

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 131

FINAL READING

Introduced by Hunt, 8; Hansen, M., 26.

Read first time January 07, 2021

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 18-1915 and
2 71-6405, Reissue Revised Statutes of Nebraska, and sections 14-137,
3 15-404, 16-404, 16-6,100, 17-405.01, 17-614, 18-132, 18-2103,
4 18-2119, 23-172, 71-6403, and 71-6406, Revised Statutes Cumulative
5 Supplement, 2020; to adopt the Municipal Natural Gas System
6 Emergency Assistance Act; to create a fund; to change provisions
7 relating to the enactment of municipal ordinances; to change a
8 public building construction bond authorization provision; to
9 provide for detachment of real property from a city or village as
10 prescribed; to change provisions relating to county, city, and
11 village plumbing codes; to change provisions of the Community
12 Development Law relating to blighted areas and redevelopment
13 contracts; to change provisions relating to state, county, city, and
14 village building codes; to eliminate provisions relating to
15 disconnection of real property from certain cities and villages; to
16 harmonize provisions; to provide a duty for the Revisor of Statutes;
17 to provide operative dates; to repeal the original sections; to
18 outright repeal sections 16-129 and 17-414, Revised Statutes
19 Cumulative Supplement, 2020; and to declare an emergency.
20 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Municipal Natural Gas System Emergency Assistance Act.

3 Sec. 2. The purpose of the Municipal Natural Gas System Emergency
4 Assistance Act is to assist municipalities which own and operate a
5 natural gas plant or natural gas system in addressing extraordinary costs
6 due to extreme weather events.

7 Sec. 3. For purposes of the Municipal Natural Gas System Emergency
8 Assistance Act:

9 (1) Extraordinary costs means expenses that exceed the usual,
10 average, or budgeted costs related to procuring and delivering natural
11 gas, including the purchase of spot or incremental natural gas, costs
12 related to propane injection, and pipeline charges beyond the scope of
13 normal and customary charges;

14 (2) Extreme weather event means a weather event occurring on or
15 after January 1, 2021, including, but not limited to, snow, rain,
16 drought, flood, storm, extreme heat, or extreme cold, that generates
17 extraordinary costs related to such event; and

18 (3) Municipality means any city of the first class, city of the
19 second class, or village which owns or operates a natural gas plant or
20 natural gas system.

21 Sec. 4. A municipality may apply to the State Treasurer for a grant
22 under the Municipal Natural Gas System Emergency Assistance Act to cover
23 up to eighty percent of the extraordinary costs incurred by such
24 municipality as a result of an extreme weather event. Applications shall
25 be submitted on a form prescribed by the State Treasurer. Each
26 application shall include the amount of grant funds requested, the date
27 or dates of the extreme weather event, and documentation of the
28 extraordinary costs incurred as a result of such extreme weather event.
29 The State Treasurer shall consider applications in the order in which
30 they are received and may approve applications within the limits of
31 available appropriations. The State Treasurer shall not be required to

1 verify the information provided in the application.

2 Sec. 5. The Municipal Natural Gas System Emergency Assistance Fund
3 is created. The fund shall be used by the State Treasurer to make grants
4 to municipalities under the Municipal Natural Gas System Emergency
5 Assistance Act and to defray any administrative expenses incurred by the
6 State Treasurer in carrying out the act. The fund shall consist of
7 appropriations made by the Legislature, transfers authorized by the
8 Legislature, and any federal funds which may become available for the
9 purposes of the act. Any money in the fund available for investment shall
10 be invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 6. On or before December 31 of each year, the State Treasurer
13 shall electronically submit a report to the Urban Affairs Committee of
14 the Legislature documenting the grants approved under the Municipal
15 Natural Gas System Emergency Assistance Act during the calendar year.

16 Sec. 7. The State Treasurer may adopt and promulgate rules and
17 regulations to carry out the Municipal Natural Gas System Emergency
18 Assistance Act.

19 Sec. 8. The Municipal Natural Gas System Emergency Assistance Act
20 terminates on June 30, 2023. The State Treasurer shall transfer any
21 unobligated money remaining in the Municipal Natural Gas System Emergency
22 Assistance Fund on such date to the General Fund.

23 Sec. 9. Section 14-137, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 14-137 The enacting clause of all ordinances in a city of the
26 metropolitan class shall be as follows: Be it ordained by the city
27 council of the city of All ordinances of the city shall be
28 passed pursuant to such rules and regulations as the city council may
29 prescribe. Upon the passage of all ordinances the yeas and nays shall be
30 entered upon the record of the city council, and a majority of the votes
31 of all the members of the city council shall be necessary to their

1 passage. No ordinance shall be passed within a week after its
2 introduction, except the general appropriation ordinances for salaries
3 and wages. Ordinances of a general or permanent nature shall be read by
4 title on three different days unless three-fourths of the city council
5 vote to suspend this requirement, except that such requirement shall not
6 be suspended (1) for any ordinance for the annexation of territory or the
7 redrawing of boundaries for city council election districts or wards or
8 (2) as otherwise provided by law.

9 Sec. 10. Section 15-404, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 15-404 All ordinances, resolutions, or orders for the appropriation
12 or payment of money in a city of the primary class shall require for
13 passage or adoption the concurrence of a majority of the members elected
14 to the city council. Ordinances of a general or permanent nature shall be
15 read by title on three different days unless the city council votes to
16 suspend this requirement by a two-thirds vote of the members, except that
17 such requirement shall not be suspended (1) for any ordinance for the
18 annexation of territory or the redrawing of boundaries for city council
19 election districts or wards or (2) as otherwise provided by law. No
20 ordinance shall contain a subject which is not clearly expressed in its
21 title. No ordinance or section thereof shall be revised or amended unless
22 the new ordinance contains the entire ordinance or section as revised or
23 amended and the ordinance or section so amended shall be repealed.

