

## LEGISLATIVE BILL 153

Approved by the Governor April 24, 2013

Introduced by Dubas, 34; Harms, 48; Johnson, 23.

FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska; to provide for additional uses of grants under the act; to change provisions relating to the use of a fund, the evaluation of grants, and reports; to define a term; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 13-2701, Reissue Revised Statutes of Nebraska, is amended to read:

13-2701 Sections 13-2701 to 13-2710 and sections 5, 6, and 9 of this act shall be known and may be cited as the Civic and Community Center Financing Act.

Sec. 2. Section 13-2702, Reissue Revised Statutes of Nebraska, is amended to read:

13-2702 The purpose of the Civic and Community Center Financing Act is to support the development of civic, and community, and recreation centers throughout Nebraska. Furthermore, the act is intended to support projects that foster maintenance or growth of communities.

Sec. 3. Section 13-2703, Reissue Revised Statutes of Nebraska, is amended to read:

13-2703 For purposes of the Civic and Community Center Financing Act:

(1) Civic center means a facility that is primarily used to host conventions, meetings, and cultural events and a library;

(2) Community center means the traditional center of a community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged around a main street and intersecting streets;

(3) Department means the Department of Economic Development;

(4) Fund means the Civic and Community Center Financing Fund; ~~and~~

(5) Historic building means a building eligible for listing on or currently listed on the National Register of Historic Places; ~~and-~~

(6) Recreation center means a facility used for athletics, fitness, sport activities, or recreation that is owned by a municipality and is available for use by the general public with or without charge. Recreation center does not include any facility that requires a person to purchase a membership to utilize such facility.

Sec. 4. Section 13-2704, Reissue Revised Statutes of Nebraska, is amended to read:

13-2704 (1) The Civic and Community Center Financing Fund is created. The fund shall be administered by the department. ~~Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Civic and Community Center Financing Fund fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund may be used for assistance for the construction of new civic centers, the renovation or expansion of existing civic or community centers, or the conversion, rehabilitation, or reuse of historic buildings for purposes consistent with this section. The fund may not be used for programming, marketing, advertising, and related activities. Transfers may be made from the fund to the General Fund, the Department of Revenue Enforcement Fund, and to the State Colleges Sport Facilities Cash Fund at the direction of the Legislature.~~

~~(2) It is the intent of the Legislature that on July 1, 2011, or as soon thereafter as is administratively possible the State Treasurer shall transfer forty-two thousand nine hundred dollars from the Civic and Community Center Financing Fund to the Department of Revenue Enforcement Fund.~~

(2)(a) The department shall use the Civic and Community Center Financing Fund for the following purposes:

(i) For grants of assistance as described in section 5 of this act;

(ii) For grants of assistance as described in section 6 of this act;

and

(iii) For reasonable and necessary costs of the department directly related to the administration of the fund, not to exceed the amount needed to employ a one-half full-time equivalent employee.

(b) The fund may not be used for programming, marketing, advertising, or facility-staffing activities.

(3) The State Treasurer shall transfer two hundred fifty thousand dollars from the Civic and Community Center Financing Fund to the State Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014. Commencing October 1, 2015, and every year thereafter, the State Treasurer shall transfer four hundred thousand dollars from the Civic and Community Center Financing Fund to the State Colleges Sport Facilities Cash Fund.

Sec. 5. (1) The department shall use the fund to provide grants of assistance for the following purposes:

(a) To assist in the construction of new civic centers and recreation centers or the renovation or expansion of existing civic centers and recreation centers;

(b) To assist in the conversion, rehabilitation, or reuse of historic buildings; or

(c) To upgrade community centers, including the demolition of substandard and abandoned buildings.

(2) Applications for grants of assistance pursuant to this section shall be evaluated by the department pursuant to section 13-2707.

Sec. 6. (1) The department shall use the fund to provide grants of assistance for engineering and technical studies directly related to projects described in section 5 of this act.

(2) Applications for grants of assistance pursuant to this section shall be evaluated by the department pursuant to section 9 of this act.

