

AMENDMENTS TO LB 562

Introduced by Urban Affairs

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 18-2101, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 18-2101 Sections 18-2101 to 18-2144 and sections 8 to 10
6 of this act shall be known and cited as the Community Development
7 Law.

8 Sec. 2. Section 18-2103, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-2103 For purposes of the Community Development Law,
11 unless the context otherwise requires:

12 (1) An authority ~~shall mean~~ means any community
13 redevelopment authority created pursuant to section 18-2102.01 and
14 a city or village which has created a community development agency
15 pursuant to the provisions of section 18-2101.01 and ~~shall not mean~~
16 does not include a limited community redevelopment authority;

17 (2) Limited community redevelopment authority ~~shall mean~~
18 means a community redevelopment authority created pursuant to
19 section 18-2102.01 having only one single specific limited pilot
20 project authorized;

21 (3) City ~~shall mean~~ means any city or incorporated
22 village in the state;

23 (4) Public body ~~shall mean~~ means the state or any

1 municipality, county, township, board, commission, authority,
2 district, or other political subdivision or public body of the
3 state;

4 (5) Governing body or local governing body ~~shall mean~~
5 means the city council, board of trustees, or other legislative
6 body charged with governing the municipality;

7 (6) Mayor ~~shall mean~~ means the mayor of the city or
8 chairperson of the board of trustees of the village;

9 (7) Clerk ~~shall mean~~ means the clerk of the city or
10 village;

11 (8) Federal government ~~shall mean~~ means the United
12 States of America, or any agency or instrumentality, corporate
13 or otherwise, of the United States of America;

14 (9) Area of operation ~~shall mean and include~~ means and
15 includes the area within the corporate limits of the city and such
16 land outside the city as may come within the purview of section
17 18-2123;

18 (10) Substandard areas ~~shall mean~~ means an area in
19 which there is a predominance of buildings or improvements,
20 whether nonresidential or residential in character, which, by
21 reason of dilapidation, deterioration, age or obsolescence,
22 inadequate provision for ventilation, light, air, sanitation, or
23 open spaces, high density of population and overcrowding, or
24 the existence of conditions which endanger life or property by
25 fire and other causes, or any combination of such factors, is
26 conducive to ill health, transmission of disease, infant mortality,
27 juvenile delinquency, and crime, (which cannot be remedied through

1 construction of prisons), and is detrimental to the public health,
2 safety, morals, or welfare;

3 (11) Blighted area ~~shall mean~~ means an area, which
4 (a) by reason of the presence of a substantial number of
5 deteriorated or deteriorating structures, existence of defective
6 or inadequate street layout, faulty lot layout in relation to
7 size, adequacy, accessibility, or usefulness, insanitary or unsafe
8 conditions, deterioration of site or other improvements, diversity
9 of ownership, tax or special assessment delinquency exceeding the
10 fair value of the land, defective or unusual conditions of title,
11 improper subdivision or obsolete platting, or the existence of
12 conditions which endanger life or property by fire and other
13 causes, or any combination of such factors, substantially impairs
14 or arrests the sound growth of the community, retards the provision
15 of housing accommodations, or constitutes an economic or social
16 liability and is detrimental to the public health, safety, morals,
17 or welfare in its present condition and use and (b) in which there
18 is at least one of the following conditions: (i) Unemployment in
19 the designated area is at least one hundred twenty percent of the
20 state or national average; (ii) the average age of the residential
21 or commercial units in the area is at least forty years; (iii)
22 more than half of the plotted and subdivided property in an area
23 is unimproved land that has been within the city for forty years
24 and has remained unimproved during that time; (iv) the per capita
25 income of the area is lower than the average per capita income
26 of the city or village in which the area is designated; or (v)
27 the area has had either stable or decreasing population based

1 on the last two decennial censuses. In no event shall a city
2 of the metropolitan, primary, or first class designate more than
3 thirty-five percent of the city as blighted, a city of the second
4 class shall not designate an area larger than fifty percent of the
5 city as blighted, and a village shall not designate an area larger
6 than one hundred percent of the village as blighted;