24 Sec. 11. Section 16-404, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 16-404 (1) All ordinances and resolutions or orders for the
27 appropriation or payment of money in a city of the first class shall
28 require for their passage or adoption the concurrence of a majority of
29 all members elected to the city council. The mayor may vote on any such
30 matter when his or her vote will provide the additional vote required to
31 create a number of votes equal to a majority of the number of members

1 elected to the city council, and the mayor shall, for the purpose of such
2 vote, be deemed to be a member of the city council.

3 (2) Ordinances of a general or permanent nature in a city of the
4 first class shall be read by title on three different days unless three-
5 fourths of the city council members vote to suspend this requirement,
6 except that in a city having a commission plan of government such
7 requirement may be suspended by a three-fifths majority vote. Regardless
8 of the form of government, such requirement shall not be suspended (a)
9 for any ordinance for the annexation of territory or the redrawing of
10 boundaries for city council election districts or wards or (b) as
11 otherwise provided by law. In case such requirement is suspended, the
12 ordinances shall be read by title or number and then moved for final
13 passage. Three-fourths of the city council members may require a reading
14 of any such ordinance in full before enactment under either procedure set
15 out in this section, except that in a city having a commission plan of
16 government, such reading may be required by a three-fifths majority vote.

17 (3) Ordinances in a city of the first class shall contain no subject
18 which is not clearly expressed in the title, and, except as provided in
19 section 19-915, no ordinance or section thereof shall be revised or
20 amended unless the new ordinance contains the entire ordinance or section
21 as revised or amended and the ordinance or section so amended is
22 repealed, except that:

23 (a) For an ordinance revising all the ordinances of a city of the
24 first class, the only title necessary shall be An ordinance of the city
25 of, revising all the ordinances of the city. Under such title
26 all the ordinances may be revised in sections and chapters or otherwise,
27 may be corrected, added to, and any part suppressed, and may be repealed
28 with or without a saving clause as to the whole or any part without other
29 title; and

30 (b) For an ordinance used solely to revise ordinances or code
31 sections or to enact new ordinances or code sections in order to adopt

1 statutory changes made by the Legislature which are specific and
2 mandatory and bring the ordinances or code sections into conformance with
3 state law, the title need only state that the ordinance revises those
4 ordinances or code sections affected by or enacts ordinances or code
5 sections generated by legislative changes. Under such title, all such
6 ordinances or code sections may be revised, repealed, or enacted in
7 sections and chapters or otherwise by a single ordinance without other
8 title.

9 Sec. 12. Section 16-6,100, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 16-6,100 The mayor and city council of a city of the first class
12 shall have the power to borrow money and pledge the property and credit
13 of the city upon its negotiable bonds or otherwise for the purpose of
14 acquiring, by purchasing or constructing, including site acquisition, or
15 aiding in the acquiring of a city hall, jail, auditorium, buildings for
16 the fire department, and other public buildings, including the
17 acquisition of buildings authorized to be acquired by Chapter 72, article
18 14, and including acquisition of buildings to be leased in whole or in
19 part by the city to any other political or governmental subdivision of
20 the State of Nebraska authorized by law to lease such buildings. No such
21 bonds shall be issued until after the same have been authorized by a
22 majority vote of the electors of the city voting on the proposition of
23 their issuance at an election called for the submission of such
24 proposition and of which election notice of the time and place thereof
25 shall have been given by publication in a legal newspaper in or of
26 general circulation in the city three successive weeks prior thereto. If
27 the buildings ~~building~~ to be acquired are ~~is~~ to be used by the State of
28 Nebraska or its agency or agencies under a lease authorized by Chapter
29 72, article 14, or the buildings ~~are building~~ ~~is~~ to be leased by any
30 other political or governmental subdivision of the State of Nebraska or
31 other governmental agencies and if the combined area of the buildings

1 ~~building~~ to be leased by the state or its agency or agencies and the
2 political or governmental subdivision of the State of Nebraska is more
3 than fifty percent of the area of the buildings ~~building~~ and if the cost
4 of acquisition does not exceed five ~~two~~ million dollars, no such vote of
5 the electors will be required.

6 Sec. 13. Section 17-405.01, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 17-405.01 (1) Except as provided in subsections (2) and (3) of this
9 section and section 17-407, the mayor and city council of any city of the
10 second class or the chairperson and members of the village board of
11 trustees may by ordinance, except as provided in sections 13-1111 to
12 13-1118, at any time, include within the corporate limits of such city or
13 village any contiguous or adjacent lands, lots, tracts, streets, or
14 highways as are urban or suburban in character, and in such direction as
15 may be deemed proper. Such grant of power shall not be construed as
16 conferring power to extend the limits of any city of the second class or
17 village over any agricultural lands which are rural in character.

18 (2) The mayor and city council of any city of the second class or
19 the chairperson and members of the village board of trustees may, by
20 ordinance, annex any lands, lots, tracts, streets, or highways which
21 constitute a redevelopment project area so designated by the city or
22 village or its community redevelopment authority in accordance with the
23 provisions of the Community Development Law when such annexation is for
24 the purpose of implementing a lawfully adopted redevelopment plan
25 containing a provision dividing ad valorem taxes as provided in
26 subsection (1) of section 18-2147 and which will involve the construction
27 or development of an agricultural processing facility, notwithstanding
28 that such lands, lots, tracts, streets, or highways are not contiguous or
29 adjacent or are not urban or suburban in character. Such annexation shall
30 comply with all other provisions of law relating to annexation generally
31 for cities of the second class and villages. The city or village shall

