

AMENDMENTS TO LB 97

Introduced by Mello

- 1 1. In the Standing Committee amendments, AM572:
- 2 a. On page 1, strike beginning with "(1)" in line 3
- 3 through line 23 and insert the following new subsections:
- 4 "(1) If a land bank is created by a single municipality,
- 5 the board of such land bank shall meet the following requirements:
- 6 (a) The board shall consist of:
- 7 (i) Seven voting members appointed by the mayor of
- 8 the municipality that created the land bank and confirmed by a
- 9 two-thirds vote of the governing body of such municipality;
- 10 (ii) The planning director of the municipality that
- 11 created the land bank or his or her designee, as a nonvoting, ex
- 12 officio member; and
- 13 (iii) Such other nonvoting members as are appointed by
- 14 the mayor of the municipality that created the land bank;
- 15 (b) The seven voting members of the board shall be
- 16 residents of the municipality that created the land bank;
- 17 (c) If the governing body of the municipality creating
- 18 the land bank has any of its members elected by district or
- 19 ward, then at least one voting member of the board shall be
- 20 appointed from each such district or ward. Such voting members
- 21 shall represent, to the greatest extent possible, the racial and
- 22 ethnic diversity of the municipality creating the land bank;
- 23 (d) The seven voting members of the board shall have,

1 collectively, verifiable skills, expertise, and knowledge in
2 market-rate and affordable residential, commercial, industrial, and
3 mixed-use real estate development, financing, law, purchasing and
4 sales, asset management, economic and community development, and
5 the acquisition of tax sale certificates; and

6 (e) The seven voting members of the board shall include:

7 (i) At least one member representing realtors;

8 (ii) At least one member representing the banking
9 industry;

10 (iii) At least one member representing real estate
11 developers;

12 (iv) At least one member representing a chamber of
13 commerce;

14 (v) At least one member representing a nonprofit
15 corporation involved in affordable housing; and

16 (vi) At least one member representing owners of multiple
17 residential or commercial properties.

18 (2) If a land bank is created by more than one
19 municipality pursuant to an agreement under the Interlocal
20 Cooperation Act, the board of such land bank shall meet the
21 following requirements:

22 (a) The board shall consist of:

23 (i) An odd number of voting members, totaling at least
24 seven, appointed by the mayors of the municipalities that created
25 the land bank, as mutually agreed to by such mayors, and confirmed
26 by a two-thirds vote of the governing body of each municipality
27 that created the land bank;

1 (ii) The planning director of each municipality that
2 created the land bank or his or her designee, as nonvoting, ex
3 officio members; and

4 (iii) Such other nonvoting members as are appointed by
5 the mayors of the municipalities that created the land bank, as
6 mutually agreed to by such mayors;

7 (b) Each voting member of the board shall be a resident
8 of one of the municipalities that created the land bank, with at
9 least one voting member appointed from each such municipality;

10 (c) If the governing body of the largest municipality
11 creating the land bank has any of its members elected by district
12 or ward, then at least one voting member of the board shall be
13 appointed from each such district or ward. Such voting members
14 shall represent, to the greatest extent possible, the racial and
15 ethnic diversity of the largest municipality creating the land
16 bank;

17 (d) The voting members of the board shall have,
18 collectively, verifiable skills, expertise, and knowledge in
19 market-rate and affordable residential, commercial, industrial, and
20 mixed-use real estate development, financing, law, purchasing and
21 sales, asset management, economic and community development, and
22 the acquisition of tax sale certificates; and

23 (e) The voting members of the board shall include:

24 (i) At least one member representing realtors;

25 (ii) At least one member representing the banking
26 industry;

27 (iii) At least one member representing real estate

1 developers;

2 (iv) At least one member representing a chamber of
3 commerce;

4 (v) At least one member representing a nonprofit
5 corporation involved in affordable housing; and

6 (vi) At least one member representing owners of multiple
7 residential or commercial properties."; and

8 b. On page 2, strike lines 1 through 16 and all
9 amendments thereto.

