

AMENDMENTS TO LB867

(Amendments to E & R amendments, ER155)

Introduced by Hadley

1           1. Strike sections 1 to 3 and insert the following new  
2 sections:

3           Section 1. Section 13-2709, Revised Statutes Supplement,  
4 2013, is amended to read:

5           13-2709 The department shall submit, as part of the  
6 department's annual status report under section 81-1201.11, the  
7 following information regarding the Civic and Community Center  
8 Financing Act:

9           (1) Information documenting the grants conditionally  
10 approved for funding by the Legislature in the following fiscal  
11 year;

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

14           (3) The amount of sales tax revenue generated for the  
15 fund pursuant to subsection (4) of section 13-2610 and subsection  
16 ~~(6)~~ (9) of section 13-3108, the total amount of grants applied for  
17 under the act, the year-end fund balance, and, if all available  
18 funds have not been committed to funding grants under the act, an  
19 explanation of the reasons why all such funds have not been so  
20 committed;

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

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

6           (6) Grant summaries, including the applicant  
7 municipality, project description, grant amount requested,  
8 amount and type of matching funds, and reasons for approval  
9 or denial based on evaluation criteria from section 13-2707 or  
10 13-2707.01 for every application seeking assistance under the act.

11           Sec. 2. Section 13-3107, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           13-3107 (1) If an application is approved, the Tax  
14 Commissioner shall:

15           (a) Audit or review audits of the approved eligible  
16 sports arena facility to determine the (i) state sales tax revenue  
17 collected by retailers doing business at such facility on sales at  
18 such facility, (ii) state sales tax revenue collected on primary  
19 and secondary box office sales of admissions to such facility, and  
20 (iii) new state sales tax revenue collected by nearby retailers;

21           (b) Certify annually the amount of state sales tax  
22 revenue and new state sales tax revenue determined under  
23 subdivision (a) of this subsection to the ~~State Treasurer~~  
24 Legislature; and

25           (c) Determine if more than one facility is eligible  
26 for state assistance from state sales tax revenue collected by  
27 the same nearby retailers. If the Tax Commissioner has made such

1 a determination, the facility that was first determined to be  
2 eligible for state assistance shall be the only facility eligible  
3 to receive such funds.

4 (2) State sales tax revenue collected by retailers that  
5 are doing business at an eligible sports arena facility and new  
6 state sales tax revenue collected by nearby retailers shall be  
7 reported on informational returns developed by the Department of  
8 Revenue and provided to any such retailers by the facility. The  
9 informational returns shall be submitted to the department by the  
10 retailer by the twentieth day of the month following the month the  
11 sales taxes are collected. The Tax Commissioner shall use the data  
12 from the informational returns and sales tax returns of both such  
13 categories of retailers and the sports arena facility ~~to determine~~  
14 the appropriate amount of state sales tax revenue for purposes of  
15 the Sports Arena Facility Financing Assistance Act.

16 (3) On or before April 1, 2014, the Tax Commissioner  
17 shall certify to the State Treasurer, for each eligible sports  
18 arena facility for which state assistance has been approved, the  
19 total amount of state sales tax revenue and new state sales tax  
20 revenue described in subdivisions (1)(a)(i) through (iii) of this  
21 section that was collected from July 1, 2013, through December 31,  
22 2013. The certified amount shall be used for purposes of making the  
23 transfer required under subdivision (2)(a) of section 13-3108 and  
24 making the distribution of state assistance described in subsection  
25 (4) of section 13-3108.

26 (4) Beginning in 2014, the Tax Commissioner shall use  
27 data from the informational returns and sales tax returns described

1 in subsection (2) of this section to certify quarterly, for each  
2 eligible sports arena facility for which state assistance has been  
3 approved, the total amount of state sales tax revenue and new  
4 state sales tax revenue described in subdivisions (1)(a)(i) through  
5 (iii) of this section that was collected in the preceding calendar  
6 quarter. The Tax Commissioner shall certify such amount to the  
7 State Treasurer within sixty days after the end of each calendar  
8 quarter, and such certification shall be used for purposes of  
9 making the transfers required under subdivision (2)(b) of section  
10 13-3108 and making the quarterly distributions of state assistance  
11 described in subsection (5) of section 13-3108.