7 (12) Redevelopment project ~~shall mean~~ means any work
8 or undertaking in one or more community redevelopment areas: (a)
9 To acquire substandard and blighted areas or portions thereof,
10 including lands, structures, or improvements the acquisition
11 of which is necessary or incidental to the proper clearance,
12 development, or redevelopment of such substandard and blighted
13 areas; (b) to clear any such areas by demolition or removal
14 of existing buildings, structures, streets, utilities, or other
15 improvements thereon and to install, construct, or reconstruct
16 streets, utilities, parks, playgrounds, public spaces, public
17 parking facilities, sidewalks or moving sidewalks, convention and
18 civic centers, bus stop shelters, lighting, benches or other
19 similar furniture, trash receptacles, shelters, skywalks and
20 pedestrian and vehicular overpasses and underpasses, and any
21 other necessary public improvements essential to the preparation
22 of sites for uses in accordance with a redevelopment plan; (c)
23 to sell, lease, or otherwise make available land in such areas
24 for residential, recreational, commercial, industrial, or other
25 uses, including parking or other facilities functionally related
26 or subordinate to such uses, or for public use or to retain such
27 land for public use, in accordance with a redevelopment plan;

1 and may also include the preparation of the redevelopment plan,
2 the planning, survey, and other work incident to a redevelopment
3 project and the preparation of all plans and arrangements for
4 carrying out a redevelopment project; (d) to dispose of all real
5 and personal property or any interest in such property, or assets,
6 cash, or other funds held or used in connection with residential,
7 recreational, commercial, industrial, or other uses, including
8 parking or other facilities functionally related or subordinate to
9 such uses, or any public use specified in a redevelopment plan or
10 project, except that such disposition shall be at its fair value
11 for uses in accordance with the redevelopment plan; (e) to acquire
12 real property in a community redevelopment area which, under the
13 redevelopment plan, is to be repaired or rehabilitated for dwelling
14 use or related facilities, repair or rehabilitate the structures,
15 and resell the property; and (f) to carry out plans for a program
16 of voluntary or compulsory repair and rehabilitation of buildings
17 or other improvements in accordance with the redevelopment plan;

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

1 (14) Redeveloper ~~shall mean~~ means any person,
2 partnership, or public or private corporation or agency which ~~shall~~
3 ~~enter or propose~~ enters or proposes to enter into a redevelopment
4 contract;

5 (15) Redevelopment contract ~~shall mean~~ means a contract
6 entered into between an authority and a redeveloper for the
7 redevelopment of an area in conformity with a redevelopment plan;

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

14 (17) Bonds ~~shall mean~~ means any bonds, including
15 refunding bonds, notes, interim certificates, debentures, or other
16 obligations issued pursuant to the Community Development Law except
17 for bonds issued pursuant to Section 10 of this act;

18 (18) Obligee ~~shall mean~~ means any bondholder, agent, or
19 trustee for any bondholder, or lessor demising to any authority,
20 established pursuant to section 18-2102.01, property used in
21 connection with a redevelopment project, or any assignee or
22 assignees of such lessor's interest or any part thereof, and
23 the federal government when it is a party to any contract with such
24 authority;

25 (19) Person ~~shall mean~~ means any individual, firm,
26 partnership, limited liability company, corporation, company,
27 association, joint-stock association, or body politic and ~~shall~~

1 ~~include~~ includes any trustee, receiver, assignee, or other similar
2 representative thereof;

3 (20) Community redevelopment area ~~shall mean~~ means a
4 substandard and blighted area which the community redevelopment
5 authority designates as appropriate for a renewal project; and

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

10 (22) Enhanced employment area means an area not exceeding
11 six hundred acres (a) within a community redevelopment area which
12 is designated by an authority as eligible for the imposition of an
13 occupation tax or (b) not within a community redevelopment area as
14 may be designated under section 10 of this act;

15 (23) Employee means a person employed at a business as a
16 result of a redevelopment project;

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

22 (25) Equivalent employees means the number of employees
23 computed by (a) dividing the total hours to be paid in a year by
24 (b) the product of forty times the number of weeks in a year;

25 (26) Business means any private business located in an
26 enhanced employment area;

27 (27) New investment means the value of improvements to

1 real estate made in an enhanced employment area by a developer or
2 a business;

3 (28) Number of new employees means the number of
4 equivalent employees that are employed at a business as a result of
5 the redevelopment project during a year that are in excess of the
6 number of equivalent employees during the year immediately prior to
7 the year that a redevelopment plan is adopted; and

8 (29) Occupation tax means a tax imposed under section 8
9 of this act.

