

E AND R AMENDMENTS TO LB 388

Introduced by Larson, 40, Chairperson Enrollment and Review

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

3 Section 1. Sections 1 to 8 of this act shall be known and
4 may be cited as the Site and Building Development Act.

5 Sec. 2. The Legislature finds that current economic
6 conditions, lack of available industrial sites and buildings, and
7 declining resources at all levels of government adversely affect
8 the ability of Nebraska's cities and villages to obtain viable
9 industrial sites on which to build businesses, obtain buildings,
10 and create jobs. Lack of industrial sites and buildings also
11 affects the ability of communities to maintain and develop stable
12 and growth-prone economies.

13 Furthermore, the Legislature finds that Nebraska is at
14 a competitive disadvantage for business development relative to
15 other states in the nation due to a lack of appropriately sized
16 industrial sites and buildings available for business relocations
17 to Nebraska and expansions. The future of investment and jobs
18 in Nebraska will suffer should the state continue to ignore this
19 challenge.

20 To enhance the economic development of the state and to
21 provide for the general prosperity of all of Nebraska's citizens,
22 it is in the public interest to assist in the provision of
23 industrial-ready sites and buildings in all areas of the state.

1 The establishment of the Site and Building Development Fund will
2 assist in creating conditions favorable to meeting the industrial
3 readiness of the state.

4 Sec. 3. The Site and Building Development Fund is
5 created. The fund shall receive money pursuant to section 76-903
6 and may include revenue from appropriations from the Legislature,
7 grants, private contributions, repayment of loans, and all other
8 sources. The Department of Economic Development, as part of its
9 comprehensive business development strategy, shall administer the
10 fund.

11 The State Treasurer shall transfer one million dollars
12 from the Affordable Housing Trust Fund to the Site and Building
13 Development Fund on or after January 1, 2012, but no later than
14 January 10, 2012.

15 The State Treasurer shall transfer one million dollars
16 from the Affordable Housing Trust Fund to the Site and Building
17 Development Fund on or after January 1, 2013, but no later than
18 January 10, 2013.

19 Sec. 4. The Department of Economic Development shall use
20 the Site and Building Development Fund to finance loans, grants,
21 subsidies, credit enhancements, and other financial assistance for
22 industrial site and building development and for expenses of the
23 department as appropriated by the Legislature for administering the
24 fund. The following activities are eligible for assistance from the
25 fund:

26 (1) Grants or zero-interest loans to villages, cities, or
27 counties to acquire land, infuse infrastructure, or otherwise make

1 large sites and buildings ready for industrial development;

2 (2) Matching funds for new construction, rehabilitation,
3 or acquisition of land and buildings to assist villages, cities,
4 and counties;

5 (3) Technical assistance, design and finance services,
6 and consultation for villages, cities, and counties for the
7 creation of industrial-ready sites and buildings;

8 (4) Loan guarantees for eligible projects;

9 (5) Projects making industrial-ready sites and buildings
10 more accessible to business and industry; and

11 (6) Infrastructure projects necessary for the development
12 of industrial-ready sites and buildings.

13 Sec. 5. Governmental subdivisions and Nebraska nonprofit
14 organizations are eligible to receive assistance under the Site
15 and Building Development Act. Any entity receiving assistance under
16 the act shall provide, or cause to be provided, matching funds for
17 the eligible activity in an amount determined by the Department
18 of Economic Development, which amount shall be at least equal to
19 one hundred percent of the amount of assistance provided by the
20 Site and Building Development Fund. Nothing in the act shall be
21 construed to allow individuals or businesses to receive direct
22 loans from the fund.

