

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 479

FINAL READING

Introduced by McKinney, 11.

Read first time January 15, 2021

Committee: Revenue

- 1 A BILL FOR AN ACT relating to the Convention Center Facility Financing
- 2 Assistance Act; to amend section 13-2610, Revised Statutes
- 3 Cumulative Supplement, 2020; to change the membership and duties of
- 4 a committee as prescribed; to require a report; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2610, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

11 (2) It is the intent of the Legislature to appropriate from the fund
12 to any political subdivision for which an application for state
13 assistance under the Convention Center Facility Financing Assistance Act
14 has been approved an amount not to exceed (a) seventy percent of the
15 state sales tax revenue collected by retailers and operators doing
16 business at such facilities on sales at such facilities, state sales tax
17 revenue collected on primary and secondary box office sales of admissions
18 to such facilities, and state sales tax revenue collected by associated
19 hotels, (b) seventy-five million dollars for any one approved project, or
20 (c) 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 (3)(a) Ten percent of such funds appropriated to a city of the
24 metropolitan class under subsection (2) of this section shall be equally
25 distributed to areas with a high concentration of poverty to (i) showcase
26 important historical aspects of such areas or areas within close
27 geographic proximity of the area with a high concentration of poverty, ~~or~~
28 (ii) assist with the reduction of street and gang violence in such areas, ~~or~~
29 or (iii) assist with small business and entrepreneurship growth in such
30 areas.

31 (b) Each area with a high concentration of poverty that has been

1 distributed funds under subdivision (3)(a) of this section shall
2 establish a development fund and form a committee which shall identify
3 and research potential projects to be completed in the area with a high
4 concentration of poverty or in an area within close geographic proximity
5 of such area if the project would have a significant or demonstrable
6 impact on such area and make final determinations on the use of state
7 sales tax revenue received for such projects.

8 (c) A committee formed under subdivision (3)(b) of this section
9 shall include the following ~~three~~ members:

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

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

20 (iii) Two residents ~~A resident~~ of the area with a high concentration
21 of poverty, appointed by the ~~other~~ two members of the committee described
22 in subdivisions (3)(c)(i) and (ii) of this section. Such resident members
23 shall be appointed for four-year terms. Each time a resident member is to
24 be appointed pursuant to this subdivision, the committee shall solicit
25 applications from interested individuals by posting notice of the open
26 position on the city's web site and on the city's official social media
27 accounts, if any, and by publishing the notice in a legal newspaper in or
28 of general circulation in the area with a high concentration of poverty.
29 Prior to making any appointment, the committee shall hold a public
30 hearing in the area with a high concentration of poverty. Notice of the
31 hearing shall be provided, at least seven days prior to the hearing, by

1 posting the notice on the city's web site and on the city's official
2 social media accounts, if any, and by publishing the notice in a legal
3 newspaper in or of general circulation in the area with a high
4 concentration of poverty; and -

5 (iv) The member of the Legislature whose district includes a
6 majority of the census tracts which each contain a percentage of persons
7 below the poverty line of greater than thirty percent, as determined by
8 the most recent federal decennial census, within the area with a high
9 concentration of poverty. The member described in this subdivision shall
10 be a nonvoting member of the committee.

11 (d) A committee formed under subdivision (3)(b) of this section
12 shall solicit project ideas from the public and shall hold a public
13 hearing in the area with a high concentration of poverty. Notice of a
14 proposed hearing shall be provided in accordance with the procedures for
15 notice of a public hearing pursuant to section 18-2115.01. The committee
16 shall research potential projects and make the final determination
17 regarding the annual distribution of funding to such projects.

18 (e) On or before July 1, 2022, and on or before July 1 of each year
19 thereafter, a committee formed under subdivision (3)(b) of this section
20 shall electronically submit a report to the Legislature which includes:

21 (i) A description of the projects that were funded during the most
22 recently completed calendar year;

23 (ii) A description of where such projects were located;

24 (iii) A description of the outcomes of such projects; and

25 (iv) A ten-year strategic plan on how the committee plans to meet
26 the goals described in subdivision (3)(a) of this section.

27 (f) (e) For purposes of this subsection, an area with a high
28 concentration of poverty means an area within the corporate limits of a
29 city of the metropolitan class consisting of one or more contiguous
30 census tracts, as determined by the most recent federal decennial census,
31 which contain a percentage of persons below the poverty line of greater

1 than thirty percent, and all census tracts contiguous to such tract or
2 tracts, as determined by the most recent federal decennial census.

3 (4)(a) Ten percent of such funds appropriated to a city of the
4 primary class under subsection (2) of this section may, if the city
5 determines by consent of the city council that such funds are not
6 currently needed for the purposes described in section 13-2604, be used
7 as follows:

8 (i) For investment in the construction of qualified low-income
9 housing projects as defined in 26 U.S.C. 42, including qualified projects
10 receiving Nebraska affordable housing tax credits under the Affordable
11 Housing Tax Credit Act; or

12 (ii) If there are no such qualified low-income housing projects as
13 defined in 26 U.S.C. 42 being constructed or expected to be constructed
14 within the political subdivision, for investment in areas with a high
15 concentration of poverty to assist with low-income housing needs.

16 (b) For purposes of this subsection, an area with a high
17 concentration of poverty means an area within the corporate limits of a
18 city of the primary class consisting of one or more contiguous census
19 tracts, as determined by the most recent American Community Survey 5-Year
20 Estimate, which contain a percentage of persons below the poverty line of
21 greater than thirty percent, and all census tracts contiguous to such
22 tract or tracts, as determined by the most recent American Community
23 Survey 5-Year Estimate.

24 (5) State assistance to the political subdivision shall no longer be
25 available upon the retirement of the bonds issued to acquire, construct,
26 improve, or equip the facility or any subsequent bonds that refunded the
27 original issue or when state assistance reaches the amount determined
28 under subsection (2) of this section, whichever comes first.

29 (6) The remaining thirty percent of state sales tax revenue
30 collected by retailers and operators doing business at such facilities on
31 sales at such facilities, state sales tax revenue collected on primary

1 and secondary box office sales of admissions to such facilities, and
2 state sales tax revenue collected by associated hotels, shall be
3 appropriated by the Legislature to the Civic and Community Center
4 Financing Fund. Upon the annual certification required pursuant to
5 section 13-2609 and following the transfer to the Convention Center
6 Support Fund required pursuant to subsection (1) of this section, the
7 State Treasurer shall transfer an amount equal to the remaining thirty
8 percent from the Convention Center Support Fund to the Civic and
9 Community Center Financing Fund.

10 (7) Any municipality that has applied for and received a grant of
11 assistance under the Civic and Community Center Financing Act may not
12 receive state assistance under the Convention Center Facility Financing
13 Assistance Act.

14 Sec. 2. Original section 13-2610, Revised Statutes Cumulative
15 Supplement, 2020, is repealed.