

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 842**

Introduced by Brewer, 43.

Read first time January 06, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Civic and Community Center Financing  
2 Act; to amend section 13-2706, Reissue Revised Statutes of Nebraska,  
3 and sections 13-2703, 13-2705, 13-2707, 13-2707.01, and 13-2709,  
4 Revised Statutes Cumulative Supplement, 2020; to define and redefine  
5 terms; to authorize grants of assistance to tribal governments as  
6 prescribed; to harmonize provisions; and to repeal the original  
7 sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 13-2703 For purposes of the Civic and Community Center Financing  
4 Act:

5 (1) Applicant means and includes (a) any city or village in this  
6 state that is eligible for a grant of assistance pursuant to section  
7 13-2706 and (b) any tribal government;

8 (2) (1) Civic center means a facility that is used to host  
9 conventions, meetings, and cultural events or a library;

10 (3) (2) Department means the Department of Economic Development;

11 (4) (3) Eligible facility means any civic center, historic building  
12 or district, public space, or recreation center;

13 (5) (4) Fund means the Civic and Community Center Financing Fund;

14 (6) (5) Historic building or district means a building or district  
15 eligible for listing on or currently listed on the National Register of  
16 Historic Places or a building that is certified as contributing to the  
17 significance of a registered state or national historic district;

18 (7) (6) Political subdivision means a county, school district,  
19 community college area, or natural resources district;

20 (8) (7) Public space means property located within the traditional  
21 center of a community, typically comprised of a cohesive core of  
22 residential, civic, religious, and commercial buildings, arranged around  
23 a main street and intersecting streets; and

24 (9) (8) Recreation center means a facility or park used for  
25 athletics, fitness, sport activities, or recreation that is owned by an  
26 applicant a municipality and is available for use by the general public  
27 with or without charge. Recreation center does not include any facility  
28 that requires a person to purchase a membership to utilize such facility;  
29 and -

30 (10) Tribal government means the officially recognized government of  
31 any Indian tribe, nation, or other organized group or community located

1 in the state exercising self-government powers and recognized as eligible  
2 for services provided by the United States to Indians because of their  
3 status as Indians or any Indian tribe located in the state and recognized  
4 as an Indian tribe by the state. The term includes any economic  
5 development corporation owned by or chartered by a tribal government.

6 Sec. 2. Section 13-2705, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 13-2705 The department may conditionally approve grants of  
9 assistance from the fund to eligible and competitive applicants subject  
10 to the following limits and requirements:

11 (1) Except as provided in subdivision (2) of this section, a grant  
12 request shall be in an amount meeting the following requirements:

13 (a) For a grant of assistance under section 13-2704.01, at least  
14 fifteen thousand dollars but no more than:

15 (i) For a city of the primary class or a tribal government, two  
16 million two hundred fifty thousand dollars;

17 (ii) For a city with a population of at least forty thousand  
18 inhabitants but fewer than one hundred thousand inhabitants as determined  
19 by the most recent federal decennial census or the most recent revised  
20 certified count by the United States Bureau of the Census, one million  
21 one hundred twenty-five thousand dollars;

22 (iii) For a city with a population of at least twenty thousand  
23 inhabitants but fewer than forty thousand inhabitants as determined by  
24 the most recent federal decennial census or the most recent revised  
25 certified count by the United States Bureau of the Census, seven hundred  
26 fifty thousand dollars;

27 (iv) For a city with a population of at least ten thousand  
28 inhabitants but fewer than twenty thousand inhabitants as determined by  
29 the most recent federal decennial census or the most recent revised  
30 certified count by the United States Bureau of the Census, six hundred  
31 thousand dollars; and

1 (v) For a municipality with a population of fewer than ten thousand  
2 inhabitants as determined by the most recent federal decennial census or  
3 the most recent revised certified count by the United States Bureau of  
4 the Census, three hundred seventy-five thousand dollars; and

5 (b) For a grant of assistance under section 13-2704.02, at least  
6 three thousand dollars but no more than fifteen thousand dollars;

7 (2) Upon the balance of the fund reaching three million seven  
8 hundred fifty thousand dollars, and until the balance of the fund falls  
9 below one million five hundred thousand dollars, a grant request shall be  
10 in an amount meeting the following requirements:

11 (a) For a grant of assistance under section 13-2704.01, at least  
12 fifteen thousand dollars but no more than:

13 (i) For a city of the primary class or a tribal government, three  
14 million three hundred seventy-five thousand dollars;

