

## LEGISLATIVE BILL 284

Approved by the Governor April 10, 1991

Introduced by Landis, 46

AN ACT relating to community development; to amend sections 13-204 and 13-205, Reissue Revised Statutes of Nebraska, 1943, and section 13-203, Revised Statutes Supplement, 1990; to redefine terms; to change provisions relating to applying for tax credit status and department approval of programs; and to repeal the original sections.

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

Section 1. That section 13-203, Revised Statutes Supplement, 1990, be amended to read as follows:

13-203. For purposes of the Community Development Assistance Act, unless the context otherwise requires:

(1) Business firm shall mean any business entity, including a corporation, a fiduciary, a sole proprietorship, a partnership, a corporation having an election in effect under subchapter S of the Internal Revenue Code subject to the state income tax imposed by section 77-2715 or 77-2734.02, an insurance company paying premium or related retaliatory taxes in this state pursuant to section 44-150 or 77-908, or a financial institution paying the tax imposed pursuant to sections 77-3801 to 77-3807;

(2) Community services shall mean any type of the following in a community development area: (a) Employment training; (b) human services; (c) medical services; (d) physical facility and neighborhood development services; (e) recreational services or activities; (f) educational services; (g) crime prevention activities, including, but not limited to, (i) the instruction of any individual in the community development area that enables him or her to acquire vocational skills, (ii) counseling and advice, (iii) emergency services, (iv) community, youth, day care, and senior citizen centers, (v) inhome services, (vi) home improvement services and programs, and (vii) any legal enterprise which aids in the prevention or reduction of crime; or (h) purchasing shares in a business development corporation formed to carry out section

58-440;

(3) Department shall mean the Department of Economic Development;

(4) Director shall mean the Director of Economic Development;

(5) Community development area shall mean any village, city, county, or part thereof which has been designated by the department as an area of chronic economic distress;

(6) Community assistance shall mean furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement of any part or all of a community development area;

(7) Community betterment organization shall mean (a) any organization performing community services or offering community assistance in a community development area and to which contributions are tax deductible under the provisions of the Internal Revenue Service of the United States Department of the Treasury, and (b) a business development corporation formed to carry out section 58-440, and (c) a county, city, or village performing community services or offering community assistance in a community development area; and

(8) Area of chronic economic distress shall mean an area of the state which exceeds state averages ~~in~~ meets a majority of the following categories:

(a) Unemployment;

(b) Percentage of the population below the median family income;

(c) Vacant and substandard housing stock;

(d) Depressed housing valuations; and

(e) Crime

(a) An unemployment rate which exceeds the statewide average unemployment rate;

(b) Vacant and substandard housing stock which exceeds the statewide average percentage for vacant and substandard housing stock;

(c) Depressed housing valuations which exceed the statewide average rate for depressed housing valuations;

(d) A crime rate which exceeds the statewide average crime rate; or

(e) A per capita income below the statewide average per capita income.

Sec. 2. That section 13-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-204. Any community betterment organization

which provides community assistance or community services in a community development area may apply **before the beginning of each any time during the** fiscal year to the department to have one or more programs certified for tax credit status as provided in sections 13-205 to 13-208. The proposal shall set forth the program to be conducted, the community development area, the estimated amount to be required for completion of the program or the annual estimated amount required for an ongoing program, the plans for implementing the program, and the amount of contributions committed or anticipated from business firms for such activities or services.

Sec. 3. That section 13-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-205. If the subdivision of local government has adopted a community development plan for an area which includes the area in which the community betterment organization is providing community assistance or community services, the organization shall submit a copy of the program proposal to the chief executive officer of such subdivision. If the program proposal is consistent with the adopted community development plan, the chief executive officer shall so certify to the department for the department's approval or disapproval. If the program proposal is not consistent with the adopted community development plan of the local subdivision, the chief executive officer shall so indicate and the proposal shall not be approved by the department. If the proposed activities are consistent with the adopted community development plan, but for other reasons they are not viewed as appropriate by the local subdivision, the chief executive officer shall so indicate and the department shall review the program proposal and approve or disapprove it. The local subdivision shall review the proposal within forty-five days from the date of receipt for review. If the subdivision does not issue its finding concerning the proposal within forty-five days after receipt, the proposal shall be deemed approved. The department shall approve or disapprove ~~all program proposals~~ a program proposal submitted pursuant to section 13-204 within forty-five days ~~from the beginning of each fiscal year of receipt by the department.~~

Sec. 4. That original sections 13-204 and 13-205, Reissue Revised Statutes of Nebraska, 1943, and section 13-203, Revised Statutes Supplement, 1990, are repealed.