10 Sec. 3. Section 18-2107, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 18-2107 An authority shall constitute a public body
13 corporate and politic, exercising public and essential governmental
14 functions and having all the powers necessary or convenient
15 to carry out and effectuate the purposes and provisions of
16 the Community Development Law and sections 18-2147 to 18-2151,
17 including the power:

18 (1) To sue and to be sued; to have a seal and to alter
19 the same at pleasure; to have perpetual succession; to make and
20 execute contracts and other instruments necessary or convenient to
21 the exercise of the powers of the authority; and to make and from
22 time to time amend and repeal bylaws, rules, and regulations not
23 inconsistent with the Community Development Law;

24 (2) To prepare or cause to be prepared and recommend
25 redevelopment plans to the governing body of the city and to
26 undertake and carry out redevelopment projects within its area of
27 operation;

1 (3) To arrange or contract for the furnishing or
2 repair, by any person or agency, public or private, of services,
3 privileges, works, streets, roads, public utilities, or other
4 facilities for or in connection with a redevelopment project; and,
5 notwithstanding anything to the contrary contained in the Community
6 Development Law or any other provision of law, to agree to any
7 conditions that it may deem reasonable and appropriate attached to
8 federal financial assistance and imposed pursuant to federal law
9 relating to the determination of prevailing salaries or wages or
10 compliance with labor standards, in the undertaking or carrying out
11 of a redevelopment project, and to include in any contract let in
12 connection with such a project provisions to fulfill such federally
13 imposed conditions as it may deem reasonable and appropriate;

14 (4) Within its area of operation, to purchase, lease,
15 obtain options upon, or acquire by gift, grant, bequest, devise,
16 eminent domain, or otherwise any real or personal property or any
17 interest therein, together with any improvements thereon, necessary
18 or incidental to a redevelopment project; to hold, improve, clear,
19 or prepare for redevelopment any such property; to sell, lease
20 for a term not exceeding ninety-nine years, exchange, transfer,
21 assign, subdivide, retain for its own use, mortgage, pledge,
22 hypothecate, or otherwise encumber or dispose of any real or
23 personal property or any interest therein; to enter into contracts
24 with redevelopers of property containing covenants, restrictions,
25 and conditions regarding the use of such property for residential,
26 commercial, industrial, or recreational purposes or for public
27 purposes in accordance with the redevelopment plan and such other

1 covenants, restrictions, and conditions as the authority may deem
2 necessary to prevent a recurrence of substandard and blighted
3 areas or to effectuate the purposes of the Community Development
4 Law; to make any of the covenants, restrictions, or conditions
5 of the foregoing contracts covenants running with the land and to
6 provide appropriate remedies for any breach of any such covenants
7 or conditions, including the right in the authority to terminate
8 such contracts and any interest in the property created pursuant
9 thereto; to borrow money, issue bonds, and provide security for
10 loans or bonds; to establish a revolving loan fund; to insure
11 or provide for the insurance of any real or personal property
12 or the operation of the authority against any risks or hazards,
13 including the power to pay premiums on any such insurance; to
14 enter into any contracts necessary to effectuate the purposes of
15 the Community Development Law; and to provide grants, loans, or
16 other means of financing to public or private parties in order to
17 accomplish the rehabilitation or redevelopment in accordance with
18 a redevelopment plan. No statutory provision with respect to the
19 acquisition, clearance, or disposition of property by other public
20 bodies shall restrict an authority exercising powers hereunder, in
21 such functions, unless the Legislature shall specifically so state;

22 (5) To invest any funds held in reserves or sinking funds
23 or any funds not required for immediate disbursement in property
24 or securities in which savings banks or other banks may legally
25 invest funds subject to their control; and to redeem its bonds at
26 the redemption price established therein or to purchase its bonds
27 at less than redemption price, and such bonds redeemed or purchased

1 shall be canceled;

2 (6) To borrow money and to apply for and accept advances,
3 loans, grants, contributions, and any other form of financial
4 assistance from the federal government, from the state, county,
5 municipality, or other public body, or from any sources, public
6 or private, including charitable funds, foundations, corporations,
7 trusts, or bequests, for purposes of the Community Development
8 Law, to give such security as may be required, and to enter
9 into and carry out contracts in connection therewith; and
10 notwithstanding any other provision of law, to include in any
11 contract for financial assistance with the federal government for a
12 redevelopment project such conditions imposed pursuant to federal
13 law as the authority may deem reasonable and appropriate and which
14 are not inconsistent with the purposes of the Community Development
15 Law;

