

AMENDMENTS TO LB39

Introduced by Flood, 19.

1           1. Insert the following new sections:

2           Section 1. Section 13-2709, Revised Statutes Cumulative Supplement,  
3           2020, is amended to read:

4           13-2709 (1) The department shall submit, as part of the department's  
5           annual status report under section 81-1201.11, the following information  
6           regarding the Civic and Community Center Financing Act:

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

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

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

18          (d) The amount of appropriated funds actually expended by the  
19          department for the year;

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

24          (f) Grant summaries, including the applicant municipality, project  
25          description, grant amount requested, amount and type of matching funds,  
26          and reasons for approval or denial based on evaluation criteria from  
27          section 13-2707 or 13-2707.01 for every application seeking assistance

1 under the act.

2 (2) If the amount of the year-end fund balance which has not been  
3 committed to funding grants under the act as reported under subdivision  
4 (1)(c) of this section, excluding any amount required to be transferred  
5 under subsection (3) of section 13-2704, is more than one million  
6 dollars, the department shall notify the State Treasurer of the amount in  
7 excess of one million dollars. The State Treasurer shall transfer the  
8 amount in excess of one million dollars from the Civic and Community  
9 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

10 (3) The Political Subdivision Recapture Cash Fund is created and  
11 shall consist of money transferred under subsection (2) of this section.  
12 Any money in the Political Subdivision Recapture Cash Fund available for  
13 investment shall be invested by the state investment officer pursuant to  
14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
15 Investment Act. By October 1 of each year, the State Treasurer shall  
16 distribute the money in the Political Subdivision Recapture Cash Fund to  
17 the political subdivisions which have an application for state assistance  
18 for an eligible facility or an eligible sports arena facility approved  
19 under the Convention Center Facility Financing Assistance Act or the  
20 Sports Arena Facility Financing Assistance Act. Each political  
21 subdivision shall receive a proportionate share of the amount to be  
22 distributed under this subsection, and such proportionate share shall be  
23 based on the amount of sales tax revenue generated for the Civic and  
24 Community Center Financing Fund during the most recently completed fiscal  
25 year by the political subdivision's facility. The Tax Commissioner shall  
26 supply the State Treasurer with any information needed to make the  
27 distributions required in this subsection.

28 Sec. 7. Section 13-3108, Revised Statutes Cumulative Supplement,  
29 2020, is amended to read:

30 13-3108 (1) The Sports Arena Facility Support Fund is created. Any  
31 money in the fund available for investment shall be invested by the state

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

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

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

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

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

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

30 (5) Beginning in 2014, quarterly distributions and associated  
31 transfers of state assistance shall be made. Such quarterly distributions

1 and transfers shall be based on the certifications provided under  
2 subsection (4) of section 13-3107 and shall occur within fifteen days  
3 after receipt of such certification.

4 (6) The total amount of state assistance approved for an eligible  
5 sports arena facility shall neither (a) exceed fifty million dollars nor  
6 (b) be paid out for more than twenty years after the issuance of the  
7 first bond for the sports arena facility.

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

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

15 (9) The thirty percent of state sales tax revenue remaining after  
16 the appropriation and transfer in subsection (3) of this section shall be  
17 appropriated by the Legislature and transferred quarterly to the Support  
18 the Arts Cash Fund beginning in 2014 to the Civic and Community Center  
19 Financing Fund.

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

26 (11) A city of the primary class shall not be eligible to receive a  
27 grant of assistance from the Civic and Community Center Financing Act if  
28 the city has applied for and received a grant of assistance under the  
29 Sports Arena Facility Financing Assistance Act.