23 Sec. 6. (1) During each calendar year in which funds
24 are available from the Site and Building Development Fund for
25 use by the Department of Economic Development, the department
26 shall allocate a specific amount of funds, not less than forty
27 percent, to nonmetropolitan areas. For purposes of this section,

1 nonmetropolitan areas means counties with fewer than one hundred
2 thousand inhabitants according to the most recent federal decennial
3 census. In selecting projects to receive fund assistance, the
4 department shall develop a qualified action plan by January 1
5 of each even-numbered year. The plan shall give first priority
6 to financially viable projects that have an agreement with a
7 business that will locate a site within ninety days of the signed
8 agreement. The plan shall set forth selection criteria to be
9 used to determine priorities of the fund which are appropriate
10 to local conditions, including the community's immediate need for
11 site and building development, proposed increases in jobs and
12 investment, private dollars leveraged, level of local government
13 support and participation, and repayment, in part or in whole,
14 of financial assistance awarded by the fund. The Director of
15 Economic Development, in consultation with the Economic Development
16 Commission, shall submit the plan to the Governor for approval.

17 (2) The department shall fund in order of priority as
18 many applications as will utilize available funds less actual
19 administrative costs of the department in administering the
20 program. In administering the program the department may contract
21 for services or directly provide funds to other governmental
22 entities or instrumentalities.

23 Sec. 7. The Department of Economic Development, in
24 consultation with the Economic Development Commission, shall adopt
25 and promulgate rules and regulations to carry out the Site and
26 Building Development Act.

27 Sec. 8. The Department of Economic Development shall

1 submit an annual report regarding the Site and Building Development
2 Act to the Legislature no later than July 1 of each year beginning
3 July 1, 2012. The report shall contain no information that is
4 protected by state or federal confidentiality laws.

5 Sec. 9. Section 58-702, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 58-702 The Legislature finds that current economic
8 conditions, lack of available affordable housing, federal housing
9 policies that have placed an increasing burden on the state, and
10 declining resources at all levels of government adversely affect
11 the ability of Nebraska's citizens to obtain safe, decent, and
12 affordable housing. Lack of affordable housing also affects the
13 ability of communities to maintain and develop viable and stable
14 economies.

15 Furthermore, the Legislature finds that impediments exist
16 to the construction and rehabilitation of affordable housing.
17 Local codes and state statutes have an important effect on
18 housing's affordability by placing increased costs on developers.
19 Financing affordable housing, especially in rural areas and smaller
20 communities, is becoming increasingly difficult. In addition,
21 existing dilapidated housing stock and industrial buildings are
22 detrimental to new affordable housing development and the general
23 health and safety of people living and working in or around such
24 places. An affordable housing trust fund would assist all Nebraska
25 communities in financing affordable housing projects and other
26 projects which make the community safer for residents.

27 To enhance the economic development of the state and to

1 provide for the general prosperity of all of Nebraska's citizens,
2 it is in the public interest to assist in the provision of safe,
3 decent, and affordable housing in all areas of the state. The
4 establishment of the Nebraska Affordable Housing Act will assist
5 in creating conditions favorable to meeting the affordable housing
6 needs of the state.

7 Sec. 10. Section 58-703, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 58-703 The Affordable Housing Trust Fund is created. The
10 fund shall receive money pursuant to sections 8-1120 and 76-903
11 and may include revenue from sources recommended by the housing
12 advisory committee established in section 58-704, appropriations
13 from the Legislature, grants, private contributions, repayment of
14 loans, and all other sources, except that before appropriations
15 from the General Fund may be used as a revenue source for the
16 Affordable Housing Trust Fund or for administrative costs of the
17 Department of Economic Development in administering the fund, such
18 use must be specifically authorized by a separate legislative bill
19 passed in a legislative session subsequent to the Ninety-fourth
20 Legislature, Second Session, 1996. Any initial appropriation from
21 the General Fund which is used as a revenue source for the
22 Affordable Housing Trust Fund or for administrative costs shall be
23 in an appropriations bill which does not contain appropriations for
24 other programs. The department as part of its comprehensive housing
25 affordability strategy shall administer the Affordable Housing
26 Trust Fund.