16 (7) Acting through one or more members of an authority or
17 other persons designated by the authority, to conduct examinations
18 and investigations and to hear testimony and take proof under
19 oath at public or private hearings on any matter material for its
20 information; to administer oaths and to issue commissions for the
21 examination of witnesses who are outside of the state or unable to
22 attend before the authority or excused from attendance; and to make
23 available to appropriate agencies or public officials, including
24 those charged with the duty of abating or requiring the correction
25 of nuisances or like conditions, demolishing unsafe or insanitary
26 structures, or eliminating conditions of blight within its area
27 of operation, its findings and recommendations with regard to any

1 building or property where conditions exist which are dangerous to
2 the public health, safety, morals, or welfare;

3 (8) Within its area of operation, to make or have made
4 all surveys, appraisals, studies, and plans, but not including the
5 preparation of a general plan for the community, necessary to the
6 carrying out of the purposes of the Community Development Law and
7 to contract or cooperate with any and all persons or agencies,
8 public or private, in the making and carrying out of such surveys,
9 appraisals, studies, and plans;

10 (9) To prepare plans and provide reasonable assistance
11 for the relocation of families, business concerns, and others
12 displaced from a redevelopment project area to permit the carrying
13 out of the redevelopment project to the extent essential for
14 acquiring possession of and clearing such area or parts thereof;
15 and to make relocation payments to or with respect to such persons
16 for moving expenses and losses of property for which reimbursement
17 or compensation is not otherwise made, including the making of such
18 payments financed by the federal government;

19 (10) To make such expenditures as may be necessary to
20 carry out the purposes of the Community Development Law; and to
21 make expenditures from funds obtained from the federal government
22 without regard to any other laws pertaining to the making and
23 approval of appropriations and expenditures;

24 (11) To certify on or before September 20 of each year to
25 the governing body of the city the amount of tax to be levied for
26 the succeeding fiscal year for community redevelopment purposes,
27 not to exceed two and six-tenths cents on each one hundred dollars

1 upon the taxable value of the taxable property in such city, which
2 levy is subject to allocation under section 77-3443 on and after
3 July 1, 1998. The governing body shall levy and collect the taxes
4 so certified at the same time and in the same manner as other city
5 taxes are levied and collected, and the proceeds of such taxes,
6 when due and as collected, shall be set aside and deposited in the
7 special account or accounts in which other revenue of the authority
8 is deposited. Such proceeds shall be employed to assist in the
9 defraying of any expenses of redevelopment plans and projects,
10 including the payment of principal and interest on any bonds issued
11 to pay the costs of any such plans and projects;

12 (12) To exercise all or any part or combination of powers
13 granted in this section; ~~and~~

14 (13) To plan, undertake, and carry out neighborhood
15 development programs consisting of redevelopment project
16 undertakings and activities in one or more community redevelopment
17 areas which are planned and carried out on the basis of annual
18 increments in accordance with the Community Development Law
19 and sections 18-2145 and 18-2146 for planning and carrying out
20 redevelopment projects; and -

21 (14) To agree with the governing body of the city for the
22 imposition of an occupation tax for an enhanced employment area.

23 Sec. 4. Section 18-2111, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 18-2111 The authority may itself prepare or cause to be
26 prepared a redevelopment plan or any person or agency, public or
27 private, may submit such a plan to an authority. A redevelopment

1 plan shall be sufficiently complete to indicate its relationship to
2 definite local objectives as to appropriate land uses, improved
3 traffic, public transportation, public utilities, recreational
4 and community facilities and other public improvements, and the
5 proposed land uses and building requirements in the redevelopment
6 project area, and shall include without being limited to: (1) The
7 boundaries of the redevelopment project area, with a map showing
8 the existing uses and condition of the real property therein; (2)
9 a land-use plan showing proposed uses of the area; (3) information
10 showing the standards of population densities, land coverage,
11 and building intensities in the area after redevelopment; (4) a
12 statement of the proposed changes, if any, in zoning ordinances or
13 maps, street layouts, street levels or grades, or building codes
14 and ordinances; (5) a site plan of the area; and (6) a statement as
15 to the kind and number of additional public facilities or utilities
16 which will be required to support the new land uses in the area
17 after redevelopment. Any redevelopment plan may include a proposal
18 for the designation of an enhanced employment area.