1 not, in consequence of the annexation under this subsection of any
2 noncontiguous land, exercise the authority granted to it by law to extend
3 its extraterritorial zoning jurisdiction beyond its corporate boundaries
4 for purposes of planning, zoning, or subdivision development without the
5 agreement of any other city, village, or county currently exercising
6 zoning jurisdiction over the area surrounding the annexed redevelopment
7 project area. The annexation of any noncontiguous land undertaken
8 pursuant to this subsection shall not result in any change in the service
9 area of any electric utility without the express agreement of the
10 electric utility serving the annexed noncontiguous area at the time of
11 annexation, except that at such time following the annexation of the
12 noncontiguous area as the city or village lawfully annexes sufficient
13 intervening territory so as to directly connect the noncontiguous area to
14 the main body of the city or village, such noncontiguous area shall,
15 solely for the purposes of section 70-1008, be treated as if it had been
16 annexed by the city or village on the date upon which the connecting
17 intervening territory had been formally annexed. For purposes of this
18 subsection, agricultural processing facility means a plant or
19 establishment where value is added to agricultural commodities through
20 processing, fabrication, or other means and where eighty percent or more
21 of the direct sales from the facility are to other than the ultimate
22 consumer of the processed commodities. A facility shall not qualify as an
23 agricultural processing facility unless its construction or development
24 involves the investment of more than one million dollars derived from
25 nongovernmental sources.

26 (3) The mayor and two-thirds of the city council of any city of the
27 second class or the chairperson and two-thirds of the members of the
28 village board of trustees may, by ordinance, annex any lands, lots,
29 tracts, streets, or highways when such annexation is for the purpose of
30 relocating part or all of such city or village due to catastrophic
31 flooding, notwithstanding that such lands, lots, tracts, streets, or

1 highways are not contiguous or adjacent or are not urban or suburban in
2 character. Such annexation shall comply with all other provisions of law
3 relating to annexation generally for cities of the second class and
4 villages. The city or village shall not, in consequence of the annexation
5 under this subsection of any noncontiguous land, exercise the authority
6 granted to it by law to extend its extraterritorial zoning jurisdiction
7 beyond its corporate boundaries for purposes of planning, zoning, or
8 subdivision development without the agreement of any other city, village,
9 or county currently exercising zoning jurisdiction over the area
10 surrounding the annexed area. The annexation of any noncontiguous land
11 undertaken pursuant to this subsection shall not result in any change in
12 the service area of any electric utility without the express agreement of
13 the electric utility serving the annexed noncontiguous area at the time
14 of annexation, except that at such time following the annexation of the
15 noncontiguous area as the city or village lawfully annexes sufficient
16 intervening territory so as to directly connect the noncontiguous area to
17 the main body of the city or village, such noncontiguous area shall,
18 solely for the purposes of section 70-1008, be treated as if it had been
19 annexed by the city or village on the date upon which the connecting
20 intervening territory had been formally annexed. If, within five years
21 following an annexation undertaken pursuant to this subsection, part or
22 all of the city or village has not been relocated to the annexed area,
23 the city or village shall initiate detachment ~~disconnection~~ of such
24 annexed area pursuant to subsection (2) of section 15 of this act ~~17-414~~.
25 For purposes of this subsection, catastrophic flooding means a flooding
26 event that (a) results in total property damage within the city or
27 village which exceeds forty-five percent of the total assessed value of
28 the improvements within the city or village and (b) is declared to be a
29 major disaster by the President of the United States or the Governor.

30 Sec. 14. Section 17-614, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 17-614 (1) All ordinances and resolutions or orders for the
2 appropriation or payment of money shall require for their passage or
3 adoption the concurrence of a majority of all members elected to the city
4 council in a city of the second class or village board of trustees. The
5 mayor of a city of the second class may vote when his or her vote would
6 provide the additional vote required to attain the number of votes equal
7 to a majority of the number of members elected to the city council, and
8 the mayor shall, for the purpose of such vote, be deemed to be a member
9 of the city council. Ordinances of a general or permanent nature shall be
10 read by title on three different days unless three-fourths of the city
11 council or village board of trustees vote to suspend this requirement,
12 except that such requirement shall not be suspended (a) for any ordinance
13 for the annexation of territory or the redrawing of boundaries for city
14 council or village board of trustees election districts or wards or (b)
15 as otherwise provided by law. In case such requirement is suspended, the
16 ordinances shall be read by title and then moved for final passage.
17 Three-fourths of the city council or village board of trustees may
18 require a reading of any such ordinance in full before enactment under
19 either procedure set out in this section.

20 (2) Ordinances shall contain no subject which is not clearly
21 expressed in the title, and, except as provided in section 19-915, no
22 ordinance or section of such ordinance shall be revised or amended unless
23 the new ordinance contains the entire ordinance or section as revised or
24 amended and the ordinance or section so amended is repealed, except that:

25 (a) For an ordinance revising all the ordinances of the city of the
26 second class or village, the title need only state that the ordinance
27 revises all the ordinances of the city or village. Under such title all
28 the ordinances may be revised in sections and chapters or otherwise, may
29 be corrected, added to, and any part suppressed, and may be repealed with
30 or without a saving clause as to the whole or any part without other
31 title; and

1 (b) For an ordinance used solely to revise ordinances or code
2 sections or to enact new ordinances or code sections in order to adopt
3 statutory changes made by the Legislature which are specific and
4 mandatory and bring the ordinances or code sections into conformance with
5 state law, the title need only state that the ordinance revises those
6 ordinances or code sections affected by or enacts ordinances or code
7 sections generated by legislative changes. Under such title, all such
8 ordinances or code sections may be revised, repealed, or enacted in
9 sections and chapters or otherwise by a single ordinance without other
10 title.

