

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 39

FINAL READING

Introduced by Lindstrom, 18; McDonnell, 5; Wishart, 27; DeBoer, 10;
Aguilar, 35.

Read first time January 07, 2021

Committee: Revenue

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 13-3105 and 13-3109, Reissue Revised Statutes of Nebraska, and
3 sections 13-2610, 13-3102, 13-3103, 13-3104, 13-3106, 13-3108, and
4 82-334, Revised Statutes Cumulative Supplement, 2020; to change
5 Convention Center Support Fund distribution provisions; to authorize
6 assistance for sports complexes as prescribed in the Sports Arena
7 Facility Financing Assistance Act; to define and redefine terms; to
8 change provisions relating to limitations on state assistance,
9 applications, notice, considerations for application approval, and
10 bonds; to change provisions relating to the Support the Arts Cash
11 Fund; to provide for the award of grants to cities of the first
12 class with creative districts; to harmonize provisions; to repeal
13 the original sections; and to declare an emergency.
14 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)(a) (2)~~ It is the intent of the Legislature to appropriate from
12 the fund 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 (i) ~~(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, (ii) ~~(b)~~ seventy-five million dollars for any one approved
20 project, or (iii) ~~(c)~~ the total cost of acquiring, constructing,
21 improving, or equipping the eligible facility. State assistance shall not
22 be used for an operating subsidy or other ancillary facility.

23 (b) It is further the intent of the Legislature to appropriate from
24 the fund to any city of the metropolitan class for which an application
25 for state assistance under the Convention Center Facility Financing
26 Assistance Act has been approved an amount not to exceed the amount of
27 money transferred to the fund pursuant to subdivision (9)(a) of section
28 13-3108.

29 (3)(a) Ten percent of the such funds appropriated to a city of the
30 metropolitan class under subdivision (2)(a) subsection (2) of this
31 section and all of the funds appropriated to a city of the metropolitan

1 class under subdivision (2)(b) of this section shall be equally
2 distributed to areas with a high concentration of poverty to (i) showcase
3 important historical aspects of such areas or areas within close
4 geographic proximity of the area with a high concentration of poverty or
5 (ii) assist with the reduction of street and gang violence in such areas.

6 (b) Each area with a high concentration of poverty that has been
7 distributed funds under subdivision (3)(a) of this section shall
8 establish a development fund and form a committee which shall identify
9 and research potential projects to be completed in the area with a high
10 concentration of poverty or in an area within close geographic proximity
11 of such area if the project would have a significant or demonstrable
12 impact on such area and make final determinations on the use of the funds
13 ~~state sales tax revenue~~ received for such projects.

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

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

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

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

28 (d) A committee formed under subdivision (3)(b) of this section
29 shall solicit project ideas from the public and shall hold a public
30 hearing in the area with a high concentration of poverty. Notice of a
31 proposed hearing shall be provided in accordance with the procedures for

1 notice of a public hearing pursuant to section 18-2115.01. The committee
2 shall research potential projects and make the final determination
3 regarding the annual distribution of funding to such projects.

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

11 (4)(a) Ten percent of ~~the such~~ funds appropriated to a city of the
12 primary class under subdivision (2)(a) ~~subsection (2)~~ of this section
13 may, if the city determines by consent of the city council that such
14 funds are not currently needed for the purposes described in section
15 13-2604, be used as follows:

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

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

24 (b) For purposes of this subsection, an area with a high
25 concentration of poverty means an area within the corporate limits of a
26 city of the primary class consisting of one or more contiguous census
27 tracts, as determined by the most recent American Community Survey 5-Year
28 Estimate, which contain a percentage of persons below the poverty line of
29 greater than thirty percent, and all census tracts contiguous to such
30 tract or tracts, as determined by the most recent American Community
31 Survey 5-Year Estimate.

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

7 (6) The remaining thirty percent of state sales tax revenue
8 collected by retailers and operators doing business at such facilities on
9 sales at such facilities, state sales tax revenue collected on primary
10 and secondary box office sales of admissions to such facilities, and
11 state sales tax revenue collected by associated hotels, shall be
12 appropriated by the Legislature to the Civic and Community Center
13 Financing Fund. Upon the annual certification required pursuant to
14 section 13-2609 and following the transfer to the Convention Center
15 Support Fund required pursuant to subsection (1) of this section, the
16 State Treasurer shall transfer an amount equal to the remaining thirty
17 percent from the Convention Center Support Fund to the Civic and
18 Community Center Financing Fund.

