Legislature referred this bill to the Urban Affairs Committee on January 12, 2023. The Legislature placed this bill on General File on February 10, 2023.

LB 287 (Brewer) would prohibit the creation of any joint public agency on or after October 1, 2023. On January 11, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee.

LB 299 (Linehan) (E) proposes to amend the Interlocal Cooperation Act to limit the ability of a joint entity that includes a Nebraska school district or educational service unit to issue bonds without the approval of the majority of the qualified electors within the school district or educational service unit. The bill also proposes notice requirements and limitations on the election. On January 13, 2023, the Legislature referred this bill to the Education Committee.

LB 312 (Lowe) would add provisions for the withholding of money due to noncompliance with budget limits and annual audits. This bill would codify that a governmental unit would continue to forfeit state aid until State Treasurer received notice of compliance from the Auditor of Public Accounts. The bill would further prohibit any governmental unit to for future distributions of state aid if the government unit failed to reach compliance within twelve months after notice of delinquency. On January 13, 2023, the Legislature referred this bill to Government, Military and Veterans Affairs Committee. The Legislature placed this bill on General File on February 16, 2023.

LB 322 (Linehan) proposes to prohibit any joint public agency created on or after October 1, 2023 from exercising any power or authority relating to tax. On January 13, 2023, the Legislature referred this bill to the Revenue Committee.

LB 325 (Dungan) would amend the State Tort Claims Act and Political Subdivisions Tort Claims Act to immunize the state and political subdivisions from claims alleging a failure to control or protect a person over whom the state or political subdivision has taken charge. On January 13, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 360 (Cavanaugh, M.) would adopt the Office of Inspector General of Nebraska Procurement Act to deter and identify fraud, waste and abuse in the state's procurement system across all state agencies. On January 17, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee.

LB 394 (Erdman) (E) would standardize damages calculations in eminent domain proceedings and give a premium to owners of agricultural land. Damages presently equal the fair and reasonable market value of the damages. Douglas Cnty. Sch. Dist. No. 10 v. Tribedo, LLC, 307 Neb. 716, 726 (2020). This bill would codify that rule for non-agricultural land and allow for reasonable severance damages and abstracting expenses. For agricultural land, however, this bill would set damages at two times the fair market value of the condemned property, in addition to reasonable severance damages, abstracting expenses and the replacement costs for any dwellings, garages, sheds, barns, wells, septic systems, fences and other permanent structures. On January 17, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 534 (Slama) (E) would appropriate \$150,000,000 of federal funds from the American Rescue Plan Act of 2021 to the Department of Environment and Energy to provide grants for small and rural communities to address nitrate in drinking water. The Department would administer the funds via the Drinking Water State Revolving Fund to facilities at which drinking water test levels are above 10 parts per million of nitrate. On January 19, 2023, the Legislature referred this bill to the Appropriations Committee.

LB 559 (Blood) would allow the electronic filing of statements of financial interests under the Nebraska Political Accountability and Disclosure Act. On January 19, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee.

LB 569 (Bostelman) (E) would prohibit any member of a county

board of county planning commission, including such member's immediate family, from having a financial interest in a contract for development, construction, management or operation of a Nebraska electric generation facility or in the land underlying such facility. The bill clarifies it would not affect the validity of existing contracts. On January 19, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee. The Legislature placed on General File with AM971, which amended the bill to remove the prohibition and instead require a public notice and hearing on the matter, including disclosure of the official's financial interest, or that of his/her immediate family member.

LB 637 (Albrecht) would amend the Open Meetings Act to require public meetings, except during closed sessions, to permit members of the public to speak at each meeting. On January 20, 2023, the Legislature referred this bill to the Government, Military and Veterans Affairs Committee. The Legislature placed this bill on General File on March 22, 2023.

LB 707 (Dungan) (E) would create the Transforming Cities of the Primary Class Program to award up to \$10,000,000 in grants to cities of the primary class for the purpose of constructing housing to address affordable housing needs. The bill proposes to appropriate \$10,000,000 to the Affordable Housing Trust Fund. On January 20, 2023, the Legislature referred this bill to the Urban Affairs Committee. The Legislature placed this bill on General File on March 7, 2023.

REAL ESTATE & FINANCIAL TRANSACTIONS

New Legislation Introduced in 2024:

No legislative bills introduced in this category.