11 Sec. 15. (1) Any person owning real property located within and
12 adjacent to the corporate limits of a city of the first class, city of
13 the second class, or village seeking to have such property detached from
14 the corporate limits of such city or village may file a request with the
15 city council or village board of trustees asking that such property be
16 detached. The request shall contain the legal description of the property
17 sought to be detached. If the city council or village board of trustees
18 determines that the property meets the requirements of this section and
19 that all or a part of such property ought to be detached, the city
20 council or village board of trustees shall adopt an ordinance by a
21 majority vote of its members to order such property detached from the
22 corporate limits of the city or village. The city clerk or village clerk
23 shall file a certified copy of such ordinance in the office of the
24 register of deeds and of the election commissioner or county clerk of the
25 county in which such property is located.

26 (2) A city of any class or village may initiate detachment of any
27 real property located within and adjacent to the corporate limits of such
28 city or village by first publishing notice in a legal newspaper in or of
29 general circulation in the city or village of the intention of the city
30 or village to detach such property. Such notice shall include a legal
31 description of the property to be detached and shall provide the date,

1 time, and place of the meeting at which the ordinance ordering such
2 property to be detached will be voted on by the city council or village
3 board of trustees. If, by a majority vote of its members, the city
4 council or village board of trustees adopts the ordinance ordering such
5 property detached from the corporate limits of the city or village, the
6 city clerk or village clerk shall file a certified copy of such ordinance
7 in the office of the register of deeds and of the election commissioner
8 or county clerk of the county in which such property is located.

9 Sec. 16. Section 18-132, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 18-132 (1) The city council of any city or village board of any
12 village may adopt by ordinance the conditions, provisions, limitations,
13 and terms of a plumbing code, an electrical code, a fire prevention code,
14 a building or construction code, and any other standard code which
15 contains rules and regulations printed as a code in book or pamphlet
16 form, by reference to such code, or portions thereof, alone, without
17 setting forth in the ordinance the conditions, provisions, limitations,
18 and terms of such code. When any such code, or portion thereof, has been
19 incorporated by reference into such ordinance, as provided in this
20 section, it shall have the same force and effect as though it had been
21 written in its entirety in such ordinance without further or additional
22 publication thereof.

23 (2) Not less than one copy of such standard code, or portion
24 thereof, shall be kept for use and examination by the public in the
25 office of the city or village clerk prior to the adoption thereof and as
26 long as such standard code is in effect in such city or village.

27 (3) Any building or construction code implemented under this section
28 shall be adopted and enforced as provided in section 71-6406.

29 (4) If there is no ordinance adopting a plumbing code in effect in a
30 city or village, the 2018 ~~2009~~ Uniform Plumbing Code designated
31 accredited by the American National Standards Institute as an American

1 National Standard shall serve as the plumbing code for all the area
2 within the jurisdiction of the city or village. Nothing in this section
3 shall be interpreted as creating an obligation for the city or village to
4 inspect plumbing work done within its jurisdiction to determine
5 compliance with the plumbing code.

6 Sec. 17. Section 18-1915, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-1915 The State of Nebraska shall permit cities and villages to
9 collect permit fees and inspect all sanitary plumbing installed or
10 repaired, except for a single-family dwelling or a farm or ranch
11 structure, within the State of Nebraska outside of the zoning
12 jurisdiction of cities and villages. The city or village nearest the
13 construction site shall have jurisdiction to collect such permit fees and
14 conduct the inspection of the sanitary plumbing. If the city or village
15 has a plumbing ordinance in force and effect, such ordinance will govern
16 the installation of the sanitary plumbing. If there is no city ordinance
17 in effect for such city or village, the 2018 ~~2009~~ Uniform Plumbing Code
18 designated ~~accredited~~ by the American National Standards Institute as an
19 American National Standard shall apply to all buildings except single-
20 family dwellings and farm and ranch structures.

21 ~~Any code or ordinance enacted by a city or village which is at least~~
22 ~~equal to the 2009 Uniform Plumbing Code accredited by the American~~
23 ~~National Standards Institute shall take preference over the provisions of~~
24 ~~the immediately preceding sentence.~~

25 Sec. 18. Section 18-2103, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 18-2103 For purposes of the Community Development Law, unless the
28 context otherwise requires:

29 (1) Area of operation means and includes the area within the
30 corporate limits of the city and such land outside the city as may come
31 within the purview of sections 18-2123 and 18-2123.01;

1 (2) Authority means any community redevelopment authority created
2 pursuant to section 18-2102.01 and any community development agency
3 created pursuant to section 18-2101.01 and does not include a limited
4 community redevelopment authority;

5 (3) Blighted area means an area (a) which, by reason of the presence
6 of a substantial number of deteriorated or deteriorating structures,
7 existence of defective or inadequate street layout, faulty lot layout in
8 relation to size, adequacy, accessibility, or usefulness, insanitary or
9 unsafe conditions, deterioration of site or other improvements, diversity
10 of ownership, tax or special assessment delinquency exceeding the fair
11 value of the land, defective or unusual conditions of title, improper
12 subdivision or obsolete platting, or the existence of conditions which
13 endanger life or property by fire and other causes, or any combination of
14 such factors, substantially impairs or arrests the sound growth of the
15 community, retards the provision of housing accommodations, or
16 constitutes an economic or social liability and is detrimental to the
17 public health, safety, morals, or welfare in its present condition and
18 use and (b) in which there is at least one of the following conditions:
19 (i) Unemployment in the designated area is at least one hundred twenty
20 percent of the state or national average; (ii) the average age of the
21 residential or commercial units in the area is at least forty years;
22 (iii) more than half of the plotted and subdivided property in an area is
23 unimproved land that has been within the city for forty years and has
24 remained unimproved during that time; (iv) the per capita income of the
25 area is lower than the average per capita income of the city or village
26 in which the area is designated; or (v) the area has had either stable or
27 decreasing population based on the last two decennial censuses. In no
28 event shall a city of the metropolitan, primary, or first class designate
29 more than thirty-five percent of the city as blighted, a city of the
30 second class shall not designate an area larger than fifty percent of the
31 city as blighted, and a village shall not designate an area larger than