19 Sec. 5. Section 18-2116, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 18-2116 (1) Following such hearing, the governing body
22 may approve a redevelopment plan if ~~(1)~~ (a) it finds that the
23 plan is feasible and in conformity with the general plan for
24 the development of the city as a whole and the plan is in
25 conformity with the legislative declarations and determinations
26 set forth in the Community Development Law and ~~(2)~~ (b) it finds
27 that, if the plan uses funds authorized in section 18-2147,

1 ~~(a)~~ (i) the redevelopment project in the plan would not be
2 economically feasible without the use of tax-increment financing,
3 ~~(b)~~ (ii) the redevelopment project would not occur in the community
4 redevelopment area without the use of tax-increment financing,
5 and ~~(e)~~ (iii) the costs and benefits of the redevelopment
6 project, including costs and benefits to other affected political
7 subdivisions, the economy of the community, and the demand for
8 public and private services have been analyzed by the governing
9 body and have been found to be in the long-term best interest of
10 the community impacted by the redevelopment project.

11 (2) In connection with the approval of any redevelopment
12 plan which includes the designation of an enhanced employment
13 area, the governing body may approve the redevelopment plan
14 if it determines that any new investment within such enhanced
15 employment area will result in at least (a) two new employees
16 and new investment of one hundred twenty-five thousand dollars in
17 counties with fewer than fifteen thousand inhabitants, (b) five
18 new employees and new investment of two hundred fifty thousand
19 dollars in counties with at least fifteen thousand inhabitants but
20 fewer than twenty-five thousand inhabitants, (c) ten new employees
21 and new investment of five hundred thousand dollars in counties
22 with at least twenty-five thousand inhabitants but fewer than fifty
23 thousand inhabitants, (d) fifteen new employees and new investment
24 of one million dollars in counties with at least fifty thousand
25 inhabitants but fewer than one hundred thousand inhabitants, (e)
26 twenty new employees and new investment of one million five hundred
27 thousand dollars in counties with at least one hundred thousand

1 inhabitants but fewer than two hundred thousand inhabitants, (f)
2 twenty-five new employees and new investment of two million dollars
3 in counties with at least two hundred thousand inhabitants but
4 fewer than four hundred thousand inhabitants, or (g) thirty new
5 employees and new investment of three million dollars in counties
6 with at least four hundred thousand inhabitants. Any business
7 that has one hundred thirty-five thousand square feet or more and
8 annual gross sales of ten million dollars or more shall provide an
9 employer-provided health benefit of at least three thousand dollars
10 annually to all new employees who are working thirty hours a week
11 or more on average and have been employed at least six months.
12 In making such determination, the governing body may rely upon
13 written undertakings provided by any redeveloper in connection with
14 application for approval of the redevelopment plan.

15 Sec. 6. Section 18-2119, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 18-2119 (1) An authority shall, by public notice by
18 publication once each week for two consecutive weeks in a legal
19 newspaper having a general circulation in the city, prior to
20 the consideration of any redevelopment contract proposal relating
21 to real estate owned or to be owned by the authority, invite
22 proposals from, and make available all pertinent information to
23 private redevelopers or any persons interested in undertaking the
24 redevelopment of an area, or any part thereof, which the governing
25 body has declared to be in need of redevelopment. Such notice shall
26 identify the area, and shall state that such further information
27 as is available may be obtained at the office of the authority.

1 The authority shall consider all redevelopment proposals and the
2 financial and legal ability of the prospective redevelopers to
3 carry out their proposals and may negotiate with any redevelopers
4 for proposals for the purchase or lease of any real property
5 in the redevelopment project area. The authority may accept such
6 redevelopment contract proposal as it deems to be in the public
7 interest and in furtherance of the purposes of sections 18-2101
8 to 18-2144, ~~PROVIDED, that~~ if the authority has, not less than
9 thirty days prior thereto, notified the governing body in writing
10 of its intention to accept such redevelopment contract proposal.
11 Thereafter, the authority may execute such redevelopment contract
12 in accordance with the provisions of section 18-2118 and deliver
13 deeds, leases, and other instruments and take all steps necessary
14 to effectuate such redevelopment contract. In its discretion, the
15 authority may, without regard to the foregoing provisions of this
16 section, dispose of real property in a redevelopment project area
17 to private redevelopers for redevelopment under such reasonable
18 competitive bidding procedures as it shall prescribe, subject to
19 the provisions of section 18-2118.