19 (7) Any municipality that has applied for and received a grant of
20 assistance under the Civic and Community Center Financing Act may not
21 receive state assistance under the Convention Center Facility Financing
22 Assistance Act.

23 Sec. 2. Section 13-3102, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 13-3102 For purposes of the Sports Arena Facility Financing
26 Assistance Act:

27 (1) Applicant means:

28 (a) A political subdivision; or

29 (b) A political subdivision and nonprofit organization that jointly
30 submit an application under the act;

31 (2) ~~(1)~~ Board means a board consisting of the Governor, the State

1 Treasurer, the chairperson of the Nebraska Investment Council, the
2 chairperson of the Nebraska State Board of Public Accountancy, and a
3 professor of economics on the faculty of a state postsecondary
4 educational institution appointed to a two-year term on the board by the
5 Coordinating Commission for Postsecondary Education. For administrative
6 and budget purposes only, the board shall be considered part of the
7 Department of Revenue;

8 (3) (2) Bond means a general obligation bond, redevelopment bond,
9 lease-purchase bond, revenue bond, or combination of any such bonds;

10 (4) Court means a rectangular hard surface primarily used indoors
11 for competitive sports, including, but not limited to, basketball,
12 volleyball, or tennis;

13 (5) Date that the project commenced means the date when a project
14 starts as specified by a contract, resolution, or formal public
15 announcement;

16 (6) Economic redevelopment area means an area in the State of
17 Nebraska in which:

18 (a) The average rate of unemployment in the area during the period
19 covered by the most recent federal decennial census or American Community
20 Survey 5-Year Estimate by the United States Bureau of the Census is at
21 least one hundred fifty percent of the average rate of unemployment in
22 the state during the same period; and

23 (b) The average poverty rate in the area is twenty percent or more
24 for the federal census tract in the area;

25 (7) (3) Eligible sports arena facility means:

26 (a) Any publicly owned, enclosed, and temperature-controlled
27 building primarily used for sports that has a permanent seating capacity
28 of at least three thousand but no more than seven thousand seats and in
29 which initial occupancy occurs on or after July 1, 2010, including -
30 Eligible sports arena facility includes stadiums, arenas, dressing and
31 locker facilities, concession areas, parking facilities, and onsite

1 administrative offices connected with operating the facilities;~~and~~

2 (b) Any racetrack enclosure licensed by the State Racing Commission
3 in which initial occupancy occurs on or after July 1, 2010, including
4 concession areas, parking facilities, and onsite administrative offices
5 connected with operating the racetrack;and

6 (c) Any sports complex, including concession areas, parking
7 facilities, and onsite administrative offices connected with operating
8 the sports complex;

9 (8) (4) General obligation bond means any bond or refunding bond
10 issued by a political subdivision and which is payable from the proceeds
11 of an ad valorem tax;

12 (9) (5) Increase in state sales tax revenue means the amount of
13 state sales tax revenue collected by a nearby retailer during the fiscal
14 year for which state assistance is calculated minus the amount of state
15 sales tax revenue collected by the nearby retailer in the fiscal year
16 that ended immediately preceding the project completion date of occupancy
17 of the eligible sports arena facility, except that the amount of state
18 sales tax revenue of a nearby retailer shall not be less than zero;

19 (10) Multipurpose field means a rectangular field of grass or
20 synthetic turf which is primarily used for competitive field sports,
21 including, but not limited to, soccer, football, flag football, lacrosse,
22 or rugby;

23 (11) (6) Nearby retailer means a retailer as defined in section
24 77-2701.32 that is located within the program area. The term includes a
25 subsequent owner of a nearby retailer operating at the same location;

26 (12) (7) New state sales tax revenue means:

27 (a) For any eligible sports arena facility that is not a sports
28 complex:

29 (i) One hundred percent of the state sales tax revenue that (A) is
30 collected by a nearby retailer that commenced collecting state sales tax
31 during the period of time beginning twenty-four months prior to the