1 one hundred percent of the village as blighted. A redevelopment project
2 involving a formerly used defense site as authorized under section
3 18-2123.01 and any area declared to be an extremely blighted area under
4 section 18-2101.02 shall not count towards the percentage limitations
5 contained in this subdivision;

6 (4) Bonds means any bonds, including refunding bonds, notes, interim
7 certificates, debentures, or other obligations issued pursuant to the
8 Community Development Law except for bonds issued pursuant to section
9 18-2142.04;

10 (5) Business means any private business located in an enhanced
11 employment area;

12 (6) City means any city or incorporated village in the state;

13 (7) Clerk means the clerk of the city or village;

14 (8) Community redevelopment area means a substandard and blighted
15 area which the community redevelopment authority designates as
16 appropriate for a redevelopment project;

17 (9) Employee means a person employed at a business as a result of a
18 redevelopment project;

19 (10) Employer-provided health benefit means any item paid for by the
20 employer in total or in part that aids in the cost of health care
21 services, including, but not limited to, health insurance, health savings
22 accounts, and employer reimbursement of health care costs;

23 (11) Enhanced employment area means an area not exceeding six
24 hundred acres (a) within a community redevelopment area which is
25 designated by an authority as eligible for the imposition of an
26 occupation tax or (b) not within a community redevelopment area as may be
27 designated under section 18-2142.04;

28 (12) Equivalent employees means the number of employees computed by
29 (a) dividing the total hours to be paid in a year by (b) the product of
30 forty times the number of weeks in a year;

31 (13) Extremely blighted area means a substandard and blighted area

1 in which: (a) The average rate of unemployment in the area during the
2 period covered by the most recent federal decennial census or American
3 Community Survey 5-Year Estimate is at least two hundred percent of the
4 average rate of unemployment in the state during the same period; and (b)
5 the average poverty rate in the area exceeds twenty percent for the total
6 federal census tract or tracts or federal census block group or block
7 groups in the area;

8 (14) Federal government means the United States of America, or any
9 agency or instrumentality, corporate or otherwise, of the United States
10 of America;

11 (15) Governing body or local governing body means the city council,
12 board of trustees, or other legislative body charged with governing the
13 municipality;

14 (16) Limited community redevelopment authority means a community
15 redevelopment authority created pursuant to section 18-2102.01 having
16 only one single specific limited pilot project authorized;

17 (17) Mayor means the mayor of the city or chairperson of the board
18 of trustees of the village;

19 (18) New investment means the value of improvements to real estate
20 made in an enhanced employment area by a developer or a business;

21 (19) Number of new employees means the number of equivalent
22 employees that are employed at a business as a result of the
23 redevelopment project during a year that are in excess of the number of
24 equivalent employees during the year immediately prior to the year that a
25 redevelopment plan is adopted;

26 (20) Obligee means any bondholder, agent, or trustee for any
27 bondholder, or lessor demising to any authority, established pursuant to
28 section 18-2102.01, property used in connection with a redevelopment
29 project, or any assignee or assignees of such lessor's interest or any
30 part thereof, and the federal government when it is a party to any
31 contract with such authority;

1 (21) Occupation tax means a tax imposed under section 18-2142.02;

2 (22) Person means any individual, firm, partnership, limited
3 liability company, corporation, company, association, joint-stock
4 association, or body politic and includes any trustee, receiver,
5 assignee, or other similar representative thereof;

6 (23) Public body means the state or any municipality, county,
7 township, board, commission, authority, district, or other political
8 subdivision or public body of the state;

9 (24) Real property means all lands, including improvements and
10 fixtures thereon, and property of any nature appurtenant thereto, or used
11 in connection therewith, and every estate, interest and right, legal or
12 equitable, therein, including terms for years and liens by way of
13 judgment, mortgage, or otherwise, and the indebtedness secured by such
14 liens;

15 (25) Redeveloper means any person, partnership, or public or private
16 corporation or agency which enters or proposes to enter into a
17 redevelopment contract;

18 (26) Redevelopment contract means a contract entered into between an
19 authority and a redeveloper for the redevelopment of an area in
20 conformity with a redevelopment plan;

21 (27) Redevelopment plan means a plan, as it exists from time to time
22 for one or more community redevelopment areas, or for a redevelopment
23 project, which (a) conforms to the general plan for the municipality as a
24 whole and (b) is sufficiently complete to indicate such land acquisition,
25 demolition and removal of structures, redevelopment, improvements, and
26 rehabilitation as may be proposed to be carried out in the community
27 redevelopment area, zoning and planning changes, if any, land uses,
28 maximum densities, and building requirements;

29 (28) Redevelopment project means any work or undertaking in one or
30 more community redevelopment areas: (a) To acquire substandard and
31 blighted areas or portions thereof, including lands, structures, or

1 improvements the acquisition of which is necessary or incidental to the
2 proper clearance, development, or redevelopment of such substandard and
3 blighted areas; (b) to clear any such areas by demolition or removal of
4 existing buildings, structures, streets, utilities, or other improvements
5 thereon and to install, construct, or reconstruct streets, utilities,
6 parks, playgrounds, public spaces, public parking facilities, sidewalks
7 or moving sidewalks, convention and civic centers, bus stop shelters,
8 lighting, benches or other similar furniture, trash receptacles,
9 shelters, skywalks and pedestrian and vehicular overpasses and
10 underpasses, enhancements to structures in the redevelopment plan area
11 which exceed minimum building and design standards in the community and
12 prevent the recurrence of substandard and blighted conditions, and any
13 other necessary public improvements essential to the preparation of sites
14 for uses in accordance with a redevelopment plan; (c) to sell, lease, or
15 otherwise make available land in such areas for residential,
16 recreational, commercial, industrial, or other uses, including parking or
17 other facilities functionally related or subordinate to such uses, or for
18 public use or to retain such land for public use, in accordance with a
19 redevelopment plan; and may also include the preparation of the
20 redevelopment plan, the planning, survey, and other work incident to a
21 redevelopment project and the preparation of all plans and arrangements
22 for carrying out a redevelopment project; (d) to dispose of all real and
23 personal property or any interest in such property, or assets, cash, or
24 other funds held or used in connection with residential, recreational,
25 commercial, industrial, or other uses, including parking or other
26 facilities functionally related or subordinate to such uses, or any
27 public use specified in a redevelopment plan or project, except that such
28 disposition shall be at its fair value for uses in accordance with the
29 redevelopment plan; (e) to acquire real property in a community
30 redevelopment area which, under the redevelopment plan, is to be repaired
31 or rehabilitated for dwelling use or related facilities, repair or