30 Sec. 8. Section 82-313, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 82-313 (1) The Nebraska Arts Council may:

2 (a) Hold public and private hearings;

3 (b) Enter into contracts, within the limit of funds available  
4 therefor, with individuals, organizations, and institutions for services  
5 furthering the educational objectives of the council's programs;

6 (c) Enter into contracts, within the limit of funds available  
7 therefor, with local and regional associations for cooperative endeavors  
8 furthering the educational objectives of the council's programs;

9 (d) Accept gifts, contributions, and bequests of unrestricted funds  
10 from individuals, foundations, corporations, and other organizations or  
11 institutions for the purpose of furthering the educational objectives of  
12 the council's programs;

13 (e) Distribute funds appropriated by the Legislature to any  
14 organization which has been designated as the state affiliate of the  
15 National Endowment for the Humanities for the period covered by the  
16 appropriation;

17 (f) Make and sign any agreements and do and perform any acts that  
18 may be necessary to carry out the purposes of sections 82-309 to 82-316;

19 (g) Enter into contracts, make and sign any agreements, and perform  
20 any acts that may be necessary to stabilize funding for the arts and  
21 humanities and to carry out the intent of sections 82-330 to 82-333;

22 (h) Prepare a plan that would permit, to the extent that funds are  
23 available, the establishment of a competitive grant program to award a  
24 grant to any creative district that is certified pursuant to the plan  
25 adopted by the Legislature under subdivision (5) of section 82-312 and  
26 that meets the criteria for the competitive grant, including eligibility  
27 criteria, application and appeal processes, conditions on receipt of a  
28 grant, and consequences of failure to meet the conditions. For any grants  
29 to be awarded from funds transferred to the Support the Arts Cash Fund  
30 pursuant to subsection (9) of section 13-3108, the following requirements  
31 shall apply: ~~;~~ and

1       (i) Grant funding shall go to creative districts that have a ten-  
2 year plan for integration of the arts intended to catalyze economic and  
3 workforce development initiatives in a city of the first class;

4       (ii) Priority in grant funding shall go to any creative district  
5 that demonstrates that its project includes the partnership of a city  
6 convention and visitors bureau or county convention and visitors bureau  
7 located within the creative district;

8       (iii) The grant may fund capital assets, video projection mapping,  
9 and intangible video or audio artistic expression presentations;

10       (iv) The grant shall not fund ongoing operational and personnel  
11 expenses of a political subdivision or nonprofit corporation, live  
12 performances involving humans, promotional or marketing efforts of the  
13 creative district, legal expenses, lobbying expenses, planning expenses,  
14 architectural expenses, or engineering expenses;

15       (v) Grant funding shall not go to any city of the first class that  
16 is receiving state assistance under the Sports Arena Facility Financing  
17 Assistance Act; and

18       (vi) Any grant awarded must be at least equal to one million five  
19 hundred thousand dollars; and

20       (i) Adopt and promulgate rules and regulations to carry out its  
21 powers and duties.

22       (2) The council may request from any department, division, board,  
23 bureau, commission, or agency of the state such assistance and data as  
24 will enable it properly to carry out its powers and duties.

25       Sec. 9. Section 82-334, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27       82-334 (1) The Support the Arts Cash Fund is created. The fund shall  
28 consist of all money credited to the fund pursuant to section 60-3,252  
29 and all money transferred to the fund pursuant to section 13-3108. The  
30 Nebraska Arts Council shall administer and distribute the Support the  
31 Arts Cash Fund. The fund shall be expended by the Nebraska Arts Council

1 to provide aid to communities that designate a focus area of the city for  
2 arts and cultural development, to provide money for the a competitive  
3 grant program described in subdivision (1)(h) of section 82-313 that  
4 awards a grant to any creative district that meets the criteria for the  
5 competitive grant, if such program exists, and to defray costs directly  
6 related to the administration of the fund. All money transferred to the  
7 fund pursuant to section 13-3108 shall be used for the competitive grant  
8 program described in subdivision (1)(h) of section 82-313.

9 (2) Any money in the fund available for investment shall be invested  
10 by the state investment officer pursuant to the Nebraska Capital  
11 Expansion Act and the Nebraska State Funds Investment Act.

12 2. Renumber the remaining sections and correct the repealer  
13 accordingly.