

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 153
 Final Reading

Introduced by Dubas, 34; Harms, 48; Johnson, 23.

Read first time January 11, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to the Civic and Community Center Financing Act;
 2 to amend sections 13-2701, 13-2702, 13-2703, 13-2704,
 3 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes
 4 of Nebraska; to provide for additional uses of grants
 5 under the act; to change provisions relating to the use
 6 of a fund, the evaluation of grants, and reports; to
 7 define a term; to eliminate obsolete provisions; to
 8 harmonize provisions; and to repeal the original
 9 sections.

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

1 Section 1. Section 13-2701, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-2701 Sections 13-2701 to 13-2710 and sections 5, 6,
4 and 9 of this act shall be known and may be cited as the Civic and
5 Community Center Financing Act.

6 Sec. 2. Section 13-2702, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 13-2702 The purpose of the Civic and Community Center
9 Financing Act is to support the development of civic, ~~and~~ community,
10 and recreation centers throughout Nebraska. Furthermore, the act is
11 intended to support projects that foster maintenance or growth of
12 communities.

13 Sec. 3. Section 13-2703, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 13-2703 For purposes of the Civic and Community Center
16 Financing Act:

17 (1) Civic center means a facility that is primarily used
18 to host conventions, meetings, and cultural events and a library;

19 (2) Community center means the traditional center of a
20 community, typically comprised of a cohesive core of residential,
21 civic, religious, and commercial buildings, arranged around a main
22 street and intersecting streets;

23 (3) Department means the Department of Economic
24 Development;

25 (4) Fund means the Civic and Community Center Financing

1 Fund; and

2 (5) Historic building means a building eligible for
3 listing on or currently listed on the National Register of Historic
4 Places; and -

5 (6) Recreation center means a facility used for
6 athletics, fitness, sport activities, or recreation that is owned by
7 a municipality and is available for use by the general public with or
8 without charge. Recreation center does not include any facility that
9 requires a person to purchase a membership to utilize such facility.

10 Sec. 4. Section 13-2704, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 13-2704 (1) The Civic and Community Center Financing Fund
13 is created. The fund shall be administered by the department.
14 ~~Transfers may be made from the fund to the General Fund at the~~
15 ~~direction of the Legislature. Any money in the Civic and Community~~
16 ~~Center Financing Fund fund~~ available for investment shall be invested
17 by the state investment officer pursuant to the Nebraska Capital
18 Expansion Act and the Nebraska State Funds Investment Act. ~~The fund~~
19 ~~may be used for assistance for the construction of new civic centers,~~
20 ~~the renovation or expansion of existing civic or community centers,~~
21 ~~or the conversion, rehabilitation, or reuse of historic buildings for~~
22 ~~purposes consistent with this section. The fund may not be used for~~
23 ~~programming, marketing, advertising, and related activities.~~
24 Transfers may be made from the fund to the General Fund, the
25 Department of Revenue Enforcement Fund, and ~~to~~ the State Colleges

1 Sport Facilities Cash Fund at the direction of the Legislature.

2 ~~(2) It is the intent of the Legislature that on July 1,~~
3 ~~2011, or as soon thereafter as is administratively possible the State~~
4 ~~Treasurer shall transfer forty two thousand nine hundred dollars from~~
5 ~~the Civic and Community Center Financing Fund to the Department of~~
6 ~~Revenue Enforcement Fund.~~

7 (2)(a) The department shall use the Civic and Community
8 Center Financing Fund for the following purposes:

9 (i) For grants of assistance as described in section 5 of
10 this act;

11 (ii) For grants of assistance as described in section 6
12 of this act; and

13 (iii) For reasonable and necessary costs of the
14 department directly related to the administration of the fund, not to
15 exceed the amount needed to employ a one-half full-time equivalent
16 employee.

17 (b) The fund may not be used for programming, marketing,
18 advertising, or facility-staffing activities.