Carryover Legislation Introduced in 2023:

LB 175 (Dungan) proposes to adopt the Residential Tenant Clean Slate Act. Under the Act, a tenant could petition a trial court for an order granting “clean slate relief.” Such relief would require the court to seal the tenant’s eviction records and prevent their dissemination. On January 11, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 186 (Cavanaugh, J.) proposes to adopt the Unlawful Restrictive Covenant Modification Act. Under the Act, any person whose property is under a restrictive covenant that violates Nebraska Revised Statutes section 20-318 may petition the Register of Deeds to modify the covenant. Section 20-318 enumerates discriminatory and other prohibited practices in leasing or conveying real estate. The Register of Deeds must consult with the County Attorney and, if the modification is appropriate, replace the offending covenant with the modification. On January 11, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 187 (Cavanaugh, J.) proposes to require that before any unrepresented tenant in Lincoln or Omaha faces a residential or mobile-home eviction proceeding, the court must appoint counsel for the tenant. The county must pay for the cost of such counsel. The landlord’s summons must also notify the tenant that he or she will have access to appointed counsel. On January 11, 2023, the Legislature referred this bill to the Judiciary Committee.

LB 208 (Bostar) proposes to prohibit counties from prohibiting the use of residential property for short-term rentals. This bill defines short-term rentals as residential properties that tenants rent for no longer than 30 consecutive days at a time. Under this bill, a county may only regulate such properties for a legitimate health and safety reason or to prevent illegal activity. The Legislature referred this bill to the Government, Military and Veterans Affairs Committee on January 12, 2023.

LB 248 (Vargas) proposes to prohibit residential landlords from discriminating against renters on the basis of any “lawful source of income.” Under this bill, lawful source of income includes income from social security, child support, foster care subsidies, alimony, veteran’s benefits, any form of housing assistance payments or any form of government subsidy or assistance. This bill would also create the Landlord Guarantee Program, which would provide grants to reimburse eligible landlords for unpaid rent or damages arising from residential tenancies. The Equal Opportunity Commission would have \$50,000 from which to award such grants. The Legislature referred this bill to the Judiciary Committee on January 12, 2023.

LB 270 (McKinney) proposes to require residential landlords to replace any lead service lines on the premises with modern service lines. Additionally, this bill would require any municipality that has adopted a rental registration ordinance to notify tenants of any code violations the municipality finds. Before condemning a rental property for violations of code, the municipality would need to meet with tenants and have a plan for providing their housing, food, transportation, moving expenses, and legal services. The Legislature referred this bill to the Judiciary Committee on January 12, 2023.

COMMUNITY DEVELOPMENT LAW & TAX INCREMENT FINANCING (TIF)

New Legislation Introduced in 2024:

LB 948 (McDonnell) please see summary at beginning of article.

Carryover Legislation Introduced in 2023:

LB 389 (Linehan) proposes to amend the Community Development Law to prohibit the a parcel of real property to have any ad valorem taxes divided as part of a redevelopment project if such

parcel's taxes had previously been divided during the preceding fifty years. On January 17, 2023, the Legislature referred this bill to the Urban Affairs Committee.

LB 746 (Cavanaugh, M.) proposes to amend the Community Development Law to restrict the division of taxes if the total amount of ad valorem taxes to be generated for any redevelopment project exceeds \$20,000,000, unless the question of dividing the taxes has been submitted at a primary, general or special election and approved by voters. On January 20, 2023, the Legislature referred this bill to the Urban Affairs Committee.

TAXATION & TAX EQUALIZATION AND REVIEW COMMISSION (TERC)

New Legislation Introduced in 2024:

LB 893 (Ibach) proposes to amend the ImagiNE Nebraska Act ("Act") to add qualified business equipment used in the "manufacturing of liquid fertilizer or any other chemical applied to agricultural crops, or the manufacturing of any liquid additive for a farm vehicle fuel," so long as the taxpayer qualifies as provided under the Act, to the list of property eligible for property and sales tax.

LB 949 (Linehan) proposes to require county assessors to annually assess all real property in their respective county altogether, instead of by class or subclass, and to allow inspections thereto to be conducted remotely. This bill would also remove the requirement that the county assessor assure every parcel of real property in the county is inspected every six years.

LB 1006 (Walz) proposes to amend the Tax Equity and Educational Opportunities Support Act ("TEEOSA") to change a school system's income tax fund allocation to be 2.23 percent of the local system's income tax liability for school years prior to school fiscal year 2025-26, and 20 percent of the local system's income tax liability for school years thereafter.

LB 1019 (Holdcroft) proposes to require a county assessor or county clerk to correct assessment and tax rolls after any final order of an applicable administrative body or court, in addition to any actions before the county board of equalization.

LB 1067 (Clements) (E) proposes to (1) eliminate the Nebraska inheritance tax and (2) enact the State Prisoner Reimbursement Act ("Act"). The Nebraska inheritance tax would be phased out between January 1, 2025, and January 1, 2028, by annually reducing the percentage of property subject to the tax. The Act would also reimburse counties quarterly that house inmates until they are either (a) transferred to a Department of Correctional Services, (b) placed on probation, or released from custody.

