

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 927

FINAL READING

Introduced by Pahls, 31.

Read first time January 10, 2022

Committee: Revenue

1 A BILL FOR AN ACT relating to political subdivisions; to amend section
2 13-2706, Reissue Revised Statutes of Nebraska, sections 13-2603,
3 13-2604, and 13-2705, Revised Statutes Cumulative Supplement, 2020,
4 and sections 13-2610, 13-3102, 13-3103, 13-3104, 13-3108, 77-1633,
5 and 77-1634, Revised Statutes Supplement, 2021; to define and
6 redefine terms and change provisions relating to state assistance
7 under the Convention Center Facility Financing Assistance Act and
8 the Sports Arena Facility Financing Assistance Act; to change
9 committee member and report provisions of the Convention Center
10 Support Fund; to change provisions relating to grants of assistance
11 and define a term under the Civic and Community Center Financing
12 Act; to change provisions relating to joint public hearings,
13 postcards, and compliance under the Property Tax Request Act; to
14 harmonize provisions; and to repeal the original sections.
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2603, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 13-2603 For purposes of the Convention Center Facility Financing
4 Assistance Act:

5 (1) Associated hotel means any publicly or privately owned facility
6 in which the public may, for a consideration, obtain sleeping
7 accommodations and which is located, in whole or in part, within six
8 hundred yards of an eligible facility, measured from any point of the
9 exterior perimeter of the eligible facility but not from any parking
10 facility or other structure;

11 (2) Board means a board consisting of the Governor, the State
12 Treasurer, the chairperson of the Nebraska Investment Council, the
13 chairperson of the Nebraska State Board of Public Accountancy, and a
14 professor of economics on the faculty of a state postsecondary
15 educational institution appointed to a two-year term on the board by the
16 Coordinating Commission for Postsecondary Education. For administrative
17 and budget purposes only, the board shall be considered part of the
18 Department of Revenue;

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

21 (4) Convention and meeting center facility means a temperature-
22 controlled building and personal property primarily used as a convention
23 and meeting center, including an auditorium, an exhibition hall, a
24 facility for onsite food preparation and serving, an onsite, directly
25 connected parking facility for the use of the convention and meeting
26 center facility, a nearby parking facility for the use of the convention
27 and meeting center facility, and an onsite administrative office of the
28 convention and meeting center facility;

29 (5)(a) Eligible facility means any publicly owned convention and
30 meeting center facility approved for state assistance on or before June
31 1, 2007, any publicly owned sports arena facility attached to such

1 convention and meeting center facility, or any publicly or privately
2 owned convention and meeting center facility or publicly or privately
3 owned sports arena facility acquired, constructed, improved, or equipped
4 after June 1, 2007; and

5 (b) Beginning with applications for financial assistance received on
6 or after February 1, 2008, eligible facility does not include any
7 publicly or privately owned sports arena facility with a seating capacity
8 greater than sixteen thousand seats;

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

12 (7) Nearby parking facility means any parking lot, parking garage,
13 or other parking structure that is not directly connected to a convention
14 and meeting center facility but which is located, in whole or in part,
15 within six hundred yards of a convention and meeting center facility,
16 measured from any point of the exterior perimeter of such facility but
17 not from any other parking facility or other structure;

18 (8) (7) Political subdivision means any local governmental body
19 formed and organized under state law and any joint entity or joint public
20 agency created under state law to act on behalf of political subdivisions
21 which has statutory authority to issue general obligation bonds;

22 (9) (8) Revenue bond means any bond or refunding bond issued by a
23 political subdivision which is limited or special rather than a general
24 obligation bond of the political subdivision and which is not payable
25 from the proceeds of an ad valorem tax; and

26 (10) (9) Sports arena facility means any enclosed temperature-
27 controlled building primarily used for competitive sports, including
28 arenas, dressing and locker facilities, concession areas, parking
29 facilities, and onsite administrative offices connected with operating
30 the facilities.

31 Sec. 2. Section 13-2604, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 13-2604 Any political subdivision that has acquired, constructed,
3 improved, or equipped or has approved a general obligation bond issue to
4 acquire, construct, improve, or equip eligible facilities may apply to
5 the board for state assistance. The state assistance shall be used:

6 (1) To pay back amounts expended or borrowed through one or more
7 issues of bonds to be expended by the political subdivision to acquire,
8 construct, improve, and equip eligible facilities until repayment in full
9 of the amounts expended or borrowed by the political subdivision,
10 including the principal of and interest on bonds, for eligible
11 facilities;~~and~~

12 (2) To pay for capital improvements to eligible facilities;and ~~and~~

13 (3) To acquire, construct, improve, and equip nearby parking
14 facilities.