12           ~~(3)~~ (5) The Department of Revenue may adopt and  
13 promulgate rules and regulations to carry out the Sports Arena  
14 Facility Financing Assistance Act.

15           Sec. 3. Section 13-3108, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           13-3108 (1) ~~Upon the annual certification under section~~  
18 ~~13-3107, the State Treasurer shall transfer after the audit the~~  
19 ~~amount certified to the~~ The Sports Arena Facility Support Fund  
20 ~~which is hereby~~ created. Any money in the fund available for  
21 investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24           (2)(a) Upon receiving the certification described in  
25 subsection (3) of section 13-3107, the State Treasurer shall  
26 transfer the amount certified to the fund.

27           (b) Upon receiving the quarterly certification described

1 in subsection (4) of section 13-3107, the State Treasurer shall  
2 transfer the amount certified to the fund.

3       ~~(2)(a)~~ (3)(a) It is the intent of the Legislature to  
4 appropriate from the fund money to be distributed as provided  
5 in subsections (4) and (5) of this section to any political  
6 subdivision for which an application for state assistance under the  
7 Sports Arena Facility Financing Assistance Act has been approved an  
8 amount not to exceed seventy percent of the (i) state sales tax  
9 revenue collected by retailers doing business at eligible sports  
10 arena facilities on sales at such facilities, (ii) state sales  
11 tax revenue collected on primary and secondary box office sales  
12 of admissions to such facilities, and (iii) new state sales tax  
13 revenue collected by nearby retailers and sourced under sections  
14 77-2703.01 to 77-2703.04 to a location within six hundred yards of  
15 the eligible facility.

16       (b) The amount to be appropriated for distribution as  
17 state assistance to a political subdivision under this subsection  
18 for any one year after the tenth year shall not exceed the  
19 highest such amount appropriated under subdivision ~~(2)(a)~~ (3)(a) of  
20 this section during any one year of the first ten years of such  
21 appropriation. If seventy percent of the state sales tax revenue as  
22 described in subdivision ~~(2)(a)~~ (3)(a) of this section exceeds the  
23 amount to be appropriated under this subdivision, such excess funds  
24 shall be transferred to the General Fund.

25       (4) The amount certified under subsection (3) of section  
26 13-3107 shall be distributed as state assistance on or before April  
27 15, 2014.

1           (5) Beginning in 2014, quarterly distributions of state  
2 assistance shall be made. Such quarterly distributions shall be  
3 based on the certifications provided under subsection (4) of  
4 section 13-3107 and shall occur within fifteen days after receipt  
5 of such certification.

6           ~~(3)~~ (6) The total amount of state assistance approved  
7 for an eligible sports arena facility shall not (a) exceed fifty  
8 million dollars or (b) be paid out for more than twenty years after  
9 the issuance of the first bond for the sports arena facility.

10           ~~(4)~~ (7) State assistance to the political subdivision  
11 shall no longer be available upon the retirement of the bonds  
12 issued to acquire, construct, improve, or equip the facility or any  
13 subsequent bonds that refunded the original issue or when state  
14 assistance reaches the amount determined under subsection ~~(3)~~ (6)  
15 of this section, whichever comes first.

16           ~~(5)~~ (8) State assistance shall not be used for an  
17 operating subsidy or other ancillary facility.

18           ~~(6)~~ (9) The thirty percent of state sales tax revenue  
19 remaining after the appropriation and transfer in subsection ~~(2)~~  
20 (3) of this section shall be appropriated by the Legislature to the  
21 Civic and Community Center Financing Fund.

22           ~~(7)~~ (10) Except as provided in subsection ~~(8)~~ (11) of  
23 this section for a city of the primary class, any municipality  
24 that has applied for and received a grant of assistance under the  
25 Civic and Community Center Financing Act shall not receive state  
26 assistance under the Sports Arena Facility Financing Assistance Act  
27 for the same project for which the grant was awarded under the

1 Civic and Community Center Financing Act.

2           ~~(8)~~ (11) A city of the primary class shall not be  
3 eligible to receive a grant of assistance from the Civic and  
4 Community Center Financing Act if the city has applied for and  
5 received a grant of assistance under the Sports Arena Facility  
6 Financing Assistance Act.

7           2. Correct the operative date and repealer sections so  
8 that the sections added by this amendment become operative on their  
9 effective date with the emergency clause.