20 (2) In the case of any real estate owned by a
21 redeveloper, the authority may enter into a redevelopment contract
22 providing for such undertakings as the authority shall determine
23 appropriate. Any such redevelopment contract relating to real
24 estate within an enhanced employment area shall include a statement
25 of the redeveloper's consent with respect to the designation of the
26 area as an enhanced employment area, shall be recorded with respect
27 to the real estate owned by the redeveloper, and shall be binding

1 upon all future owners of such real estate.

2 Sec. 7. Section 18-2130, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-2130 In connection with the issuance of bonds or the
5 incurring of obligations under leases and in order to secure the
6 payment of such bonds or obligations, an authority, in addition to
7 its other powers, shall have power: (1) To pledge all or any part
8 of its gross or net rents, fees, or revenue to which its right
9 then exists or may thereafter come into existence; (2) to mortgage
10 all or any part of its real or personal property, then owned or
11 thereafter acquired; (3) to covenant against pledging all or any
12 part of its rents, fees, and revenue, or against mortgaging all or
13 any part of its real or personal property, to which its right or
14 title then exists or may thereafter come into existence, or against
15 permitting or suffering any lien on such revenue or property; to
16 covenant with respect to limitations on its right to sell, lease,
17 or otherwise dispose of any redevelopment project, or any part
18 thereof; and to covenant as to what other or additional debts
19 or obligations may be incurred by it; (4) to covenant as to the
20 bonds to be issued and as to the issuance of such bonds in escrow
21 or otherwise, and as to the use and disposition of the proceeds
22 thereof; to provide for the replacement of lost, destroyed, or
23 mutilated bonds; to covenant against extending the time for the
24 payment of its bonds or interest thereon; and to covenant for the
25 redemption of the bonds and to provide the terms and conditions
26 thereof; (5) to covenant, subject to the limitations contained in
27 sections 18-2101 to 18-2144, as to the amount of revenue to be

1 raised each year or other period of time by rents, fees, and other
2 revenue, and as to the use and disposition to be made thereof; to
3 establish or to authorize the establishment of special funds for
4 money held for operating costs, debt service, reserves, or other
5 purposes, and to covenant as to the use and disposition of the
6 money held in such funds; (6) to prescribe the procedure, if any,
7 by which the terms of any contract with bondholders may be amended
8 or abrogated, the amount of bonds the holders of which must consent
9 thereto and the manner in which such consent may be given; (7)
10 to covenant as to the use, maintenance, and replacement of any or
11 all of its real or personal property, the insurance to be carried
12 thereon, and the use and disposition of insurance money, and to
13 warrant its title to such property; (8) to covenant as to the
14 rights, liabilities, powers, and duties arising upon the breach by
15 it of any covenants, conditions, or obligations; and to covenant
16 and prescribe as to events of default and terms and conditions
17 upon which any or all of its bonds or obligations shall become
18 or may be declared due before maturity, and as to the terms and
19 conditions upon which such declaration and its consequences may be
20 waived; (9) to vest in any obligees of the authority the right
21 to enforce the payment of the bonds or any covenants securing or
22 relating to the bonds; to vest in any obligee or obligees holding a
23 specified amount in bonds the right, in the event of a default by
24 said authority, to take possession of and use, operate, and manage
25 any redevelopment project or any part thereof, title to which is
26 in the authority, or any funds connected therewith, and to collect
27 the rents and revenue arising therefrom and to dispose of such

1 money in accordance with the agreement of the authority with such
2 obligees; to provide for the powers and duties of such obligees
3 and to limit the liabilities thereof; and to provide the terms and
4 conditions upon which such obligees may enforce any covenant or
5 rights securing or relating to the bonds; ~~and~~ (10) to pledge all of
6 the revenue from any occupation tax received or to be received with
7 respect to any enhanced employment area; and (11) to exercise all
8 or any part or combination of the powers herein granted; to make
9 such covenants, other than and in addition to the covenants herein
10 expressly authorized, and to do any and all such acts and things
11 as may be necessary or convenient or desirable in order to secure
12 its bonds, or, in the absolute discretion of the authority, as will
13 tend to make the bonds more marketable notwithstanding that such
14 covenants, acts or things may not be enumerated herein.