1 project completion date of the eligible sports arena facility and ending
2 forty-eight months after the project completion date of the eligible
3 sports arena facility or, for applications for state assistance approved
4 prior to October 1, 2016, forty-eight months after October 1, 2016, and
5 (B) is sourced under sections 77-2703.01 to 77-2703.04 to the program
6 area; and

7 (ii) The increase in state sales tax revenue that (A) is collected
8 by a nearby retailer that commenced collecting state sales tax prior to
9 twenty-four months prior to the project completion date of the eligible
10 sports arena facility and (B) is sourced under sections 77-2703.01 to
11 77-2703.04 to the program area; or

12 (b) For any eligible sports arena facility that is a sports complex,
13 one hundred percent of the state sales tax revenue that (i) is collected
14 by a nearby retailer that commenced collecting state sales tax during the
15 period of time beginning on the date that the project commenced and
16 ending forty-eight months after the project completion date of the
17 eligible sports arena facility and (ii) is sourced under sections
18 77-2703.01 to 77-2703.04 to the program area;

19 ~~(a) For nearby retailers that commenced collecting state sales tax~~
20 ~~during the period of time beginning twenty-four months prior to occupancy~~
21 ~~of the eligible sports arena facility and ending forty-eight months after~~
22 ~~the occupancy of the eligible sports arena facility or, for applications~~
23 ~~for state assistance approved prior to October 1, 2016, forty eight~~
24 ~~months after October 1, 2016, one hundred percent of the state sales tax~~
25 ~~revenue collected by the nearby retailer and sourced under sections~~
26 ~~77-2703.01 to 77-2703.04 to the program area; and~~

27 ~~(b) For nearby retailers that commenced collecting state sales tax~~
28 ~~prior to twenty-four months prior to occupancy of the eligible sports~~
29 ~~arena facility, the increase in state sales tax revenue collected by the~~
30 ~~nearby retailer and sourced under sections 77-2703.01 to 77-2703.04 to~~
31 ~~the program area;~~

1 ~~(13) (8)~~ Political subdivision means any city, village, or county;

2 ~~(14) (9)~~ Program area means:

3 (a) For any eligible sports arena facility that is not a sports
4 complex:

5 ~~(i)~~ For applications for state assistance submitted prior to October
6 1, 2016, the area that is located within six hundred yards of an eligible
7 sports arena facility, measured from any point of the exterior perimeter
8 of the facility but not from any parking facility or other structure; or

9 ~~(ii) (b)~~ For applications for state assistance submitted on or after
10 October 1, 2016, the area that is located within six hundred yards of an
11 eligible sports arena facility, measured from any point of the exterior
12 perimeter of the facility but not from any parking facility or other
13 structure, except that if twenty-five percent or more of such area is
14 unbuildable property, then the program area shall be adjusted so that:

15 ~~(A) (i)~~ It avoids as much of the unbuildable property as is
16 practical; and

17 ~~(B) (ii)~~ It contains contiguous property with the same total amount
18 of square footage that the program area would have contained had no
19 adjustment been necessary; or -

20 (b) For any eligible sports arena facility that is a sports complex,
21 the area that is located within six hundred yards of an eligible sports
22 arena facility, measured from any point of the exterior boundary or
23 property line of the facility.

24 Approval of an application for state assistance by the board
25 pursuant to section 13-3106 shall establish the program area as that area
26 depicted in the map accompanying the application for state assistance as
27 submitted pursuant to subdivision (2)(c) of section 13-3104; -

28 ~~(15)~~ Project completion date means:

29 (a) For projects involving the acquisition or construction of an
30 eligible sports arena facility, the date of initial occupancy of the
31 facility following the completion of such acquisition or construction; or

1 (b) For all other projects, the date of completion of the project
2 for which state assistance is received;

3 (16) ~~(10)~~ Revenue bond means any bond or refunding bond issued by a
4 political subdivision which is limited or special rather than a general
5 obligation bond of the political subdivision and which is not payable
6 from the proceeds of an ad valorem tax; ~~and~~

7 (17) Sports complex means a facility that:

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

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

10 (c) Contains at least:

11 (i) Twelve separate sports venues if such facility is located in a
12 city of the metropolitan class;

