

LEGISLATIVE BILL 344

Approved by the Governor May 27, 1997

Introduced by Withem, 14; Brashear, 4; Brown, 6; Warner, 25

AN ACT relating to economic development; to amend section 77-4935, Reissue Revised Statutes of Nebraska, and sections 58-504 and 58-533, Revised Statutes Supplement, 1996; to change provisions relating to designated blighted and substandard areas; to eliminate termination date provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 58-504, Revised Statutes Supplement, 1996, is amended to read:

58-504. (1) Any city or joint entity may apply to the state to designate an area as a designated blighted and substandard area under the Nebraska Redevelopment Act. Such area may extend up to ten miles outside of the area of operation of an applying city of the metropolitan or primary class or joint entity, up to six miles outside of the area of operation of an applying city of the first class or joint entity, and up to three miles outside of the area of operation of an applying city of the second class or village or joint entity.

(2) To apply for such designation, such city or joint entity shall file an area application with the board. The area application shall contain:

(a) The proposed area to be designated as the designated blighted and substandard area;

(b) A description of the characteristics of such area that cause it to be a blighted and substandard area under the act;

(c) A statement that such city or joint entity intends that such area be designated by the board as a designated blighted and substandard area in order to allow for potential redevelopment projects under the act; and

~~(d) The application to the state must have a description of the specific project for which a designation has been requested. No other project can be initiated, if such designation is approved, without again making application to the board; and~~

(e) Such other information as the board determines is necessary to decide whether the area is a blighted and substandard area under the act.

(3) The city or joint entity filing such area application shall at the same time of filing such application also provide notice of such filing and a copy of such area application to any governing body of the other public bodies whose area of operation is covered in whole or in part by the proposed designated blighted and substandard area and to any school district which has territory within twenty miles of the border of the proposed designated blighted and substandard area.

(4) Upon receipt of an area application, the board shall schedule a public hearing to be held within fifteen days after such receipt to receive public input. The board shall publish notice of the public hearing for five business days in advance of the hearing in some legal newspaper of general circulation near the proposed designated area. The notice shall list the name of the city or joint entity that filed the application and the legal or other sufficient description of the area and shall state that the area is proposed to be designated as a blighted and substandard area under the Nebraska Redevelopment Act.

(5) The board shall determine by majority vote no sooner than fifteen days but no later than sixty days after the date of filing of the area application whether to approve or disapprove the area application's request for designation of such area. Within ten days after receipt of such area application, any other governing body of any public body whose area of operation is included in whole or in part in the proposed designated blighted and substandard area and any school district which has territory within twenty miles of the border of the proposed designated blighted and substandard area may file a written objection with the board which the board shall consider in its decision as to whether or not it approves the application.

(6) The address of the board shall be the address of the Department of Revenue.

(7) The board may approve the area application if the proposed designated blighted and substandard area fits within the definition of such an area under the act and if such area application is in the public interest. Such designation shall not affect whether such area is considered blighted or

substandard under any law other than the act. Such designation shall if approved remain in effect for project applications filed within ~~eighteen~~ twelve months after the date of designation ~~provided that if~~ at the time of any project application being submitted, the project area continues to fit within the definition of blighted and substandard relied on in making the original designation.

(8) ~~The board may modify or return the area application or approve a smaller blighted and substandard area that is contained within the area proposed in the area application without additional notice or publication if in the public interest and if such smaller area is within the definition of a blighted and substandard area under the act.~~

(9) If the board approves such area application, then, for purposes of Article VIII, section 12, of the Constitution of Nebraska, as applied in the act, the designated blighted and substandard area is considered as determined by law to be a designated blighted and substandard area and the property within such area is considered to be determined by law to be substandard and blighted property.

(9) (10) The area application and all supporting information shall be considered public information.

Sec. 2. Section 58-533, Revised Statutes Supplement, 1996, is amended to read:

58-533. The Nebraska Redevelopment Act terminates on February 1, 1997, if no applications have been approved prior to such date. There shall be no area applications or project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all area applications, all project applications, and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.

Sec. 3. Section 77-4935, Reissue Revised Statutes of Nebraska, is amended to read:

77-4935. The Quality Jobs Act terminates on February 1, 1997, if no applications have been approved prior to such date.

There shall be no project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all project applications and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.

Sec. 4. This act becomes operative on December 15, 1996.

Sec. 5. Original section 77-4935, Reissue Revised Statutes of Nebraska, and sections 58-504 and 58-533, Revised Statutes Supplement, 1996, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.