Carryover Legislation Introduced in 2023:

LB 100 (Erdman) (E) proposes to amend the ImagiNE Nebraska Act by adding "Waste Water Treatment and Disposal" to the business activities eligible for incentives under the Act. On January 10, 2023, the Legislature referred this bill to the Revenue Committee.

LB 113 (McDonnell) (E) proposes to appropriate an additional \$10,500,000 in each of the next two years to the Department of Economic Development. The funds would aid the Community and Rural Development Program in contracting with the Nebraska Investment Finance Authority for developments eligible under 4 percent and 9 percent federal low-income housing credits. On January 10, 2023, the Legislature referred this bill to the Banking, Commerce and Insurance Committee.

LB 209 (Bostar) proposes to provide certain tax exemptions to data centers. This bill exempts from personal property tax any computers and related equipment that a person operating a data center in the state acquires and uses in the operation or maintenance of the data center. In addition, this bill exempts from sales and use tax any tangible personal property, electricity or other fuel or computers and related equipment that the data center purchases for use. The

Legislature referred this bill to the Revenue Committee on January 12.

LB 211 (Blood) proposes to adopt the Property Tax Circuit Breaker Act. The Act would provide a refundable income tax credit for qualifying agriculture taxpayers and qualifying residential taxpayers with limited income available to pay property taxes. To carry out this exemption, the Department of Revenue would receive \$74,000,000 in each of 2024 and 2025. The Legislature referred this bill to the Revenue Committee on January 12, 2023.

LB 213 (Slama) (E) proposes to extend the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act to December 31, 2026, and to extend allocation of such credits therein to December 31, 2031. This bill additionally would limit eligible expenditures to costs incurred for improvement of historically significant real property located in a city of the second class or village. The original program was available to projects throughout Nebraska. Also, under the Rural Workforce Housing Investment Act, this bill would reduce the required percentage of matching funds for applicants in a city of the second class or village. The Legislature referred this bill to the Revenue Committee on January 12, 2023.

LB 235 (Wayne) proposes an amendment under the ImagineNE Nebraska Act to redefine “economic development area” as any area that (1) exceeds 150 percent of the average statewide unemployment rate and (2) falls below the poverty rate in at least 20 percent of its area. This would entitle residents and developers in such areas to certain tax advantages, including taxpayer-sponsored childcare. The Legislature referred this bill to Revenue Committee on January 12, 2023. The Legislature placed this bill on General File on March 21, 2023.

TELECOMMUNICATIONS

New Legislation Introduced in 2024:

No legislative bills introduced in this category.

Carryover Legislation Introduced in 2023:

LB 44 (Dungan) proposes to adopt the Midwest Interstate Passenger Rail Compact. This Act would create a commission to identify and develop opportunities for passenger-rail improvements in Nebraska. The Act directs the commission to do so in concert with certain states, including Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota and Wisconsin. Before Nebraska may join a compact with any of these states, the Legislature must approve such partnership via another bill. On January 5, 2023, the Legislature referred this bill to the Transportation and Telecommunications Committee.

LB 119 (Bostelman) proposes to define “eligible telecommunications carrier” under the Nebraska Broadband Bridge Act consistently with federal law. Under 42 U.S.C. section 214(e), a state commission may designate a common carrier as an eligible telecommunications carrier if it offers certain services and advertises the same using media of general distribution. On January 10, 2023, the Legislature referred this bill to the Transportation and Telecommunications Committee.

LB 134 (Cavanaugh, J.) proposes to require any state or municipal authority, before installing small wireless facilities, to notify adjacent property owners or residents and ensure such installation complies with the Americans with Disabilities Act and is consistent with traffic and right-of-way restrictions. On January 10, 2023, the Legislature referred this bill to the Transportation and Telecommunications Committee.

LB 166 (Bostelman) proposes amendments to the Transportation Innovation Act to require contracting agencies to disclose in their requests for proposal how they intend to evaluate proposals. Specifically, contracting agencies would need to disclose desired criteria such as experience, available resources and historic reasonableness of costs. Such historic reasonableness of costs must carry at least 50 percent of contracting agencies’ evaluative weight. On January 11, 2023, the Legislature referred this bill to the Transportation and Telecommunications Committee.

APA NE CHAPTER ANNUAL SPONSORS

The Nebraska Chapter of the APA would like to thank our annual sponsors for supporting our chapter and professional development programs. These sponsorships support Emerging Planners Group events, our Mentor Match Program, and allow us to provide a quality Spring Workshop and other educational and professional development opportunities throughout the year. If you are interested in learning more or to become a sponsor today, please email Stephanie at rouseplanning@gmail.com.