15 Sec. 8. A city may levy a general business occupation
16 tax upon the businesses and users of space within an enhanced
17 employment area for the purpose of paying all or any part
18 of the costs and expenses of any redevelopment project within
19 such enhanced employment area. For purposes of the tax imposed
20 under this section, the governing body may make a reasonable
21 classification of businesses, users of space, or kinds of
22 transactions. The collection of a tax imposed pursuant to this
23 section shall be made and enforced in such a manner as the
24 governing body shall by ordinance determine to produce the required
25 revenue. The governing body may provide that failure to pay the
26 tax imposed pursuant to this section shall constitute a violation
27 of the ordinance and subject the violator to a fine or other

1 punishment as provided by ordinance. Any such occupation tax agreed
2 to by the authority and the city shall remain in effect so long as
3 the authority has bonds outstanding which have been issued stating
4 such occupation tax as an available source for payment.

5 Sec. 9. Eminent domain shall not be used to acquire
6 property that will be transferred to a private party in the
7 enhanced employment area.

8 Sec. 10. (1) For purposes of this section:

9 (a) Authorized work means the performance of any one or
10 more of the following purposes within an enhanced employment area
11 designated pursuant to this section:

12 (i) The acquisition, construction, maintenance, and
13 operation of public offstreet parking facilities for the benefit
14 of the enhanced employment area;

15 (ii) Improvement of any public place or facility in
16 the enhanced employment area, including landscaping, physical
17 improvements for decoration or security purposes, and plantings;

18 (iii) Construction or installation of pedestrian shopping
19 malls or plazas, sidewalks or moving sidewalks, parks, meeting
20 and display facilities, bus stop shelters, lighting, benches or
21 other seating furniture, sculptures, trash receptacles, shelters,
22 fountains, skywalks, and pedestrian and vehicular overpasses and
23 underpasses, and any useful or necessary public improvements;

24 (iv) Leasing, acquiring, constructing, reconstructing,
25 extending, maintaining, or repairing parking lots or parking
26 garages, both above and below ground, or other facilities for
27 the parking of vehicles, including the power to install such

1 facilities in public areas, whether such areas are owned in fee or
2 by easement, in the enhanced employment area;

3 (v) Creation and implementation of a plan for improving
4 the general architectural design of public areas in the enhanced
5 employment area;

6 (vi) The development of any public activities and
7 promotion of public events, including the management, promotion,
8 and advocacy of retail trade activities or other promotional
9 activities, in the enhanced employment area;

10 (vii) Maintenance, repair, and reconstruction of any
11 improvements or facilities authorized by the Community Development
12 Law;

13 (viii) Any other project or undertaking for the
14 betterment of the public facilities in the enhanced employment
15 area, whether the project is capital or noncapital in nature;

16 (ix) Enforcement of parking regulations and the provision
17 of security within the enhanced employment area; or

18 (x) Employing or contracting for personnel, including
19 administrators for any improvement program under the act, and
20 providing for any service as may be necessary or proper to carry
21 out the purposes of the Community Development Law;

22 (b) Employee means a person employed at a business
23 located within an enhanced employment area; and

24 (c) Number of new employees means the number of
25 equivalent employees that are employed at a business located within
26 an enhanced employment area designated pursuant to this section
27 during a year that are in excess of the number of equivalent

1 employees during the year immediately prior to the year the
2 enhanced employment area was designated pursuant to this section.

3 (2) If an area is not blighted or substandard, a city
4 may designate an area as an enhanced employment area if the
5 governing body determines that new investment within such enhanced
6 employment area will result in at least (a) two new employees
7 and new investment of one hundred twenty-five thousand dollars in
8 counties with fewer than fifteen thousand inhabitants, (b) five
9 new employees and new investment of two hundred fifty thousand
10 dollars in counties with at least fifteen thousand inhabitants but
11 fewer than twenty-five thousand inhabitants, (c) ten new employees
12 and new investment of five hundred thousand dollars in counties
13 with at least twenty-five thousand inhabitants but fewer than fifty
14 thousand inhabitants, (d) fifteen new employees and new investment
15 of one million dollars in counties with at least fifty thousand
16 inhabitants but fewer than one hundred thousand inhabitants, (e)
17 twenty new employees and new investment of one million five hundred
18 thousand dollars in counties with at least one hundred thousand
19 inhabitants but fewer than two hundred thousand inhabitants, (f)
20 twenty-five new employees and new investment of two million dollars
21 in counties with at least two hundred thousand inhabitants but
22 fewer than four hundred thousand inhabitants, or (g) thirty new
23 employees and new investment of three million dollars in counties
24 with at least four hundred thousand inhabitants. Any business
25 that has one hundred thirty-five thousand square feet or more and
26 annual gross sales of ten million dollars or more shall provide an
27 employer-provided health benefit of at least three thousand dollars

1 annually to all new employees who are working thirty hours a week
2 or more on average and have been employed at least six months. In
3 making such determination, the governing body may rely upon written
4 undertakings provided by any owner of property within such area.