15 Sec. 3. Section 13-2610, Revised Statutes Supplement, 2021, is
16 amended to read:

17 13-2610 (1) Upon the annual certification under section 13-2609, the
18 State Treasurer shall transfer after the audit the amount certified to
19 the Convention Center Support Fund. The Convention Center Support Fund is
20 created. Transfers may be made from the fund to the General Fund at the
21 direction of the Legislature. Any money in the Convention Center Support
22 Fund available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
24 State Funds Investment Act.

25 (2)(a) It is the intent of the Legislature to appropriate from the
26 fund to any political subdivision for which an application for state
27 assistance under the Convention Center Facility Financing Assistance Act
28 has been approved an amount not to exceed (i) seventy percent of the
29 state sales tax revenue collected by retailers and operators doing
30 business at such facilities on sales at such facilities, state sales tax
31 revenue collected on primary and secondary box office sales of admissions

1 to such facilities, and state sales tax revenue collected by associated
2 hotels, (ii) one hundred fifty seventy-five million dollars for any one
3 approved project, or (iii) the total cost of acquiring, constructing,
4 improving, or equipping the eligible facility. State assistance shall not
5 be used for an operating subsidy ~~or other ancillary facility.~~

6 (b) It is further the intent of the Legislature to appropriate from
7 the fund to any city of the metropolitan class for which an application
8 for state assistance under the Convention Center Facility Financing
9 Assistance Act has been approved an amount not to exceed the amount of
10 money transferred to the fund pursuant to subdivision (9)(a) of section
11 13-3108.

12 (3)(a) Ten percent of the funds appropriated to a city of the
13 metropolitan class under subdivision (2)(a) of this section and all of
14 the funds appropriated to a city of the metropolitan class under
15 subdivision (2)(b) of this section shall be equally distributed to areas
16 with a high concentration of poverty. Fifty-five percent of such funds
17 shall be used to showcase important historical aspects of such areas or
18 areas within close geographic proximity of the area with a high
19 concentration of poverty and to assist with the reduction of street and
20 gang violence in such areas. Forty-five percent of such funds shall be
21 used to assist with small business and entrepreneurship growth in such
22 areas. ~~to (i) showcase important historical aspects of such areas or~~
23 ~~areas within close geographic proximity of the area with a high~~
24 ~~concentration of poverty, (ii) assist with the reduction of street and~~
25 ~~gang violence in such areas, or (iii) assist with small business and~~
26 ~~entrepreneurship growth in such areas.~~

27 (b) Each area with a high concentration of poverty that has been
28 distributed funds under subdivision (3)(a) of this section shall
29 establish a development fund and form a committee which shall identify
30 and research potential projects to be completed in the area with a high
31 concentration of poverty or in an area within close geographic proximity

1 of such area if the project would have a significant or demonstrable
2 impact on such area and make final determinations on the use of the funds
3 received for such projects.

4 (c) A committee formed under subdivision (3)(b) of this section
5 shall include the following members:

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

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

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

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

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

15 (e) For any committee formed under subdivision (3)(b) of this
16 section:

17 (i) The two committee members described in subdivisions (3)(c)(i)
18 and (ii) of this section shall share joint responsibility of all
19 committee operations and meetings. Applications for funding may be
20 submitted to either of such members; and

21 (ii) All applications, reports, and other records of the committee
22 shall be accessible to any member of the committee.

23 (f) Each recipient of funding from a committee formed under
24 subdivision (3)(b) of this section shall submit an itemized report to
25 such committee on the use of such funds. A recipient shall not be
26 eligible to receive funding for more than three consecutive years unless
27 such recipient is able to justify continued funding based on the
28 following criteria:

29 (i) The number of people served by the project;

30 (ii) The relevance and scale of the project;

31 (iii) The desirability of the social or environmental outcomes of

1 the project and how such outcomes will be achievable and measurable;

2 (iv) The economic impact on the area with a high concentration of
3 poverty; and

4 (v) The recipient's sustainability plan.

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

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

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

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

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

15 (h) (f) For purposes of this subsection, an area with a high
16 concentration of poverty means an area within the corporate limits of a
17 city of the metropolitan class consisting of one or more contiguous
18 census tracts, as determined by the most recent federal decennial census,
19 which contain a percentage of persons below the poverty line of greater
20 than thirty percent, and all census tracts contiguous to such tract or
21 tracts, as determined by the most recent federal decennial census.

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

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

31 (ii) If there are no such qualified low-income housing projects as

1 defined in 26 U.S.C. 42 being constructed or expected to be constructed
2 within the political subdivision, for investment in areas with a high
3 concentration of poverty to assist with low-income housing needs.