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JOB POSTINGS

CITY PLANNER, CITY OF KEARNEY, NE

The City of Kearney's Development Services Department is looking for a professional and detail-oriented candidate to join their team! To learn more about the open position, and to apply, visit www.cityofkearney.org.

COMMUNITY PLANNER, FEDERAL HIGHWAY ADMINISTRATION (FHWA), LINCOLN, NE

This position will serve as a member of the Nebraska Division Office's Program Delivery Team responsible for advancing the federal-aid program and projects in Nebraska. To learn more about the open position, and to apply, visit usajobs.gov.

TRANSPORTATION PLANNER II/PLANNER III, MAPA

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) is seeking a motivated and experienced transportation professional to assist with transportation and data efforts of the agency. To learn more about the open position, and to apply, [click here](#).

GEOGRAPHIC INFORMATION SYSTEMS ANALYST, MAPA

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) is seeking a motivated and experienced GIS professional to support the transportation and data efforts of the agency. To learn more about the open position, and to apply, [click here](#).

Looking to hire? Visit <https://nebraska.planning.org/career-center/job-announcements/> to post your job description , or find job openings today.

FOR MORE JOB POSTINGS VISIT:

- » <https://npza.org/resources/careers>
- » <https://iowa.planning.org/career-center/job-announcements/>
- » <https://www.lonm.org/classifieds/careers.html>

UPCOMING EVENTS

OHIO CHAPTER PLANNING WEBCAST SERIES

1. February 2, 2024 with Guest Host APA City Planning and Management Division: [Planning for Wildfire](#) at 12:00 PM CT
2. February 16, 2024 with guest host APA ENRE Division and APA Water and Planning Network: [Adapting to Climate: Urban Landscape Transformation in the 21st Century](#) at 12:00 PM CT
3. February 23, 2024 with guest host APA HMDR Division: [Designing for Wildfires: Information for Planners](#) at 12:00 PM CT
4. March 8, 2024 with guest host APA Transportation Division: [Emerging Practices for Local Approval of EV Charging Stations](#) at 12:00 PM CT
5. March 15, 2024 with guest host APA Technology Division: [Generative AI Strategies](#) at 12:00 PM CT
6. March 22, 2024 with guest host APA Sustainable Communities Division: Trails as Resilient Infrastructure at 12:00 PM CT; registration link coming soon

NEBRASKA PLANNING CONFERENCE

- March 6-8, 2024
- Younes Conference Center North, Kearney, NE
- Learn more and register [here](#).

CENTRAL STATES ASLA (LANDSCAPE ARCHITECTURE) CONFERENCE

- April 17th-19th
- Hilton Hotel Downtown Des Moines
- Learn more and register at aslacentralstates.org.

UNL COLLEGE OF ARCHITECTURE 50TH ANIVERSARY GALA

- May 17, 2024 at Embassy Suites Lincoln
- The festivities will commence at 5 p.m., with a cocktail hour, followed by an awards ceremony and culminating in a grand gala celebration
- Learn more and register [here](#).

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- Stephanie Rouse, AICP – President
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- Kristen Ohnoutka, AICP Candidate - Secretary
- Bruce Fountain, AICP - Professional Development Officer
- Chris Solberg, AICP – NPZA Liaison
- Caitlin Bolte, PLA, ASLA – Allied Professionals Liaison
- Lynsey Byers – Student Planning Association of Nebraska (SPAN) Liaison
- Yunwoo Nam, Ph.D. – UNL Planning Faculty Liaison

APA NE Subcommittees

- Legislative: David Levy; Amy Haase, AICP
- Emerging Planners Group: Cale Brodersen, AICP; Ryan Ossell, AICP; Mason Herrman
- Conference/Workshop: Keith Marvin, AICP; Stacey Hageman; Jeff Ray, AICP; Bruce Fountain, AICP
- Mentorship/Student Outreach: Kelechi Chibuikem; Zhenghong Tang, Ph.D.
- Allied Professional Collaborations: Caitlin Bolte, PLA, ASLA
- Newsletter and Social Media – Kristen Ohnoutka, AICP Candidate, & Sydney Embray
- Awards/Nominations – Caitlin Bolte, PLA, ASLA; Andrea Gebhart, AICP, Bruce Fountain, AICP, Steve Miller, AICP

SUBMIT YOUR CONTENT!

The NE Planner welcomes readers and associates to submit articles for publication within the newsletter. We are happy to include RFP/RFQ's, new job postings, and upcoming events. For your content to be included in the next newsletter, please email cbrodersen@cityoflavista.org.

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- Awards Committee – Christopher Solberg, AICP
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