

E AND R AMENDMENTS TO LB 566

Introduced by McKinney, 11, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Shovel-Ready Capital Recovery and Investment Act.

5           Sec. 2. The purpose of the Shovel-Ready Capital Recovery and  
6 Investment Act is to partner with the private sector by providing grants  
7 to qualified nonprofit organizations to assist such organizations with  
8 capital projects that have been delayed due to COVID-19 and that will  
9 provide a positive economic impact in the State of Nebraska.

10          Sec. 3. For purposes of the Shovel-Ready Capital Recovery and  
11 Investment Act:

12           (1) Capital project means a construction project to build, expand,  
13 or develop a new or existing facility or facilities or restoration work  
14 on a facility designated as a National Historic Landmark;

15           (2) Cost, in the context of a capital project, means the cost of  
16 land, engineering, architectural planning, contract services,  
17 construction, materials, and equipment needed to complete the capital  
18 project;

19           (3) COVID-19 means the novel coronavirus identified as SARS-CoV-2,  
20 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
21 mutating therefrom, and the health conditions or threats associated with  
22 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
23 mutating therefrom;

24           (4) Department means the Department of Economic Development;

25           (5) Qualified nonprofit organization means a tax-exempt organization  
26 under section 501(c)(3) of the Internal Revenue Code that:

27           (a) Is related to arts, culture, or the humanities, including any

1 organization formed for the purpose of developing and promoting the work  
2 of artists and the humanities in various visual and performing forms,  
3 such as film, sculpture, dance, painting, horticulture, multimedia,  
4 poetry, photography, performing arts, zoology, or botany; or

5 (b) Owns a sports complex;

6 (6) Sports complex means property that:

7 (a) Includes indoor areas, outdoor areas, or both;

8 (b) Is primarily used for competitive sports; and

9 (c) Contains at least twelve separate sports venues; and

10 (7) Sports venue includes, but is not limited to:

11 (a) A baseball field;

12 (b) A softball field;

13 (c) A soccer field;

14 (d) An outdoor stadium primarily used for competitive sports;

15 (e) An outdoor arena primarily used for competitive sports; and

16 (f) An enclosed, temperature-controlled building primarily used for  
17 competitive sports.

18 Sec. 4. (1) Beginning July 1, 2021, through July 15, 2021, a  
19 qualified nonprofit organization may apply to the department for a grant  
20 under the Shovel-Ready Capital Recovery and Investment Act. The  
21 application shall include, but not be limited to, the following  
22 information:

23 (a) A description of the qualified nonprofit organization's capital  
24 project;

25 (b) The estimated cost of the capital project;

26 (c) The date when the capital project was delayed due to COVID-19  
27 and the date when the capital project is expected to begin, which shall  
28 be no later than June 30, 2022; and

29 (d) Documentation on the amount of funds for the capital project  
30 which have been received or will be received by the qualified nonprofit  
31 organization from private sources. Such amount shall be at least equal to

1 the amount of any grant received under the act. The documentation  
2 provided under this subdivision does not need to identify the names of  
3 any donors.

4 (2) The department shall consider applications in the order in which  
5 they are received. If an applicant is a qualified nonprofit organization  
6 and otherwise qualifies for funding under the Shovel-Ready Capital  
7 Recovery and Investment Act, the department shall, subject to subsection  
8 (3) of this section, approve the application and notify the applicant of  
9 the approval.

10 (3) The department may approve applications within the limits of  
11 available appropriations. The amount of any grant approved under this  
12 section shall be equal to the amount of funds to be supplied by the  
13 qualified nonprofit organization from private sources, as documented  
14 under subdivision (1)(d) of this section, subject to the following  
15 limitations:

16 (a) For any capital project with an estimated cost of less than five  
17 million dollars, the grant shall not exceed one million dollars;

18 (b) For any capital project with an estimated cost of at least five  
19 million dollars but less than twenty-five million dollars, the grant  
20 shall not exceed five million dollars;

21 (c) For any capital project with an estimated cost of at least  
22 twenty-five million dollars but less than fifty million dollars, the  
23 grant shall not exceed ten million dollars; and

24 (d) For any capital project with an estimated cost of fifty million  
25 dollars or more, the grant shall not exceed fifteen million dollars.

26 Sec. 5. (1) Each qualified nonprofit organization that receives a  
27 grant under the Shovel-Ready Capital Recovery and Investment Act shall:

28 (a) Secure all of the private funds described in subdivision (1)(d)  
29 of section 4 of this act through a written pledge or payment by December  
30 31, 2021, and shall begin construction on the organization's capital  
31 project by June 30, 2022; and

1           (b) Abide by the federal laws commonly known as the Davis-Bacon and  
2 Related Acts.

3           (2) Any qualified nonprofit organization that fails to meet the  
4 requirements of subsection (1) of this section shall repay any grant  
5 funds received under the act.

6           Sec. 6. The Shovel-Ready Capital Recovery and Investment Fund is  
7 created. The fund shall consist of transfers authorized by the  
8 Legislature and any gifts, grants, or bequests from any source, including  
9 federal, state, public, and private sources. The fund shall be  
10 administered by the department and shall be used to make grants under the  
11 Shovel-Ready Capital Recovery and Investment Act. Any money in the fund  
12 available for investment shall be invested by the state investment  
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
14 State Funds Investment Act.

15           Sec. 7. It is the intent of the Legislature to allocate twenty-five  
16 million dollars from the General Fund and seventy-five million dollars of  
17 federal funds allocated to states pursuant to the American Rescue Plan  
18 Act of 2021 from the Coronavirus State Fiscal Recovery Fund and received  
19 by the State of Nebraska on or after the effective date of this act, if  
20 such use is permitted, for use by the department for purposes of carrying  
21 out the Shovel-Ready Capital Recovery and Investment Act.

22           Sec. 8. The department may adopt and promulgate rules and  
23 regulations to carry out the Shovel-Ready Capital Recovery and Investment  
24 Act.

25           Sec. 9. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.

27           2. On page 1, line 2, after the first semicolon insert "to authorize  
28 grants as prescribed;".