15 (ii) For a city with a population of at least forty thousand  
16 inhabitants but fewer than one hundred thousand inhabitants as determined  
17 by the most recent federal decennial census or the most recent revised  
18 certified count by the United States Bureau of the Census, one million  
19 six hundred eighty-seven thousand dollars;

20 (iii) For a city with a population of at least twenty thousand  
21 inhabitants but fewer than forty thousand inhabitants as determined by  
22 the most recent federal decennial census or the most recent revised  
23 certified count by the United States Bureau of the Census, one million  
24 one hundred twenty-five thousand dollars;

25 (iv) For a city with a population of at least ten thousand  
26 inhabitants but fewer than twenty thousand inhabitants as determined by  
27 the most recent federal decennial census or the most recent revised  
28 certified count by the United States Bureau of the Census, nine hundred  
29 thousand dollars; and

30 (v) For a municipality with a population of fewer than ten thousand  
31 inhabitants as determined by the most recent federal decennial census or

1 the most recent revised certified count by the United States Bureau of  
2 the Census, five hundred sixty-two thousand dollars; and

3 (b) For a grant of assistance under section 13-2704.02, at least  
4 three thousand dollars but no more than fifteen thousand dollars;

5 (3) Assistance from the fund shall not amount to more than fifty  
6 percent of the cost of the project for which a grant is requested;

7 (4) An applicant ~~A municipality~~ shall not be awarded more than one  
8 grant of assistance under section 13-2704.01 and one grant of assistance  
9 under section 13-2704.02 in any two-year period;

10 (5) Any eligible facility for which a grant of assistance under  
11 section 13-2704.01 is made shall not be sold for at least five years  
12 following the award of such grant of assistance; and

13 (6) An application for a grant of assistance to assist in the  
14 preservation, restoration, conversion, rehabilitation, or reuse of a  
15 historic building or district shall include a notification of approval  
16 from the State Historic Preservation Officer that the work proposed in  
17 the application conforms to the United States Secretary of the Interior's  
18 Standards for the Treatment of Historic Properties. If the application  
19 does not include such notification of approval from the State Historic  
20 Preservation Officer, the department shall not award a grant of  
21 assistance for such application.

22 Sec. 3. Section 13-2706, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 13-2706 (1) Except as provided in subsection (2) of this section for  
25 a city of the primary class, any municipality that has applied for and  
26 received a grant of assistance under the Sports Arena Facility Financing  
27 Assistance Act shall not receive state assistance under the Civic and  
28 Community Center Financing Act for the same project for which the grant  
29 was awarded under the Sports Arena Facility Financing Assistance Act.

30 (2) A city of the primary class shall not be eligible to receive a  
31 grant of assistance from the Civic and Community Center Financing Act if

1 the city has applied for and received a grant of assistance under the  
2 Sports Arena Facility Financing Assistance Act.

3 (3) Any city that has received funding under the Convention Center  
4 Facility Financing Assistance Act shall not receive state assistance  
5 under the Civic and Community Center Financing Act.

6 (4) Any municipality eligible for a grant of assistance as provided  
7 in this section may apply for a grant of assistance from the fund. Any  
8 tribal government may apply for a grant of assistance from the fund.  
9 Application shall be made on forms developed by the department.

10 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12 13-2707 (1) The department shall evaluate all applications for  
13 grants of assistance under section 13-2704.01 based on the following  
14 criteria, which are listed in no particular order of preference:

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

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

24 (c) Visitor Impact. Funding decisions by the department shall be  
25 based on the likelihood of the project enhancing or creating an  
26 attraction that would increase the potential of visitors to the community  
27 where the project is located from inside and outside the state;

28 (d) Readiness. The fiscal, economic, and operational capacity of the  
29 applicant, and of any political subdivision that owns the eligible  
30 facility jointly with the applicant, to finance and manage the project  
31 and to operate the eligible facility; and

1 (e) Project Planning. Projects with completed technical assistance  
2 and feasibility studies shall be preferred to those with no prior  
3 planning.

4 (2) The department shall give priority to applications from  
5 applicants municipalities which have not received a grant of assistance  
6 under section 13-2704.01 within the last ten years.

7 (3) Any grant of assistance under section 13-2704.01 shall be  
8 matched at least equally from local sources. At least fifty percent of  
9 the local match must be in cash.

10 (4) To receive a grant of assistance under section 13-2704.01, the  
11 project for which the grant is requested shall be located in the  
12 municipality that applies for the grant or, for any city of the first  
13 class, city of the second class, or village, within the municipality's  
14 extraterritorial zoning jurisdiction. This subsection shall not apply to  
15 any application submitted by a tribal government.

