

Qualified Action Plan Site and Building Development Fund Act

Prepared for
Governor Jim Pillen

Submitted by
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Definition of Terms

Nonmetropolitan areas – Counties with fewer than 100,000 inhabitants (according to most recent federal decennial census).

Section One: Introduction to the Site and Building Development Fund Act

Executive Summary

The Site and Building Development Act was introduced under LB 388 by the Nebraska State Legislature in January 2011. Legislative Bill 388 was part of the Talent and Innovation Initiative, a four-part legislative package aimed at advancing business innovation and strengthening workforce recruitment efforts in Nebraska. The bill was subsequently adopted during the 102nd Nebraska Legislative Session and signed into law. Legislative Bill 388, became operative October 3, 2011, and was codified in the Nebraska Revised Statutes at §§81-12,144 to 81-12,151.

The purpose of the Site and Building Development Act, as stated in Neb. Rev. Stat. §81-12,145 is to assist in the provision of industrial-ready sites and buildings in all areas of the state in order to create “conditions favorable to meeting the industrial readiness of the state.”

Purpose of the Qualified Action Plan

The Department is required, through the Site and Building Development Act (Neb. Rev. Stat. §81-12,149), to develop a Qualified Action Plan by January 1 of each even numbered calendar year.

The Qualified Action Plan sets forth the activities eligible for assistance under the Site and Building Development Act. These activities have been selected by the Department to further priorities of the fund for activities pursuant to subdivisions (1)(a) through (g) of section 81-12,147, which are appropriate to local conditions and the state’s economy. The Department emphasizes projects that meet a community’s immediate need for site and building development; propose increased jobs and investment; leverage private dollars; enlist local government support and participation; and commit to repay, in part or in whole, the financial assistance awarded by the Site and Building Development Fund.

This Qualified Action Plan, which will be in effect January 1, 2024 through December 31, 2025, has been developed by the Department to meet the statutory requirements specified in Neb. Rev. Stat. §81-12,149.

Amendments to the Qualified Action Plan

The Department of Economic Development reserves the right to make discretionary changes to the Qualified Action Plan. If the Department determines that it is necessary to amend the Qualified Action Plan, the proposed amendment will be submitted to the Director of the Department of Economic

Development for review and approval. The Qualified Action Plan, including any amendments, will be available on the Department’s website at: <https://opportunity.nebraska.gov>.

Allocation of Funds

The Site and Building Development Act allocation amount is an estimation based on the Department’s projected forecast for the 2024 and 2025 calendar years. The forecast is conditioned on funding levels available from appropriations and documentary stamp collection receipts to the Site and Building Development Act.

January 1, 2024-December 31, 2025 Allocation

<i>Table 1</i>	Site and Building Development Act Estimated Allocation
Calendar Year 2024	\$3,850,500*
Calendar Year 2025	\$3,903,000*
Total Estimated Allocation for January 1, 2024-December 31, 2025	\$7,753,500*

* This amount is an estimation. Actual amounts will be based upon credits and transfers made to the Site and Building Development Fund. At least 40 percent of the amount available for distribution will be made available for projects in nonmetropolitan areas as required by Neb. Rev. Stat. §81-12,149.

Section Two: Objective, Eligibility and Program Process

Objective

The objective of the Site and Building Development Fund (SBDF) is to enhance the economic development of the state and provide for the general prosperity of all Nebraska citizens by creating conditions favorable to improving the industrial readiness of the state.

Goals

Since October 3, 2011, the Department has invested in several infrastructure and buildings projects in Nebraska with the Site and Building Development Act. The Department has classified four types of projects for investment consideration in 2024-2025:

1. First Priority: Projects that are financially viable, ready to proceed, and designated as “First Priority”.
2. Business Recruitment and Expansion: Identified businesses that may expand or locate in the state.
3. Speculative Sites and/or Buildings: Investments that increase available properties or improve sites and buildings for business locations or expansions.
4. Projects that Mitigate Economic Impact: Investments that alleviate the economic impact of a closure or downsizing of a private-sector entity.

Eligible Applicants

Local governments and Nebraska non-profit organizations are eligible to apply for Site and Building Development funds. Nebraska non-profit organizations must document Internal Revenue Service (IRS) designation as a 501(c)(3), or submit verification from an attorney that the applicant operates as a 501(c)(4) or 501(c)(6) organization. All Nebraska non-profit organization applicants must have a current Certificate of Good Standing from the Secretary of State at the time of application.

Eligible Projects

The Department shall use funds to provide financial assistance for industrial site and building development. The following activities are eligible: land and building acquisition; building construction or rehabilitation; site preparation; infrastructure development and improvements; engineering and design costs; technical assistance and planning; and other preapproved costs necessary for the development of industrial-ready sites and buildings.

Projects located in communities with speculative sites and buildings previously awarded funds from the Department that have an open agreement which has not been satisfied are **not eligible** for fund

assistance. This restriction does not apply to First Priority Projects and can be waived by the Department Director on a case-by-case basis.

First Priority Projects

First priority will be given to projects that are financially viable and ready to proceed. In cases where the Department has a written agreement with a business indicating the business will locate on a site within 90 days of execution of the agreement, conditioned on the Department providing funding from the Site and Building Fund, those projects will have funding priority. The Department may designate a project as a “First Priority Project” based on: information received directly from the business; an agent of the business such as a site locator; the local government; or the SBDF applicant. As a guideline, the business in a First Priority Project must not have a significant presence in Nebraska at the time of the agreement to locate operations in the state. The decision to designate a First Priority Project and the process for awarding funds to First Priority Projects will be at the sole discretion of the Director. First Priority Projects are subject to an invitation-only application process administered by the Department.

