

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 851

Introduced by Avery, 28.

Read first time January 11, 2010

Committee: Revenue

A BILL

1 FOR AN ACT relating to political subdivisions; to amend sections
2 13-2703, 13-2705, 13-2706, and 13-2707, Reissue Revised
3 Statutes of Nebraska, and section 13-2610, Revised
4 Statutes Supplement, 2009; to change provisions under
5 the Convention Center Facility Financing Assistance Act
6 and the Local Civic, Cultural, and Convention Center
7 Financing Act; to harmonize provisions; and to repeal the
8 original sections.

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

1 Section 1. Section 13-2610, Revised Statutes Supplement,
2 2009, is amended to read:

3 13-2610 (1) Upon the annual certification under section
4 13-2609, the State Treasurer shall transfer after the audit
5 the amount certified to the Convention Center Support Fund. The
6 Convention Center Support Fund is created. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

10 (2) (a) It is the intent of the Legislature to appropriate
11 from the fund to any political subdivision for which an application
12 for state assistance under the Convention Center Facility Financing
13 Assistance Act has been approved an amount not to exceed (i)
14 seventy percent of the state sales tax revenue collected by
15 retailers and operators doing business at such facilities on sales
16 at such facilities, state sales tax revenue collected on primary
17 and secondary box office sales of admissions to such facilities,
18 and state sales tax revenue collected by associated hotels, (ii)
19 seventy-five million dollars for any one approved project, or (iii)
20 the total cost of acquiring, constructing, improving, or equipping
21 the eligible facility. State assistance shall not be used for an
22 operating subsidy or other ancillary facility.

23 (b) Ten percent of such funds appropriated to a city
24 of the metropolitan class under this subsection shall be equally
25 distributed to areas with a high concentration of poverty to (i)

1 showcase important historical aspects of such areas or (ii) assist
2 with the reduction of street and gang violence in such areas.

3 (c) Each area with a high concentration of poverty that
4 has been distributed funds under subdivision (b) of this subsection
5 shall establish a development fund and form a committee which
6 shall identify and research potential projects and make final
7 determinations on the use of state sales tax revenue received for
8 such projects.

9 (d) A committee formed in subdivision (c) of this
10 subsection shall include the following three members:

11 (i) The member of the city council whose district
12 includes a majority of the census tracts which each contain a
13 percentage of persons below the poverty line of greater than thirty
14 percent, as determined by the most recent federal decennial census,
15 within the area with a high concentration of poverty;

16 (ii) The commissioner of the county whose district
17 includes a majority of the census tracts which each contain a
18 percentage of persons below the poverty line of greater than thirty
19 percent, as determined by the most recent federal decennial census,
20 within the area with a high concentration of poverty; and

21 (iii) A resident of the area with a high concentration of
22 poverty, appointed by the other two members of the committee.

23 (e) A committee formed in subdivision (c) of this
24 subsection shall solicit project ideas from the public and shall
25 hold a public hearing in the area with a high concentration

1 of poverty. Notice of a proposed hearing shall be provided in
2 accordance with the procedures for notice of a public hearing
3 pursuant to section 18-2115. The committee shall research potential
4 projects in its area and make the final determination regarding the
5 annual distribution of funding to such projects.

6 (f) For purposes of this subsection, an area with a high
7 concentration of poverty means an area within the corporate limits
8 of a city of the metropolitan class consisting of one or more
9 contiguous census tracts, as determined by the most recent federal
10 decennial census, which contain a percentage of persons below the
11 poverty line of greater than thirty percent, and all census tracts
12 contiguous to such tract or tracts, as determined by the most
13 recent federal decennial census.

14 (3) State assistance to the political subdivision shall
15 no longer be available upon the retirement of the bonds issued
16 to acquire, construct, improve, or equip the facility or any
17 subsequent bonds that refunded the original issue or when state
18 assistance reaches the amount determined under subdivision (2)(a)
19 of this section, whichever comes first.

20 (4) The remaining thirty percent of state sales tax
21 revenue collected by retailers and operators doing business at such
22 facilities on sales at such facilities, state sales tax revenue
23 collected on primary and secondary box office sales of admissions
24 to such facilities, and state sales tax revenue collected by
25 associated hotels, shall be appropriated by the Legislature to the

1 Local Civic, Cultural, and Convention Center Financing Fund.

2 ~~(5) Any municipality that has applied for and received a~~
3 ~~grant of assistance under the Local Civic, Cultural, and Convention~~
4 ~~Center Financing Act may not receive state assistance under the~~
5 ~~Convention Center Facility Financing Assistance Act.~~

6 Sec. 2. Section 13-2703, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 13-2703 For purposes of the Local Civic, Cultural, and
9 Convention Center Financing Act:

10 (1) Center means a civic, cultural, or convention
11 facility or area, and includes the portion of the Nebraska State
12 Capitol Environs District made up of the areas and the full width
13 of the right-of-way boundary streets described in subdivision
14 (1)(d) of section 90-303;

15 (2) Department means the Department of Economic
16 Development; and

17 (3) Fund means the Local Civic, Cultural, and Convention
18 Center Financing Fund.

19 Sec. 3. 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) A grant request shall be at least twenty thousand
25 dollars but no more than:

1 (a) For a city of the primary class, ~~one~~ two million
2 dollars;

3 (b) For a municipality with a population of forty
4 thousand but less than one hundred thousand, five hundred thousand
5 dollars;

6 (c) For a municipality with a population of twenty
7 thousand but less than forty thousand, four hundred thousand
8 dollars;

9 (d) For a municipality with a population of ten thousand
10 but less than twenty thousand, three hundred thousand dollars;

11 (e) For a municipality with a population of five thousand
12 but less than ten thousand, two hundred thousand dollars; and

13 (f) For a municipality with a population of less than
14 five thousand, one hundred thousand dollars;

15 (2) Assistance from the fund shall not amount to more
16 than fifty percent of the cost of construction, renovation, or
17 expansion; and

18 ~~(3) A municipality shall not be awarded more than one~~
19 ~~grant in any five-year period.~~

20 Sec. 4. Section 13-2706, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 13-2706 Any municipality, except a city ~~that has received~~
23 ~~funding under the Convention Center Facility Financing Assistance~~
24 ~~Act, of the metropolitan class,~~ may apply for a grant of assistance
25 from the fund. Application shall be made on forms developed by the

1 department.

2 Sec. 5. Section 13-2707, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 13-2707 The department shall evaluate all applications
5 for grants of assistance based on the following criteria:

6 (1) Attraction impact. Funding decisions by the
7 department shall be based in part on the likelihood of the project
8 attracting new cultural, civic, or convention activity to Nebraska
9 from outside of Nebraska. A project with greater out-of-state draw
10 shall be preferred over a project with less impact;

11 (2) Socioeconomic impact. The project's potential for
12 long-term positive impacts on the local and regional economy and
13 society;

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

19 (4) Readiness. The applicant's fiscal and economic
20 capacity to finance the local share and ability to proceed and
21 implement its plan and operate the ~~convention~~ center; and

22 (5) Project location. A project shall be located in the
23 municipality that applies for the grant.

24 Sec. 6. Original sections 13-2703, 13-2705, 13-2706, and
25 13-2707, Reissue Revised Statutes of Nebraska, and section 13-2610,

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1 Revised Statutes Supplement, 2009, are repealed.