16 (5) To receive a grant of assistance under section 13-2704.01, the  
17 project for which the grant is requested shall involve an eligible  
18 facility that is owned by the applicant municipality ~~applying for the~~  
19 ~~grant~~, except that a municipality may own an eligible facility jointly  
20 with a political subdivision if the municipality's ownership interest in  
21 such eligible facility is at least fifty percent. In such ~~any~~ case, the  
22 municipality shall be the applicant for the grant of assistance.

23 Sec. 5. Section 13-2707.01, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 13-2707.01 The department shall evaluate all applications for grants  
26 of assistance under section 13-2704.02 based on the following criteria:

27 (1) Financial Support. Assistance from the fund shall be matched at  
28 least equally from local sources. At least fifty percent of the local  
29 match must be in cash. Projects with a higher level of local matching  
30 funds shall be preferred as compared to those with a lower level of  
31 matching funds; and

1           (2) Project Location. Assistance from the fund shall be for  
2 engineering and technical studies related to projects that will be  
3 located in the municipality that applies for the grant or, for any city  
4 of the first class, city of the second class, or village, in the  
5 municipality's extraterritorial zoning jurisdiction. This subdivision  
6 shall not apply to any application submitted by a tribal government.

7           Sec. 6. Section 13-2709, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9           13-2709 (1) The department shall submit, as part of the department's  
10 annual status report under section 81-1201.11, the following information  
11 regarding the Civic and Community Center Financing Act:

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

14           (b) Reasons why a full application was not sent to any applicant  
15 ~~municipality~~ seeking assistance under the act;

16           (c) The amount of sales tax revenue generated for the fund pursuant  
17 to subsection (6) of section 13-2610 and subsection (9) of section  
18 13-3108, the total amount of grants applied for under the act, the year-  
19 end fund balance, the amount of the year-end fund balance which has not  
20 been committed to funding grants under the act, and, if all available  
21 funds have not been committed to funding grants under the act, an  
22 explanation of the reasons why all such funds have not been so committed;

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

25           (e) The department's current budget for administration of the act  
26 and the department's planned use and distribution of funds, including  
27 details on the amount of funds to be expended on grants and the amount of  
28 funds to be expended by the department for administrative purposes; and

29           (f) Grant summaries, including the applicant ~~municipality~~, project  
30 description, grant amount requested, amount and type of matching funds,  
31 and reasons for approval or denial based on evaluation criteria from



1 section 13-2707 or 13-2707.01 for every application seeking assistance  
2 under the act.

3 (2) If the amount of the year-end fund balance which has not been  
4 committed to funding grants under the act as reported under subdivision  
5 (1)(c) of this section, excluding any amount required to be transferred  
6 under subsection (3) of section 13-2704, is more than one million  
7 dollars, the department shall notify the State Treasurer of the amount in  
8 excess of one million dollars. The State Treasurer shall transfer the  
9 amount in excess of one million dollars from the Civic and Community  
10 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

11 (3) The Political Subdivision Recapture Cash Fund is created and  
12 shall consist of money transferred under subsection (2) of this section.  
13 Any money in the Political Subdivision Recapture Cash Fund available for  
14 investment shall be invested by the state investment officer pursuant to  
15 the Nebraska Capital Expansion Act and the Nebraska State Funds  
16 Investment Act. By October 1 of each year, the State Treasurer shall  
17 distribute the money in the Political Subdivision Recapture Cash Fund to  
18 the political subdivisions which have an application for state assistance  
19 for an eligible facility or an eligible sports arena facility approved  
20 under the Convention Center Facility Financing Assistance Act or the  
21 Sports Arena Facility Financing Assistance Act. Each political  
22 subdivision shall receive a proportionate share of the amount to be  
23 distributed under this subsection, and such proportionate share shall be  
24 based on the amount of sales tax revenue generated for the Civic and  
25 Community Center Financing Fund during the most recently completed fiscal  
26 year by the political subdivision's facility. The Tax Commissioner shall  
27 supply the State Treasurer with any information needed to make the  
28 distributions required in this subsection.

29 Sec. 7. Original section 13-2706, Reissue Revised Statutes of  
30 Nebraska, and sections 13-2703, 13-2705, 13-2707, 13-2707.01, and  
31 13-2709, Revised Statutes Cumulative Supplement, 2020, are repealed.