1 rehabilitate the structures, and resell the property; (f) to carry out
2 plans for a program of voluntary or compulsory repair, rehabilitation, or
3 demolition of buildings in accordance with the redevelopment plan; and
4 (g) in a rural community or in an extremely blighted area within a
5 municipality that is not a rural community, to carry out construction of
6 workforce housing;

7 (29) Redevelopment project valuation means the valuation for
8 assessment of the taxable real property in a redevelopment project last
9 certified for the year prior to the effective date of the provision
10 authorized in section 18-2147;

11 (30) Rural community means any municipality in a county with a
12 population of fewer than one hundred thousand inhabitants as determined
13 by the most recent federal decennial census;

14 (31) Substandard area means an area in which there is a predominance
15 of buildings or improvements, whether nonresidential or residential in
16 character, which, by reason of dilapidation, deterioration, age or
17 obsolescence, inadequate provision for ventilation, light, air,
18 sanitation, or open spaces, high density of population and overcrowding,
19 or the existence of conditions which endanger life or property by fire
20 and other causes, or any combination of such factors, is conducive to ill
21 health, transmission of disease, infant mortality, juvenile delinquency,
22 and crime, (which cannot be remedied through construction of prisons),
23 and is detrimental to the public health, safety, morals, or welfare; and

24 (32) Workforce housing means:

25 (a) Housing that meets the needs of today's working families;

26 (b) Housing that is attractive to new residents considering
27 relocation to a rural community;

28 (c) Owner-occupied housing units that cost not more than two hundred
29 seventy-five thousand dollars to construct or rental housing units that
30 cost not more than two hundred thousand dollars per unit to construct.
31 For purposes of this subdivision (c), housing unit costs shall be updated

1 annually by the Department of Economic Development based upon the most
2 recent increase or decrease in the Producer Price Index for all
3 commodities, published by the United States Department of Labor, Bureau
4 of Labor Statistics;

5 (d) Owner-occupied and rental housing units for which the cost to
6 substantially rehabilitate exceeds fifty percent of a unit's assessed
7 value; and

8 (e) Upper-story housing.

9 Sec. 19. Section 18-2119, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 18-2119 (1) An authority shall, by public notice by publication once
12 each week for two consecutive weeks in a legal newspaper having a general
13 circulation in the city, prior to the consideration of any redevelopment
14 contract proposal relating to real estate owned or to be owned by the
15 authority, invite proposals from, and make available all pertinent
16 information to, private redevelopers or any persons interested in
17 undertaking the redevelopment of an area, or any part thereof, which the
18 governing body has declared to be in need of redevelopment. Such notice
19 shall identify the area, and shall state that such further information as
20 is available may be obtained at the office of the authority. The
21 authority shall consider all redevelopment proposals and the financial
22 and legal ability of the prospective redevelopers to carry out their
23 proposals and may negotiate with any redevelopers for proposals for the
24 purchase or lease of any real property in the redevelopment project area.
25 The authority may accept such redevelopment contract proposal as it deems
26 to be in the public interest and in furtherance of the purposes of the
27 Community Development Law if the authority has, not less than thirty days
28 prior thereto, notified the governing body in writing of its intention to
29 accept such redevelopment contract proposal. Thereafter, the authority
30 may execute such redevelopment contract in accordance with the provisions
31 of section 18-2118 and deliver deeds, leases, and other instruments and

1 take all steps necessary to effectuate such redevelopment contract. In
2 its discretion, the authority may, without regard to the foregoing
3 provisions of this section, dispose of real property in a redevelopment
4 project area to private redevelopers for redevelopment under such
5 reasonable competitive bidding procedures as it shall prescribe, subject
6 to the provisions of section 18-2118.

7 (2) In the case of any real estate owned by a redeveloper, the
8 authority may enter into a redevelopment contract providing for such
9 undertakings as the authority shall determine appropriate. Any such
10 redevelopment contract relating to real estate within an enhanced
11 employment area shall include a statement of the redeveloper's consent
12 with respect to the designation of the area as an enhanced employment
13 area, shall be recorded with respect to the real estate owned by the
14 redeveloper, and shall be binding upon all future owners of such real
15 estate.

16 (3)(a) Prior to entering into a redevelopment contract pursuant to
17 this section for a redevelopment plan that includes the division of taxes
18 as provided in section 18-2147, the authority shall require the
19 redeveloper to certify the following to the authority:

20 (i) Whether the redeveloper has filed or intends to file an
21 application to receive tax incentives under the Nebraska Advantage Act or
22 the ImagiNE Nebraska Act for a project located or to be located within
23 the redevelopment project area;

24 (ii) Whether such application includes or will include, as one of
25 the tax incentives, a refund of the city's local option sales tax
26 revenue; and

27 (iii) Whether such application has been approved under the Nebraska
28 Advantage Act or the ImagiNE Nebraska Act.

29 (b) The authority may consider the information provided under
30 subdivision (3)(a) of this section in determining whether to enter into
31 the redevelopment contract.