13 (ii) Six separate sports venues if such facility is located in a
14 city of the primary class; or

15 (iii) Four separate sports venues if such facility is located (A) in
16 a city of the first class, city of the second class, or village, (B)
17 within a county but outside the corporate limits of any city or village,
18 (C) in an economic redevelopment area, or (D) in an opportunity zone
19 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law
20 115-97;

21 (18) Sports venue includes, but is not limited to:

22 (a) A baseball field;

23 (b) A softball field;

24 (c) A multipurpose field;

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

26 (e) An outdoor arena primarily used for competitive sports; or

27 (f) An enclosed, temperature-controlled building primarily used for
28 competitive sports. If any such building contains more than one
29 multipurpose field, court, swimming pool, or other facility primarily
30 used for competitive sports, then each such multipurpose field, court,
31 swimming pool, or facility shall count as a separate sports venue; and

1 (19) ~~(11)~~ Unbuildable property means any real property that is
2 located in a floodway, an environmentally protected area, a right-of-way,
3 or a brownfield site as defined in 42 U.S.C. 9601 that the political
4 subdivision determines is not suitable for the construction or location
5 of residential, commercial, or other buildings or facilities.

6 Sec. 3. Section 13-3103, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 13-3103 (1) Any applicant ~~political subdivision or its governing~~
9 ~~body~~ that has (a) acquired, constructed, improved, or equipped, (b)
10 approved a revenue bond issue or a general obligation bond issue to
11 acquire, construct, improve, or equip, or (c) adopted a resolution
12 authorizing the applicant ~~political subdivision~~ to pursue a general
13 obligation bond issue to acquire, construct, improve, or equip an
14 eligible sports arena facility may apply to the board for state
15 assistance. The state assistance shall only be used to pay back amounts
16 expended or borrowed through one or more issues of bonds to be expended
17 by the applicant ~~political subdivision~~ to acquire, construct, improve, or
18 ~~and~~ equip the eligible sports arena facility.

19 (2) For applications for state assistance approved on or after
20 October 1, 2016, no more than fifty percent of the final cost of the
21 project ~~eligible sports arena facility~~ shall be funded by state
22 assistance received pursuant to section 13-3108.

23 Sec. 4. Section 13-3104, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 13-3104 (1) All applications for state assistance under the Sports
26 Arena Facility Financing Assistance Act shall be in writing and shall
27 include a certified copy of the approving action of the governing body of
28 the applicant describing the proposed project for which state assistance
29 is requested ~~eligible sports arena facility~~ and the anticipated
30 financing.

31 (2) The application shall contain:

1 (a) A description of the proposed financing of the project eligible
2 ~~sports arena facility~~, including the estimated principal and interest
3 requirements for the bonds proposed to be issued in connection with the
4 project facility or the amounts necessary to repay the original
5 investment by the applicant in the project facility;

6 (b) Documentation of local financial commitment to support the
7 project, including all public and private resources pledged or committed
8 to the project and including a copy of any operating agreement or lease
9 with substantial users of the eligible sports arena facility;

10 (c) For applications submitted on or after October 1, 2016, a map
11 identifying the program area, including any unbuildable property within
12 the program area or taken into account in adjusting the program area as
13 described in subdivision ~~(14)(a)(ii)~~ ~~(9)(b)~~ of section 13-3102; and

14 (d) Any other project information deemed appropriate by the board.

15 (3) Upon receiving an application for state assistance, the board
16 shall review the application and notify the applicant of any additional
17 information needed for a proper evaluation of the application.

18 (4) Any state assistance received pursuant to the act shall be used
19 only for public purposes.

20 Sec. 5. Section 13-3105, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 13-3105 (1) After reviewing an application submitted under section
23 13-3104, the board shall hold a public hearing on the application.

24 (2) The board shall give notice of the time, place, and purpose of
25 the public hearing by publication three times in a newspaper of general
26 circulation in the area where the political subdivision submitting the
27 application ~~applicant~~ is located. Such publication shall be not less than
28 ten days prior to the hearing. The notice shall describe generally the
29 project eligible sports arena facility for which state assistance has
30 been requested. The applicant shall pay the cost of the notice.