4 (b) 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 primary class consisting of one or more contiguous census
7 tracts, as determined by the most recent American Community Survey 5-Year
8 Estimate, which contain a percentage of persons below the poverty line of
9 greater than thirty percent, and all census tracts contiguous to such
10 tract or tracts, as determined by the most recent American Community
11 Survey 5-Year Estimate.

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

17 (6) The remaining thirty percent of state sales tax revenue
18 collected by retailers and operators doing business at such facilities on
19 sales at such facilities, state sales tax revenue collected on primary
20 and secondary box office sales of admissions to such facilities, and
21 state sales tax revenue collected by associated hotels, shall be
22 appropriated by the Legislature to the Civic and Community Center
23 Financing Fund. Upon the annual certification required pursuant to
24 section 13-2609 and following the transfer to the Convention Center
25 Support Fund required pursuant to subsection (1) of this section, the
26 State Treasurer shall transfer an amount equal to the remaining thirty
27 percent from the Convention Center Support Fund to the Civic and
28 Community Center Financing Fund.

29 (7) Any municipality that has applied for and received a grant of
30 assistance under the Civic and Community Center Financing Act may not
31 receive state assistance under the Convention Center Facility Financing

1 Assistance Act.

2 Sec. 4. Section 13-2705, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 13-2705 The department may conditionally approve grants of
5 assistance from the fund to eligible and competitive applicants subject
6 to the following limits and requirements:

7 (1) Except as provided in subdivision (2) of this section and
8 subsection (4) of section 13-2706, a grant request shall be in an amount
9 meeting the following requirements:

10 (a) For a grant of assistance under section 13-2704.01, at least
11 fifteen thousand dollars but no more than:

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

14 (ii) For a city with a population of at least forty thousand
15 inhabitants but fewer than one hundred thousand inhabitants as determined
16 by the most recent federal decennial census or the most recent revised
17 certified count by the United States Bureau of the Census, one million
18 one hundred twenty-five thousand dollars;

19 (iii) For a city with a population of at least twenty thousand
20 inhabitants but fewer than forty thousand inhabitants as determined by
21 the most recent federal decennial census or the most recent revised
22 certified count by the United States Bureau of the Census, seven hundred
23 fifty thousand dollars;

24 (iv) For a city with a population of at least ten thousand
25 inhabitants but fewer than twenty thousand inhabitants as determined by
26 the most recent federal decennial census or the most recent revised
27 certified count by the United States Bureau of the Census, six hundred
28 thousand dollars; and

29 (v) For a municipality with a population of fewer than ten thousand
30 inhabitants as determined by the most recent federal decennial census or
31 the most recent revised certified count by the United States Bureau of

1 the Census, three hundred seventy-five thousand dollars; and

2 (b) For a grant of assistance under section 13-2704.02, at least
3 three thousand dollars but no more than fifteen thousand dollars;

4 (2) Except as provided in subsection (4) of section 13-2706, upon
5 ~~Upon~~ the balance of the fund reaching three million seven hundred fifty
6 thousand dollars, and until the balance of the fund falls below one
7 million five hundred thousand dollars, a grant request shall be in an
8 amount meeting the following requirements:

9 (a) For a grant of assistance under section 13-2704.01, at least
10 fifteen thousand dollars but no more than:

11 (i) For a city of the primary class, three million three hundred
12 seventy-five thousand dollars;

13 (ii) For a city with a population of at least forty thousand
14 inhabitants but fewer than one hundred thousand inhabitants as determined
15 by the most recent federal decennial census or the most recent revised
16 certified count by the United States Bureau of the Census, one million
17 six hundred eighty-seven thousand dollars;

18 (iii) For a city with a population of at least twenty thousand
19 inhabitants but fewer than forty thousand inhabitants as determined by
20 the most recent federal decennial census or the most recent revised
21 certified count by the United States Bureau of the Census, one million
22 one hundred twenty-five thousand dollars;

23 (iv) For a city with a population of at least ten thousand
24 inhabitants but fewer than twenty thousand inhabitants as determined by
25 the most recent federal decennial census or the most recent revised
26 certified count by the United States Bureau of the Census, nine hundred
27 thousand dollars; and

28 (v) For a municipality with a population of fewer than ten thousand
29 inhabitants as determined by the most recent federal decennial census or
30 the most recent revised certified count by the United States Bureau of
31 the Census, five hundred sixty-two thousand dollars; and

1 (b) For a grant of assistance under section 13-2704.02, at least
2 three thousand dollars but no more than fifteen thousand dollars;

3 (3) Assistance from the fund shall not amount to more than fifty
4 percent of the cost of the project for which a grant is requested;

5 (4) A municipality shall not be awarded more than one grant of
6 assistance under section 13-2704.01 and one grant of assistance under
7 section 13-2704.02 in any two-year period;

8 (5) Any eligible facility for which a grant of assistance under
9 section 13-2704.01 is made shall not be sold for at least five years
10 following the award of such grant of assistance;~~and~~