10 2. Insert the following new sections:

11 Sec. 26. Section 77-2704.15, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 77-2704.15 (1)(a) Sales and use taxes shall not be
14 imposed on the gross receipts from the sale, lease, or rental
15 of and the storage, use, or other consumption in this state of
16 purchases by the state, including public educational institutions
17 recognized or established under the provisions of Chapter 85,
18 or by any county, township, city, village, rural or suburban
19 fire protection district, city airport authority, county airport
20 authority, joint airport authority, drainage district organized
21 under sections 31-401 to 31-450, land bank created under the
22 Nebraska Municipal Land Bank Act, natural resources district,
23 elected county fair board, housing agency as defined in section
24 71-1575 except for purchases for any commercial operation that
25 does not exclusively benefit the residents of an affordable housing
26 project, cemetery created under section 12-101, or joint entity
27 or agency formed by any combination of two or more counties,

1 townships, cities, villages, or other exempt governmental units
2 pursuant to the Interlocal Cooperation Act, the Integrated Solid
3 Waste Management Act, or the Joint Public Agency Act, except
4 for purchases for use in the business of furnishing gas, water,
5 electricity, or heat, or by any irrigation or reclamation district,
6 the irrigation division of any public power and irrigation
7 district, or public schools or learning communities established
8 under Chapter 79.

9 (b) For purposes of this subsection, purchases by the
10 state or by a governmental unit listed in subdivision (a) of
11 this subsection include purchases by a nonprofit corporation under
12 a lease-purchase agreement, financing lease, or other instrument
13 which provides for transfer of title to the property to the state
14 or governmental unit upon payment of all amounts due thereunder.
15 If a nonprofit corporation will be making purchases under a
16 lease-purchase agreement, financing lease, or other instrument
17 as part of a project with a total estimated cost that exceeds
18 the threshold amount, then such purchases shall qualify for an
19 exemption under this section only if the question of proceeding
20 with such project has been submitted at a primary, general, or
21 special election held within the governmental unit that will be a
22 party to the lease-purchase agreement, financing lease, or other
23 instrument and has been approved by the voters of such governmental
24 unit. For purposes of this subdivision, (i) project means the
25 acquisition of real property or the construction of a public
26 building and (ii) threshold amount means the greater of fifty
27 thousand dollars or six-tenths of one percent of the total actual

1 value of real and personal property of the governmental unit that
2 will be a party to the lease-purchase agreement, financing lease,
3 or other instrument as of the end of the governmental unit's prior
4 fiscal year.

5 (2) The appointment of purchasing agents shall be
6 recognized for the purpose of altering the status of the
7 construction contractor as the ultimate consumer of building
8 materials which are physically annexed to the structure and which
9 subsequently belong to the state or the governmental unit. The
10 appointment of purchasing agents shall be in writing and occur
11 prior to having any building materials annexed to real estate in
12 the construction, improvement, or repair. The contractor who has
13 been appointed as a purchasing agent may apply for a refund of or
14 use as a credit against a future use tax liability the tax paid
15 on inventory items annexed to real estate in the construction,
16 improvement, or repair of a project for the state or a governmental
17 unit.

18 (3) Any governmental unit listed in subsection (1) of
19 this section, except the state, which enters into a contract
20 of construction, improvement, or repair upon property annexed to
21 real estate without first issuing a purchasing agent authorization
22 to a contractor or repairperson prior to the building materials
23 being annexed to real estate in the project may apply to the Tax
24 Commissioner for a refund of any sales and use tax paid by the
25 contractor or repairperson on the building materials physically
26 annexed to real estate in the construction, improvement, or repair.

27 Sec. 30. This act becomes operative on October 1, 2013.

1 3. On page 11, after line 9 insert the following new
2 subsection:

3 "(6) A land bank shall not hold legal title at any one
4 time to more than seven percent of the total number of parcels of
5 real property located in the municipality or municipalities that
6 created the land bank."

7 4. On page 13, line 21, after the period insert "Such
8 allocation of property tax revenue shall not occur if such taxes
9 have been previously divided under section 18-2147 as part of a
10 redevelopment project under the Community Development Law, unless
11 the authority, as defined in section 18-2103, enters into an
12 agreement with the land bank for the remittance of such funds to
13 the land bank."

14 5. Renumber the remaining sections, correct internal
15 references, and correct the repealer accordingly.