27 Transfers may be made from the Affordable Housing Trust

1 Fund to the General Fund, and the Behavioral Health Services Fund,
2 and the Site and Building Development Fund at the direction of
3 the Legislature. ~~The State Treasurer shall make transfers from the~~
4 ~~Affordable Housing Trust Fund to the General Fund according to the~~
5 ~~following schedule: (1) \$1,500,000 on or after July 1, 2005, but no~~
6 ~~later than July 10, 2005, and (2) \$1,500,000 on or after July 1,~~
7 ~~2006, but no later than July 10, 2006. The State Treasurer shall~~
8 ~~transfer \$2,000,000 from the Affordable Housing Trust Fund to the~~
9 ~~Behavioral Health Services Fund on or after July 1, 2005, but not~~
10 ~~later than July 10, 2005.~~

11 Sec. 11. Section 58-706, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 58-706 The following activities are eligible for
14 assistance from the Affordable Housing Trust Fund:

15 (1) New construction, rehabilitation, or acquisition of
16 housing to assist low-income and very low-income families;

17 (2) Matching funds for new construction, rehabilitation,
18 or acquisition of housing units to assist low-income and very
19 low-income families;

20 (3) Technical assistance, design and finance
21 services, and consultation for eligible nonprofit community
22 or neighborhood-based organizations involved in the creation of
23 affordable housing;

24 (4) Matching funds for operating costs for housing
25 assistance groups or organizations when such grant or loan
26 will substantially increase the recipient's ability to produce
27 affordable housing;

1 (5) Mortgage insurance guarantees for eligible projects;

2 (6) Acquisition of housing units for the purpose of
3 preservation of housing to assist low-income or very low-income
4 families;

5 (7) Projects making affordable housing more accessible to
6 families with elderly members or members who have disabilities;

7 (8) Projects providing housing in areas determined by the
8 Department of Economic Development to be of critical importance for
9 the continued economic development and economic well-being of the
10 community and where, as determined by the department, a shortage of
11 affordable housing exists;

12 (9) Infrastructure projects necessary for the development
13 of affordable housing;

14 (10) Downpayment and closing cost assistance; and

15 (11) Demolition of existing vacant, condemned, or
16 obsolete housing or industrial buildings or infrastructure; and

17 ~~(11)~~ (12) Housing education programs developed in
18 conjunction with affordable housing projects. The education
19 programs must be directed toward:

20 (a) Preparing potential home buyers to purchase
21 affordable housing and postpurchase education;

22 (b) Target audiences eligible to utilize the services of
23 housing assistance groups or organizations; and

24 (c) Developers interested in the rehabilitation,
25 acquisition, or construction of affordable housing.

26 Sec. 12. Section 76-903, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 76-903 The Tax Commissioner shall design such stamps in
2 such denominations as in his or her judgment will be the most
3 advantageous to all persons concerned. When any deed subject to
4 the tax imposed by section 76-901 is offered for recordation, the
5 register of deeds shall ascertain and compute the amount of the
6 tax due thereon and shall collect such amount as a prerequisite
7 to acceptance of the deed for recordation. If a dispute arises
8 concerning the taxability of the transfer, the register of deeds
9 shall not record the deed until the disputed tax is paid. If
10 a disputed tax has been paid, the taxpayer may file for a
11 refund pursuant to section 76-908. The taxpayer may also seek a
12 declaratory ruling pursuant to rules and regulations adopted and
13 promulgated by the Department of Revenue. From each two dollars
14 and twenty-five cents of tax collected pursuant to section 76-901,
15 the register of deeds shall retain fifty cents to be placed in
16 the county general fund and shall remit the balance to the State
17 Treasurer who shall credit ~~one dollar and twenty~~ ninety-five cents
18 of such amount to the Affordable Housing Trust Fund, twenty-five
19 cents of such amount to the Site and Building Development Fund,
20 twenty-five cents of such amount to the Homeless Shelter Assistance
21 Trust Fund, and thirty cents of such amount to the Behavioral
22 Health Services Fund.

23 Sec. 13. This act becomes operative on October 1, 2011.

24 Sec. 14. Original sections 58-702, 58-703, 58-706, and
25 76-903, Reissue Revised Statutes of Nebraska, are repealed.