Sec. 7. Section 13-2705, Reissue Revised Statutes of Nebraska, is amended to read:

13-2705 The department may conditionally approve grants of assistance from the fund to eligible and competitive applicants within the following limits:

(1) Except as provided in subdivision (2) of this section, a grant request shall be ~~at~~ in an amount meeting the following requirements:

(a) For a grant of assistance under section 5 of this act, at least ten thousand dollars but no more than:

~~(a)~~ (i) For a city of the primary class, one million five hundred thousand dollars;

~~(b)~~ (ii) For a municipality with a population of forty thousand but less than one hundred thousand, seven hundred fifty thousand dollars;

~~(c)~~ (iii) For a municipality with a population of twenty thousand but less than forty thousand, five hundred thousand dollars;

~~(d)~~ (iv) For a municipality with a population of ten thousand but less than twenty thousand, four hundred thousand dollars; and

~~(e)~~ (v) For a municipality with a population of less than ten thousand, two hundred fifty thousand dollars; and

(b) For a grant of assistance under section 6 of this act, at least two thousand dollars but no more than ten thousand dollars;

(2) Upon the balance of the fund reaching two million five hundred thousand dollars, and until the balance of the fund falls below one million dollars, a grant request shall be ~~at~~ in an amount meeting the following requirements:

(a) For a grant of assistance under section 5 of this act, at least ten thousand dollars but no more than:

~~(a)~~ (i) For a city of the primary class, two million two hundred fifty thousand dollars;

~~(b)~~ (ii) For a municipality with a population of forty thousand but less than one hundred thousand, one million one hundred twenty-five thousand dollars;

~~(c)~~ (iii) For a municipality with a population of twenty thousand but less than forty thousand, seven hundred fifty thousand dollars;

~~(d)~~ (iv) For a municipality with a population of ten thousand but less than twenty thousand, six hundred thousand dollars; and

~~(e)~~ (v) For a municipality with a population of less than ten thousand, three hundred seventy-five thousand dollars; and

(b) For a grant of assistance under section 6 of this act, at least two thousand dollars but no more than ten thousand dollars;

(3) Assistance from the fund shall not amount to more than fifty percent of the cost of ~~construction, renovation, or expansion,~~ the project for which a grant is requested; and

(4) A municipality shall not be awarded more than one grant of assistance under section 5 of this act and one grant of assistance under section 6 of this act in any five-year period.

Sec. 8. Section 13-2707, Reissue Revised Statutes of Nebraska, is amended to read:

13-2707 (1) The department shall evaluate all applications for grants of assistance under section 5 of this act based on the following criteria, which are listed in no particular order of preference:

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

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

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

(a) Retention Impact. Funding decisions by the department shall be based on the likelihood of the project retaining existing residents in the community where the project is located, developing, sustaining, and fostering community connections, and enhancing the potential for economic growth in a manner that will sustain the quality of life and promote long-term economic development;

(b) New Resident Impact. Funding decisions by the department shall be based on the likelihood of the project attracting new residents to the community where the project is located;

(c) Visitor Impact. Funding decisions by the department shall be based on the likelihood of the project enhancing or creating an attraction that would increase the potential of visitors to the community where the project is located from inside and outside the state;

~~(4) (d) Readiness. The applicant's fiscal and economic capacity to finance the local share and ability to proceed and implement its plan and operate the civic or center, community center, or recreation center; and~~

~~(5) Project location. A project shall be located in the municipality that applies for the grant; and~~

~~(6) (e) Project planning. Projects with completed technical assistance and feasibility studies shall be preferred to those with no prior planning.~~

(2) Any grant of assistance under section 5 of this act shall be matched at least equally from local sources. At least fifty percent of the local match must be in cash.

(3) To receive a grant of assistance under section 5 of this act, the project for which the grant is requested shall be located in the municipality that applies for the grant.

Sec. 9. The department shall evaluate all applications for grants of assistance under section 6 of this act based on the following criteria:

(1) Financial support. Assistance from the fund shall be matched at least equally from local sources. At least fifty percent of the local match must be in cash. Projects with a higher level of local matching funds shall be preferred as compared to those with a lower level of matching funds; and

(2) Project location. Assistance from the fund shall be for engineering and technical studies related to projects that will be located in the municipality that applies for the grant.

Sec. 10. Section 13-2709, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

(6) Grant summaries, including the applicant municipality, project description, grant amount requested, amount and type of matching funds, and

reasons for approval or denial based on evaluation criteria from section 13-2707 or section 9 of this act for every application seeking assistance under the act.

Sec. 11. Original sections 13-2701, 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska, are repealed.