

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 846

Introduced by Briese, 41.

Read first time January 05, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Community Development Law; to amend
- 2 sections 18-2116 and 18-2142.01, Reissue Revised Statutes of
- 3 Nebraska; to require support and documentation for certain findings;
- 4 to change provisions relating to the validity and enforceability of
- 5 certain agreements; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2116, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-2116 (1) Following such hearing, the governing body may approve a
4 redevelopment plan if (a) it finds that the plan is feasible and in
5 conformity with the general plan for the development of the city as a
6 whole and the plan is in conformity with the legislative declarations and
7 determinations set forth in the Community Development Law and (b) it
8 finds that, if the plan uses funds authorized in section 18-2147, (i) the
9 redevelopment project in the plan would not be economically feasible
10 without the use of tax-increment financing, (ii) the redevelopment
11 project would not occur in the community redevelopment area without the
12 use of tax-increment financing, and (iii) the costs and benefits of the
13 redevelopment project, including costs and benefits to other affected
14 political subdivisions, the economy of the community, and the demand for
15 public and private services have been analyzed by the governing body and
16 have been found to be in the long-term best interest of the community
17 impacted by the redevelopment project.

18 (2) The findings described in subdivisions (1)(b)(i) and (ii) of
19 this section must be:

20 (a) Supported by clear and convincing evidence as determined by the
21 governing body;

22 (b) Documented in writing. The governing body's reasons for making
23 such findings must also be documented in writing and must include an
24 analysis of the redevelopment project's return on investment both with
25 and without the use of tax-increment financing; and

26 (c) Supported by at least two affidavits from experts in the field
27 of public finance. Such affidavits must include the reasoning used to
28 support such findings.

29 (3) {2} In connection with the approval of any redevelopment plan
30 which includes the designation of an enhanced employment area, the
31 governing body may approve the redevelopment plan if it determines that

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

27 Sec. 2. Section 18-2142.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-2142.01 (1) In any suit, action, or proceeding involving the
30 validity or enforceability of any bond of a city, village, or authority
31 or the security therefor brought after the lapse of thirty days after the

1 issuance of such bonds has been authorized, any such bond reciting in
2 substance that it has been authorized by the city, village, or authority
3 to aid in financing a redevelopment project shall be conclusively deemed
4 to have been authorized for such purpose and such redevelopment project
5 shall be conclusively deemed to have been planned, located, and carried
6 out in accordance with the purposes and provisions of the Community
7 Development Law and sections 18-2145 to 18-2154.

8 (2) In any suit, action, or proceeding involving the validity or
9 enforceability of any agreement of a city, village, or authority brought
10 after the lapse of thirty days after the agreement has been formally
11 entered into, any such agreement reciting in substance that it has been
12 entered into by the city, village, or authority to provide financing for
13 an approved redevelopment project shall be conclusively deemed to have
14 been entered into for such purpose and such project shall be conclusively
15 deemed to have been planned, located, and carried out in accordance with
16 the purposes and provisions of the Community Development Law and sections
17 18-2145 to 18-2154.

18 (3) In any suit, action, or proceeding involving the validity or
19 enforceability of an agreement for a redevelopment project that includes
20 the use of tax-increment financing as authorized in section 18-2147 which
21 is brought within thirty days after the agreement has been formally
22 entered into, the agreement shall be valid and enforceable only if the
23 city, village, or authority proves, by clear and convincing evidence,
24 that (a) the redevelopment project is not economically feasible without
25 the use of tax-increment financing and (b) the redevelopment project
26 would not occur in the community redevelopment area without the use of
27 tax-increment financing.

28 Sec. 3. Original sections 18-2116 and 18-2142.01, Reissue Revised
29 Statutes of Nebraska, are repealed.