19 (3) The State Treasurer shall transfer two hundred fifty
20 thousand dollars from the Civic and Community Center Financing Fund
21 to the State Colleges Sport Facilities Cash Fund on October 1 of
22 2012, 2013, and 2014. Commencing October 1, 2015, and every year
23 thereafter, the State Treasurer shall transfer four hundred thousand
24 dollars from the Civic and Community Center Financing Fund to the
25 State Colleges Sport Facilities Cash Fund.

1 Sec. 5. (1) The department shall use the fund to provide
2 grants of assistance for the following purposes:

3 (a) To assist in the construction of new civic centers
4 and recreation centers or the renovation or expansion of existing
5 civic centers and recreation centers;

6 (b) To assist in the conversion, rehabilitation, or reuse
7 of historic buildings; or

8 (c) To upgrade community centers, including the
9 demolition of substandard and abandoned buildings.

10 (2) Applications for grants of assistance pursuant to
11 this section shall be evaluated by the department pursuant to section
12 13-2707.

13 Sec. 6. (1) The department shall use the fund to provide
14 grants of assistance for engineering and technical studies directly
15 related to projects described in section 5 of this act.

16 (2) Applications for grants of assistance pursuant to
17 this section shall be evaluated by the department pursuant to section
18 9 of this act.

19 Sec. 7. Section 13-2705, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 13-2705 The department may conditionally approve grants
22 of assistance from the fund to eligible and competitive applicants
23 within the following limits:

24 (1) Except as provided in subdivision (2) of this
25 section, a grant request shall be at—in an amount meeting the

1 following requirements:

2 (a) For a grant of assistance under section 5 of this
3 act, at least ten thousand dollars but no more than:

4 ~~(a)-(i)~~ For a city of the primary class, one million five
5 hundred thousand dollars;

6 ~~(b)-(ii)~~ For a municipality with a population of forty
7 thousand but less than one hundred thousand, seven hundred fifty
8 thousand dollars;

9 ~~(c)-(iii)~~ For a municipality with a population of twenty
10 thousand but less than forty thousand, five hundred thousand dollars;

11 ~~(d)-(iv)~~ For a municipality with a population of ten
12 thousand but less than twenty thousand, four hundred thousand
13 dollars; and

14 ~~(e)-(v)~~ For a municipality with a population of less than
15 ten thousand, two hundred fifty thousand dollars; and

16 (b) For a grant of assistance under section 6 of this
17 act, at least two thousand dollars but no more than ten thousand
18 dollars;

19 (2) Upon the balance of the fund reaching two million
20 five hundred thousand dollars, and until the balance of the fund
21 falls below one million dollars, a grant request shall be ~~at~~ in an
22 amount meeting the following requirements:

23 (a) For a grant of assistance under section 5 of this
24 act, at least ten thousand dollars but no more than:

25 ~~(a)-(i)~~ For a city of the primary class, two million two

1 hundred fifty thousand dollars;

2 ~~(b)-(ii)~~ For a municipality with a population of forty
3 thousand but less than one hundred thousand, one million one hundred
4 twenty-five thousand dollars;

5 ~~(c)-(iii)~~ For a municipality with a population of twenty
6 thousand but less than forty thousand, seven hundred fifty thousand
7 dollars;

8 ~~(d)-(iv)~~ For a municipality with a population of ten
9 thousand but less than twenty thousand, six hundred thousand dollars;
10 and

11 ~~(e)-(v)~~ For a municipality with a population of less than
12 ten thousand, three hundred seventy-five thousand dollars; and

13 (b) For a grant of assistance under section 6 of this
14 act, at least two thousand dollars but no more than ten thousand
15 dollars;

16 (3) Assistance from the fund shall not amount to more
17 than fifty percent of the cost of ~~construction, renovation, or~~
18 ~~expansion; the project for which a grant is requested; and~~

19 (4) A municipality shall not be awarded more than one
20 grant of assistance under section 5 of this act and one grant of
21 assistance under section 6 of this act in any five-year period.