1 (4) A redevelopment contract for a redevelopment plan or
2 redevelopment project that includes the division of taxes as provided in
3 section 18-2147 shall include a provision requiring that the redeveloper
4 retain copies of all supporting documents that are associated with the
5 redevelopment plan or redevelopment project and that are received or
6 generated by the redeveloper for three years following the end of the
7 last fiscal year in which ad valorem taxes are divided and provide such
8 copies to the city as needed to comply with the city's retention
9 requirements under section 18-2117.04. For purposes of this subsection,
10 supporting document includes any cost-benefit analysis conducted pursuant
11 to section 18-2113 and any invoice, receipt, claim, or contract received
12 or generated by the redeveloper that provides support for receipts or
13 payments associated with the division of taxes.

14 (5) A redevelopment contract for a redevelopment plan that includes
15 the division of taxes as provided in section 18-2147 may include a
16 provision requiring that all ad valorem taxes levied upon real property
17 in a redevelopment project be paid before the taxes become delinquent in
18 order for such redevelopment project to receive funds from such division
19 of taxes.

20 (6) A redevelopment contract for a redevelopment plan or
21 redevelopment project that includes the division of taxes as provided in
22 section 18-2147 may include any additional requirements deemed necessary
23 by the city to ensure that such plan or project complies with the city's
24 comprehensive development plan, the city's affordable housing action plan
25 required under section 19-5505, city zoning regulations, and any other
26 reasonable planning requirements or goals established by the city.

27 Sec. 20. Section 23-172, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 23-172 (1) The county board may adopt by resolution, which shall
30 have the force and effect of law, the conditions, provisions,
31 limitations, and terms of a building or construction code, a plumbing

1 code, an electrical code, a fire prevention code, or any other code
2 relating to building or relating to the erection, construction,
3 reconstruction, alteration, repair, conversion, maintenance, placing, or
4 using of any building, structure, automobile trailer, house trailer, or
5 cabin trailer. For this purpose, the county board may adopt any standard
6 code which contains rules or regulations printed as a code in book or
7 pamphlet form by reference to such code or portions thereof without
8 setting forth in the resolution the conditions, provisions, limitations,
9 or terms of such code. When such code or any such standard code or
10 portion thereof is incorporated by reference into such resolution, it
11 shall have the same force and effect as though it had been written in its
12 entirety in such resolution without further or additional publication.

13 (2) Not less than one copy of such code or such standard code or
14 portion thereof shall be kept for use and examination by the public in
15 the office of the clerk of such county prior to the adoption thereof and
16 as long as such standard code is in effect in such county.

17 (3) Any building or construction code implemented under this section
18 shall be adopted and enforced as provided in section 71-6406.

19 (4) If there is no county resolution adopting a plumbing code in
20 effect for such county, the 2018 ~~2009~~ Uniform Plumbing Code designated
21 ~~accredited~~ by the American National Standards Institute as an American
22 National Standard shall apply to all buildings.

23 (5) Any code adopted and approved by the county board, as provided
24 in this section, or if there is no county resolution adopting a plumbing
25 code in effect for such county, the 2018 ~~2009~~ Uniform Plumbing Code
26 designated ~~accredited~~ by the American National Standards Institute as an
27 American National Standard, and the building permit requirements or
28 occupancy permit requirements imposed by such code or by sections
29 23-114.04 and 23-114.05, shall apply to all of the county except within
30 the limits of any incorporated city or village and except within an
31 unincorporated area where a city or village has been granted zoning

1 jurisdiction and is exercising such jurisdiction.

2 (6) Nothing in this section shall be interpreted as creating an
3 obligation for the county to inspect plumbing work done within its
4 jurisdiction to determine compliance with the plumbing code.

5 Sec. 21. Section 71-6403, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 71-6403 (1) There is hereby created the state building code. The
8 Legislature hereby adopts by reference:

9 (a) The International Building Code (IBC), ~~chapter 13 of the 2018~~
10 ~~edition, and all but such chapter of the 2018 edition, except section~~
11 101.4.3 and chapter 29, published by the International Code Council,
12 except that (i) section 305.2.3 applies to a facility having twelve or
13 fewer children and (ii) section 310.4.1 applies to a care facility for
14 twelve or fewer persons;

15 (b) The International Residential Code (IRC), ~~chapter 11 of the 2018~~
16 ~~edition, and all but such chapter of the 2018 edition,~~ except section
17 R313 and chapters 25 through 33, published by the International Code
18 Council; ~~and~~

19 (c) The International Existing Building Code, 2018 edition, except
20 section 809, published by the International Code Council; and -

21 (d) The Uniform Plumbing Code, 2018 edition, designated by the
22 American National Standards Institute as an American National Standard.

23 (2) The codes adopted by reference in subsection (1) of this section
24 and the minimum standards for radon resistant new construction adopted
25 under section 76-3504 shall constitute the state building code except as
26 amended pursuant to the Building Construction Act or as otherwise
27 authorized by state law.

28 Sec. 22. Section 71-6405, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-6405 (1) All state agencies, including all state constitutional
31 offices, state administrative departments, and state boards and

1 commissions, the University of Nebraska, and the Nebraska state colleges,
2 shall comply with the state building code. The state building code shall
3 be the legally applicable code in all buildings and structures owned by
4 the state or any state agency regardless of whether the state, state
5 agency, or applicable county, city, or village has provided for the
6 administration or enforcement of the state building code.

7 (2) No state agency may adopt, promulgate, or enforce any rule or
8 regulation in conflict with the state building code unless otherwise
9 specifically authorized by statute to (a) adopt, promulgate, or enforce
10 any rule or regulation in conflict with the state building code or (b)
11 adopt or enforce a building or construction code other than the state
12 building code.