5 (3) Upon designation of an enhanced employment area
6 under this section, a city may levy a general business occupation
7 tax upon the businesses and users of space within such enhanced
8 employment area for the purpose of paying all or any part of
9 the costs and expenses of authorized work within such enhanced
10 employment area. For purposes of the tax imposed under this
11 section, the governing body may make a reasonable classification
12 of businesses, users of space, or kinds of transactions. The
13 collection of a tax imposed pursuant to this section shall be
14 made and enforced in such a manner as the governing body shall by
15 ordinance determine to produce the required revenue. The governing
16 body may provide that failure to pay the tax imposed pursuant to
17 this section shall constitute a violation of the ordinance and
18 subject the violator to a fine or other punishment as provided by
19 ordinance. Any occupation tax levied by the city under this section
20 shall remain in effect so long as the city has bonds outstanding
21 which have been issued under the authority of this section and are
22 secured by such occupation tax or that state such occupation tax
23 as an available source for payment. The total amount of occupation
24 taxes levied shall not exceed the total costs and expenses of
25 the authorized work including the total debt service requirements
26 of any bonds the proceeds of which are expended for or allocated
27 to such authorized work. The assessments or taxes levied must be

1 specified by ordinance and the proceeds shall not be used for any
2 purpose other than the making of such improvements and for the
3 repayment of bonds issued in whole or in part for the financing
4 of such improvements. The authority to levy the general business
5 occupation tax contained in this section and the authority to issue
6 bonds secured by or payable from such occupation tax shall be
7 independent of and separate from any occupation tax referenced in
8 section 18-2103.

9 (4) A city may issue revenue bonds for the purpose of
10 defraying the cost of authorized work and to secure the payment
11 of such bonds with the occupation tax revenue described in this
12 section. Such revenue bonds may be issued in one or more series
13 or issues where deemed advisable, and each such series or issue
14 may contain different maturity dates, interest rates, priorities
15 on revenue available for payment of such bonds and priorities on
16 securities available for guaranteeing payment thereof, and such
17 other differing terms and conditions as are deemed necessary. The
18 following shall apply to any such bonds:

19 (a) Such bonds shall be limited obligations of the city.
20 Bonds and interest on such bonds, issued under the authority of
21 this section, shall not constitute nor give rise to a pecuniary
22 liability of the city or a charge against its general credit or
23 taxing powers. Such limitation shall be plainly stated upon the
24 face of each of such bonds.

25 (b) Such bonds may (i) be executed and delivered at any
26 time and from time to time, (ii) be in such form and denominations,
27 (iii) be of such tenor, (iv) be payable in such installments and

1 at such time or times not exceeding twenty years from their date,
2 (v) be payable at such place or places, (vi) bear interest at such
3 rate or rates, payable at such place or places, and evidenced in
4 such manner, (vii) be redeemable prior to maturity, with or without
5 premium, and (viii) contain such provisions as shall be deemed in
6 the best interest of the city and provided for in the proceedings
7 of the governing body under which the bonds shall be authorized to
8 be issued.

9 (c) The authorization, terms, issuance, execution, or
10 delivery of such bonds shall not be subject to sections 10-101 to
11 10-126.

12 (d) Such bonds may be sold at public or private sale
13 in such manner and at such time or times as may be determined
14 by the governing body to be most advantageous. The city may
15 pay all expenses, premiums, and commissions which the governing
16 body may deem necessary or advantageous in connection with the
17 authorization, sale, and issuance thereof from the proceeds or
18 the sale of the bonds or from the revenue of the occupation tax
19 described in this section.

20 Sec. 11. If any section in this act or any part of any
21 section is declared invalid or unconstitutional, the declaration
22 shall not affect the validity or constitutionality of the remaining
23 portions.

24 Sec. 12. Original sections 18-2101, 18-2103, 18-2107,
25 18-2111, 18-2116, 18-2119, and 18-2130, Reissue Revised Statutes of
26 Nebraska, are repealed.