Amount of Funding Available & Grant Limitations

The Department expects to award approximately \$7.4 million to projects during the period covered under this plan. This is conditioned on funding levels available from appropriations and documentary stamp collection receipts to the Site and Building Fund.

The Department shall allocate no less than 40 percent of the total estimated amount available to nonmetropolitan areas. Nonmetropolitan areas defined as counties with fewer than 100,000 inhabitants (according to the most recent federal decennial census). For the purposes of this plan period, all counties in Nebraska (excluding Douglas, Lancaster, and Sarpy counties) are considered nonmetropolitan areas.

Matching Requirements

Entities receiving assistance shall provide matching funds of at least an amount equal to 100 percent of the amount of assistance provided from the Site and Building Development Fund. The matching ratio requirement is 1:1.

Project Selection Criteria

The Department's SBDF committee considers the following criteria when evaluating preliminary proposals, pre-applications and applications for funding:

Overall considerations:

- Capacity of the applicant to successfully complete the project.
- Capacity of the development team to successfully complete the project.
- The project will produce the desired result of locating a company at the Site and Building location that is represented in an industry or industry cluster identified by the Department.

Funding proposals must meet the following thresholds:

Prior to the application for SBDF, the local development team will have undergone extensive analysis and planning efforts to identify (1) targeted industries for the speculative project, (2) physical characteristics including any mitigating measures needed to overcome real or perceived disadvantages of the site and building location, and (3) non-SBDF funding available for SBDF match and other resources required to ensure the speculative project will be utilized by a targeted industry within a reasonable period of time.

Preference will be given for projects that can verify adequate site control by the applicant or a key member of the development team. Adequate site control can include an Option to Purchase if the option does not expire for at least 12 months from the date of application. All costs for obtaining adequate site control are the responsibility of the applicant and the development team.

Funding proposals must address the following criteria:

- Site control status by the applicant or a key member of the development team
- Project description
- Scope of work
- Importance of the project to the success of businesses in the targeted industry
- Appropriateness of the proposed budget, SBDF funding request, and matching funds
- Potential economic impact including job creation and investment
- Building and/or site size
- Community commitment to the project which may include funding, level of involvement of the development team, and promotion of the site
- Successful track record of the applicant, development team, or key staff of both to attract quality projects to speculative sites or buildings
- Documentation of financial commitments from non-SBDF funding sources
- Availability, proximity, potential for redundancy, and capacity of infrastructure
 - Water
 - Sewer
 - Electric power
 - Natural gas
 - Broadband connectivity
 - Streets

- Available workforce and training
- Job Creation

Application Timing and Process

There are four types of projects:

1. **First Priority:** Projects that are financially viable, ready to proceed, and designated “First Priority”. In cases where the Department has a written agreement with a business indicating the business will locate on a site within 90 days of execution of the agreement, conditioned on the Department providing funding from the Site and Building Development Fund, those projects will have priority for funding.

The decision to designate a First Priority Project and the process for committing funds to First Priority Projects will be at the sole discretion of the Department Director or Designee. When a project has been designated a First Priority Project, the Department will inform the appropriate representatives and provide the First Priority Project application to the designated contact(s).

2. **Business Recruitment and Expansion:** Identified businesses that may expand or locate in the state.

The decision to commit funds for a business recruitment or expansion project will be at the discretion of the Department’s Director or Designee. The Department will inform the appropriate representatives and provide the application to the designated contact(s).

3. **Speculative Site and/or Building:** Investments that increase available properties or improve sites and buildings for business location or expansion.

The Department may invite application(s) for speculative sites and / or buildings at any time. In an effort to ensure the investment will increase available properties or improve sites and / or buildings for business location or expansion, the Department may (1) announce one or more closed, competitive application cycle(s), or (2) invite one or more applicants to submit an application for a speculative site and / or building during the 2024 and 2025 calendar years. The decision to commit fund to one or more applicants to apply for a speculative site and/or building project will be at the discretion of the Department’s Director or Designee. Once announced, the timeline of the process and application will be made available.

4. **Projects that Mitigate Economic Impact:** Investments that alleviate the economic impact of a closure or downsizing of a private-sector entity.

The Department may invite application(s) for sites and / or buildings with the intention of alleviating the economic impact of a closure or downsizing of a private-sector entity by making necessary improvements to buildings and infrastructure.

The Department may invite an applicant to submit an application for a site and / or building during the 2024 and 2025 calendar years with the intention of alleviating economic impact. The

decision to commit funds for a project will be at the sole discretion of the Department's Director or Designee. Once announced, the timeline of the process and application will be made available.

It is important to note that site control is a priority. If at any time during the review process after the application has been submitted, the Department or the applicant determine that the proposed site or building is no longer available or feasible for the project, the Department will not accept alternative sites and buildings in the same review process.

Selection Process

The review process by the Department's review committee uses the criteria listed above and other appropriate objective considerations to determine the appropriateness and feasibility of the project and the capacity of the applicant and development team to produce the desired results. A consensus decision is reached evaluating the merits of each application. The final decision for funding recommendation will take into consideration geographic distribution of the SBDF including, but not limited to, the requirement to award a minimum of 40 percent of the funds to projects located outside of Douglas, Lancaster, and Sarpy counties. The Department will send a formal Notice of Approval letter or non-selection letter to each applicant after the application has been reviewed, or at the end of a closed, competitive application cycle.

DED Contact

For clarification on the Site and Building Development Fund, please direct inquiries to:

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