13 (3) Nothing in the Building Construction Act shall authorize any
14 state agency to apply such act to manufactured homes or recreational
15 vehicles regulated by the Uniform Standard Code for Manufactured Homes
16 and Recreational Vehicles or to modular housing units regulated by the
17 Nebraska Uniform Standards for Modular Housing Units Act.

18 Sec. 23. Section 71-6406, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 71-6406 (1)(a) Any county, city, or village may enact, administer,
21 or enforce a local building or construction code if or as long as such
22 county, city, or village:

23 (i) Adopts the state building code; or

24 (ii) Adopts a building or construction code that conforms generally
25 with the state building code.

26 (b) If a county, city, or village does not adopt a code as
27 authorized under subdivision (a) of this subsection within two years
28 after an update to the state building code, the state building code shall
29 apply in the county, city, or village, except that such code shall not
30 apply to construction on a farm or for farm purposes.

31 (2) A local building or construction code shall be deemed to conform

1 generally with the state building code if it:

2 (a) Adopts a special or differing building standard by amending,
3 modifying, or deleting any portion of the state building code in order to
4 reduce unnecessary costs of construction, increase safety, durability, or
5 efficiency, establish best building or construction practices within the
6 county, city, or village, or address special local conditions within the
7 county, city, or village;

8 (b) Adopts any supplement, new edition, appendix, or component or
9 combination of components of the state building code;

10 (c) ~~Adopts any of the following: Adopts section 305 or 310 of the~~
11 ~~2018 edition of the International Building Code without the exceptions~~
12 ~~described in subdivision (1)(a) of section 71-6403 or section R313 of the~~
13 ~~2018 edition of the International Residential Code;~~

14 (i) Section 305 or 310 of the 2018 edition of the International
15 Building Code without the exceptions described in subdivision (1)(a) of
16 section 71-6403;

17 (ii) Section 101.4.3 or any portion of chapter 29 of the 2018
18 edition of the International Building Code;

19 (iii) Section R313 or any portion of chapters 25 through 33 of the
20 2018 edition of the International Residential Code; or

21 (iv) Section 809 of the 2018 edition of the International Existing
22 Building Code;

23 (d) Adopts a plumbing code, an electrical code, a fire prevention
24 code, or any other standard code as authorized under section 14-419,
25 15-905, 18-132, or 23-172;

26 (e) Adopts a local energy code as authorized under section 81-1618;
27 or

28 (f) Adopts minimum standards for radon resistant new construction
29 which meet the minimum standards adopted under section 76-3504.

30 (3) A local building or construction code shall not be deemed to
31 conform generally with the state building code if it:

1 (a) Includes a prior edition of any component or combination of
2 components of the state building code; or

3 (b) Does not include minimum standards for radon resistant new
4 construction that meet the minimum standards adopted under section
5 76-3504.

6 (4) A county, city, or village shall notify the Department of
7 Environment and Energy State Energy Office if it amends or modifies its
8 local building or construction code in such a way as to delete any
9 portion of (a) chapter 13 of the 2018 edition of the International
10 Building Code or (b) chapter 11 of the 2018 edition of the International
11 Residential Code. The notification shall be made within thirty days after
12 the adoption of such amendment or modification.

13 (5) A county, city, or village shall not adopt or enforce a local
14 building or construction code other than as provided by this section.

15 (6) A county, city, or village which adopts or enforces a local
16 building or construction code under this section shall regularly update
17 its code. For purposes of this section, a code shall be deemed to be
18 regularly updated if the most recently enacted state building code or a
19 code that conforms generally with the state building code is adopted by
20 the county, city, or village within two years after an update to the
21 state building code.

22 (7) A county, city, or village may adopt amendments for the proper
23 administration and enforcement of its local building or construction code
24 including organization of enforcement, qualifications of staff members,
25 examination of plans, inspections, appeals, permits, and fees. Any
26 amendment adopted pursuant to this section shall be published separately
27 from the local building or construction code. Any local building or
28 construction code adopted under subdivision (1)(a) of this section or the
29 state building code if applicable under subdivision (1)(b) of this
30 section shall be the legally applicable code regardless of whether the
31 county, city, or village has provided for the administration or

1 enforcement of its local building or construction code under this
2 subsection.

3 (8) A county, city, or village which adopts one or more standard
4 codes as part of its local building or construction code under this
5 section shall keep at least one copy of each adopted code, or portion
6 thereof, for use and examination by the public in the office of the clerk
7 of the county, city, or village prior to the adoption of the code and as
8 long as such code is in effect.

9 (9) Notwithstanding the provisions of the Building Construction Act,
10 a public building of any political subdivision shall be built in
11 accordance with the applicable local building or construction code. Fees,
12 if any, for services which monitor a builder's application of codes shall
13 be negotiable between the political subdivisions involved, but such fees
14 shall not exceed the actual expenses incurred by the county, city, or
15 village doing the monitoring.

16 Sec. 24. The Revisor of Statutes shall assign:

17 (1) Sections 1 to 8 of this act to a new article in Chapter 19; and

18 (2) Section 15 of this act to an article in Chapter 18.

19 Sec. 25. Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
20 21, 22, 23, 26, and 27 of this act become operative three calendar months
21 after the adjournment of this legislative session. The other sections of
22 this act become operative on their effective date.

23 Sec. 26. Original sections 18-1915 and 71-6405, Reissue Revised
24 Statutes of Nebraska, and sections 14-137, 15-404, 16-404, 16-6,100,
25 17-405.01, 17-614, 18-132, 18-2103, 18-2119, 23-172, 71-6403, and
26 71-6406, Revised Statutes Cumulative Supplement, 2020, are repealed.

27 Sec. 27. The following sections are outright repealed: Sections
28 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2020.

29 Sec. 28. Since an emergency exists, this act takes effect when
30 passed and approved according to law.