31 (3) At the public hearing, representatives of the applicant and any

1 other interested persons may appear and present evidence and argument in
2 support of or in opposition to the application or neutral testimony. The
3 board may seek expert testimony and may require testimony of persons whom
4 the board desires to comment on the application. The board may accept
5 additional evidence after conclusion of the public hearing.

6 Sec. 6. Section 13-3106, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 13-3106 (1) After consideration of the application and the evidence,
9 if the board finds that the project facility described in the application
10 is eligible and that state assistance is in the best interest of the
11 state, the application shall be approved, except that an approval of an
12 application submitted because of the requirement in subdivision (1)(c) of
13 section 13-3103 is a temporary approval. If the general obligation bond
14 issue is subsequently approved by the voters of the political
15 subdivision, the approval by the board becomes permanent. If the general
16 obligation bond issue is not approved by such voters, the temporary
17 approval shall become void.

18 (2) In determining whether state assistance is in the best interest
19 of the state, the board shall consider the fiscal and economic capacity
20 of the applicant to finance the local share of the project facility.

21 (3) A majority of the board members constitutes a quorum for the
22 purpose of conducting business. All actions of the board shall be by a
23 majority vote of all the board members, one of whom must be the Governor.

24 Sec. 7. Section 13-3108, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
27 money in the fund available for investment shall be invested by the state
28 investment officer pursuant to the Nebraska Capital Expansion Act and the
29 Nebraska State Funds Investment Act.

30 (2)(a) Upon receiving the certification described in subsection (3)
31 of section 13-3107, the State Treasurer shall transfer the amount

1 certified to the fund.

2 (b) Upon receiving the quarterly certification described in
3 subsection (4) of section 13-3107, the State Treasurer shall transfer the
4 amount certified to the fund.

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

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

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

26 (5) Beginning in 2014, quarterly distributions and associated
27 transfers of state assistance shall be made. Such quarterly distributions
28 and transfers shall be based on the certifications provided under
29 subsection (4) of section 13-3107 and shall occur within fifteen days
30 after receipt of such certification.

31 (6) The total amount of state assistance approved for an eligible

1 sports arena facility shall neither (a) exceed fifty million dollars nor
2 (b) be paid out for more than twenty years after the issuance of the
3 first bond for the sports arena facility.

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

9 (8) State assistance shall not be used for an operating subsidy or
10 other ancillary facility.

11 (9) The thirty percent of state sales tax revenue remaining after
12 the appropriation and transfer in subsection (3) of this section shall be
13 appropriated by the Legislature and transferred quarterly as follows:
14 ~~beginning in 2014~~

15 (a) If the revenue relates to an eligible sports arena facility that
16 is a sports complex and that is approved for state assistance under
17 section 13-3106 on or after the effective date of this act, eighty-three
18 percent of such revenue shall be transferred to the Support the Arts Cash
19 Fund and seventeen percent of such revenue shall be transferred to the
20 Convention Center Support Fund; and

21 (b) If the revenue relates to any other eligible sports arena
22 facility, such revenue shall be transferred to the Civic and Community
23 Center Financing Fund.

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

30 (11) 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 Sec. 8. Section 13-3109, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-3109 (1) A ~~The applicant~~ political subdivision that applies for
6 state assistance under the Sports Arena Facility Financing Assistance Act
7 may issue from time to time its bonds and refunding bonds to finance and
8 refinance the acquisition, construction, improving, and equipping of
9 eligible sports arena facilities. The bonds may be sold by the political
10 subdivision applicant in such manner and for such price as the political
11 subdivision applicant determines, at a discount, at par, or at a premium,
12 at private negotiated sale or at public sale, after notice published
13 prior to the sale in a legal newspaper having general circulation in the
14 political subdivision or in such other medium of publication as the
15 political subdivision applicant deems appropriate. The bonds shall have a
16 stated maturity of twenty years or less and shall bear interest at such
17 rate or rates and otherwise be issued in accordance with the respective
18 procedures and with such other terms and provisions as are established,
19 permitted, or authorized by applicable state laws and home rule charters
20 for the type of bonds to be issued. Such bonds may be secured as to
21 payment in whole or in part by a pledge, as shall be determined by the
22 political subdivision applicant, from the income, proceeds, and revenue
23 of the eligible sports arena facilities financed with proceeds of such
24 bonds, from the income, proceeds, and revenue of any of its eligible
25 sports arena facilities, or from its revenue and income, including its
26 sales, use, or occupation tax revenue, fees, or receipts, as may be
27 determined by the political subdivision applicant. The political
28 subdivision applicant may further secure the bonds by a mortgage or deed
29 of trust encumbering all or any portion of the eligible sports arena
30 facilities and by a bond insurance policy or other credit support
31 facility. No general obligation bonds, except refunding bonds, shall be