22 Sec. 8. Section 13-2707, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 13-2707 (1) The department shall evaluate all
25 applications for grants of assistance under section 5 of this act

1 based on the following criteria, which are listed in no particular
2 order of preference:

3 ~~(1) Attraction impact. Funding decisions by the~~
4 ~~department shall be based in part on the likelihood of the project~~
5 ~~attracting new civic or community activity to Nebraska from outside~~
6 ~~of Nebraska. A project with greater out-of-state draw shall be~~
7 ~~preferred over a project with less impact;~~

8 ~~(2) Socioeconomic impact. The project's potential for~~
9 ~~long-term positive impacts on the local and regional economy and~~
10 ~~society;~~

11 ~~(3) Financial support. Assistance from the fund shall be~~
12 ~~matched at least equally from local sources. At least fifty percent~~
13 ~~of the local match must be in cash. Projects with a higher level of~~
14 ~~local matching funds shall be preferred as compared to those with a~~
15 ~~lower level of matching funds;~~

16 (a) Retention Impact. Funding decisions by the department
17 shall be based on the likelihood of the project retaining existing
18 residents in the community where the project is located, developing,
19 sustaining, and fostering community connections, and enhancing the
20 potential for economic growth in a manner that will sustain the
21 quality of life and promote long-term economic development;

22 (b) New Resident Impact. Funding decisions by the
23 department shall be based on the likelihood of the project attracting
24 new residents to the community where the project is located;

25 (c) Visitor Impact. Funding decisions by the department

1 shall be based on the likelihood of the project enhancing or creating
2 an attraction that would increase the potential of visitors to the
3 community where the project is located from inside and outside the
4 state;

5 ~~(4)~~ (d) Readiness. The applicant's fiscal and economic
6 capacity to finance the local share and ability to proceed and
7 implement its plan and operate the civic ~~or~~ center, community center,
8 or recreation center; and

9 ~~(5) Project location.~~ A project shall be located in the
10 municipality that applies for the grant; and

11 ~~(6)~~ (e) Project planning. Projects with completed
12 technical assistance and feasibility studies shall be preferred to
13 those with no prior planning.

14 (2) Any grant of assistance under section 5 of this act
15 shall be matched at least equally from local sources. At least fifty
16 percent of the local match must be in cash.

17 (3) To receive a grant of assistance under section 5 of
18 this act, the project for which the grant is requested shall be
19 located in the municipality that applies for the grant.

20 Sec. 9. The department shall evaluate all applications
21 for grants of assistance under section 6 of this act based on the
22 following criteria:

23 (1) Financial support. Assistance from the fund shall be
24 matched at least equally from local sources. At least fifty percent
25 of the local match must be in cash. Projects with a higher level of

1 local matching funds shall be preferred as compared to those with a
2 lower level of matching funds; and

3 (2) Project location. Assistance from the fund shall be
4 for engineering and technical studies related to projects that will
5 be located in the municipality that applies for the grant.

6 Sec. 10. Section 13-2709, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 13-2709 The department shall submit, as part of the
9 department's annual status report under section 81-1201.11, the
10 following information regarding the Civic and Community Center
11 Financing Act:

12 (1) Information documenting the grants conditionally
13 approved for funding by the Legislature in the following fiscal
14 year; -

15 (2) Reasons why a full application was not sent to any
16 municipality seeking assistance under the act;

17 (3) The amount of sales tax revenue generated for the
18 fund pursuant to subsection (4) of section 13-2610 and subsection (6)
19 of section 13-3108, the total amount of grants applied for under the
20 act, the year-end fund balance, and, if all available funds have not
21 been committed to funding grants under the act, an explanation of the
22 reasons why all such funds have not been so committed;

23 (4) The amount of appropriated funds actually expended by
24 the department for the year;

25 (5) The department's current budget for administration of

1 the act and the department's planned use and distribution of funds,
2 including details on the amount of funds to be expended on grants and
3 the amount of funds to be expended by the department for
4 administrative purposes; and

5 (6) Grant summaries, including the applicant
6 municipality, project description, grant amount requested, amount and
7 type of matching funds, and reasons for approval or denial based on
8 evaluation criteria from section 13-2707 or section 9 of this act for
9 every application seeking assistance under the act.

10 Sec. 11. Original sections 13-2701, 13-2702, 13-2703,
11 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of
12 Nebraska, are repealed.