1 issued until authorized by greater than fifty percent of the political
2 subdivision's applicant's electors voting on the question as to their
3 issuance at any election as defined in section 32-108. The face of the
4 bonds shall plainly state that the bonds and the interest thereon shall
5 not constitute nor give rise to an indebtedness, obligation, or pecuniary
6 liability of the state nor a charge against the general credit, revenue,
7 or taxing power of the state. Bonds of the political subdivision
8 applicant are declared to be issued for an essential public and
9 governmental purpose and, together with interest thereon and income
10 therefrom, shall be exempt from all state income taxes.

11 (2) All payments to political subdivisions under the Sports Arena
12 Facility Financing Assistance Act are made subject to specific
13 appropriation for such purpose.

14 Sec. 9. Section 82-334, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 82-334 (1) The Support the Arts Cash Fund is created. The fund shall
17 consist of all money credited to the fund pursuant to section 60-3,252
18 and all money transferred to the fund pursuant to section 13-3108.

19 (2) The Nebraska Arts Council shall administer and distribute the
20 Support the Arts Cash Fund. The fund shall be expended by the Nebraska
21 Arts Council (a) to provide aid to communities that designate a focus
22 area of the city for arts and cultural development, (b) to provide money
23 for a competitive grant program that awards a grant to any creative
24 district that meets the criteria for the competitive grant, if such
25 program exists, (c) to provide money for the competitive grant program
26 for cities of the first class described in section 10 of this act, and
27 (d) to defray costs directly related to the administration of the fund.

28 (3) All money transferred to the fund pursuant to section 13-3108
29 shall be used for the competitive grant program for cities of the first
30 class described in section 10 of this act.

31 (4) (-2) Any money in the fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 Sec. 10. (1) The Nebraska Arts Council shall establish a
4 competitive grant program to award grants to cities of the first class as
5 provided in this section. The grants shall be awarded from funds
6 transferred to the Support the Arts Cash Fund pursuant to subdivision (9)
7 (a) of section 13-3108.

8 (2) A city of the first class is eligible for a grant under this
9 section if:

10 (a) The city has a creative district within its boundaries that has
11 a ten-year plan for integration of the arts intended to catalyze economic
12 and workforce development initiatives in such city; and

13 (b) The city is not receiving state assistance under the Sports
14 Arena Facility Financing Assistance Act.

15 (3) Priority in grant funding shall go to any city of the first
16 class described in subsection (2) of this section whose project includes
17 the partnership of a city convention and visitors bureau or county
18 convention and visitors bureau.

19 (4) Grants under this section may fund capital assets, video
20 projection mapping, and intangible video or audio artistic expression
21 presentations. Grants shall not fund ongoing operational and personnel
22 expenses of a political subdivision or nonprofit corporation, live
23 performances, promotional or marketing efforts of the creative district,
24 legal expenses, lobbying expenses, planning expenses, architectural
25 expenses, or engineering expenses.

26 (5) Any assets acquired using grant funds shall be owned by the city
27 of the first class receiving such grant.

28 (6) Any grant awarded under this section must be at least equal to
29 one million five hundred thousand dollars.

30 (7) For purposes of this section, creative district means a creative
31 district established pursuant to subdivision (5) of section 82-312.

1 Sec. 11. Original sections 13-3105 and 13-3109, Reissue Revised
2 Statutes of Nebraska, and sections 13-2610, 13-3102, 13-3103, 13-3104,
3 13-3106, 13-3108, and 82-334, Revised Statutes Cumulative Supplement,
4 2020, are repealed.

5 Sec. 12. Since an emergency exists, this act takes effect when
6 passed and approved according to law.