11 (6) An application for a grant of assistance to assist in the
12 preservation, restoration, conversion, rehabilitation, or reuse of a
13 historic building or district shall include a notification of approval
14 from the State Historic Preservation Officer that the work proposed in
15 the application conforms to the United States Secretary of the Interior's
16 Standards for the Treatment of Historic Properties. If the application
17 does not include such notification of approval from the State Historic
18 Preservation Officer, the department shall not award a grant of
19 assistance for such application; and -

20 (7) An application for a grant of assistance to a municipality
21 partnering with a certified creative district as provided in subsection
22 (4) of section 13-2706 shall include a notification of approval from the
23 Nebraska Arts Council that the work proposed in the application conforms
24 to the council's standards. If the application does not include such
25 notification of approval from the Nebraska Arts Council, the department
26 shall not award a grant of assistance for such application.

27 Sec. 5. Section 13-2706, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 13-2706 (1) Except as provided in subsection (2) of this section for
30 a city of the primary class, any municipality that has applied for and
31 received a grant of assistance under the Sports Arena Facility Financing

1 Assistance Act shall not receive state assistance under the Civic and
2 Community Center Financing Act for the same project for which the grant
3 was awarded under the Sports Arena Facility Financing Assistance Act.

4 (2) A city of the primary class shall not be eligible to receive a
5 grant of assistance from the Civic and Community Center Financing Act if
6 the city has applied for and received a grant of assistance under the
7 Sports Arena Facility Financing Assistance Act.

8 (3) Any city that has received funding under the Convention Center
9 Facility Financing Assistance Act shall not receive state assistance
10 under the Civic and Community Center Financing Act.

11 (4) From July 1, 2023, to June 30, 2024, a municipality shall be
12 eligible for a grant of assistance under the Civic and Community Center
13 Financing Act only if such municipality (a) partners with a certified
14 creative district and (b) is not prohibited from receiving a grant of
15 assistance under subsection (1), (2), or (3) of this section.
16 Notwithstanding the limitations on the amount of grants of assistance in
17 section 13-2705, the amount of any grant of assistance for a municipality
18 partnering with a certified creative district shall not be less than one
19 hundred thousand dollars or more than two hundred fifty thousand dollars,
20 regardless of the population of the municipality. For purposes of this
21 subsection, certified creative district means a creative district
22 certified pursuant to subdivision (5) of section 82-312. After June 30,
23 2024, this subsection no longer applies.

24 (5) (4) Any municipality eligible for a grant of assistance as
25 provided in this section may apply for a grant of assistance from the
26 fund. Application shall be made on forms developed by the department.

27 Sec. 6. Section 13-3102, Revised Statutes Supplement, 2021, is
28 amended to read:

29 13-3102 For purposes of the Sports Arena Facility Financing
30 Assistance Act:

31 (1) Applicant means:

1 (a) A political subdivision; or

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

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

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

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

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

20 (6) Economic redevelopment area means an area in the State of
21 Nebraska in which:

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

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

29 (7) Eligible sports arena facility means:

30 (a) Any publicly owned, enclosed, and temperature-controlled
31 building primarily used for sports that has a permanent seating capacity

1 of at least three thousand but no more than seven thousand seats and in
2 which initial occupancy occurs on or after July 1, 2010, including
3 stadiums, arenas, dressing and locker facilities, concession areas,
4 parking facilities, nearby parking facilities for the use of the eligible
5 sports arena facility, and onsite administrative offices connected with
6 operating the facilities;

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

11 (c) Any sports complex, including concession areas, parking
12 facilities, and onsite administrative offices connected with operating
13 the sports complex;

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

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

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

28 (11) Nearby parking facility means any parking lot, parking garage,
29 or other parking structure that is not directly connected to an eligible
30 sports arena facility but which is located, in whole or in part, within
31 seven hundred yards of an eligible sports arena facility, measured from

1 any point of the exterior perimeter of such facility but not from any
2 other parking facility or other structure;

3 (12) ~~(11)~~ Nearby retailer means a retailer as defined in section
4 77-2701.32 that is located within the program area. The term includes a
5 subsequent owner of a nearby retailer operating at the same location;

6 (13) ~~(12)~~ New state sales tax revenue means:

7 (a) For any eligible sports arena facility that is not a sports
8 complex:

9 (i) One hundred percent of the state sales tax revenue that (A) is
10 collected by a nearby retailer that commenced collecting state sales tax
11 during the period of time beginning twenty-four months prior to the
12 project completion date of the eligible sports arena facility and ending
13 forty-eight months after the project completion date of the eligible
14 sports arena facility or, for applications for state assistance approved
15 prior to October 1, 2016, forty-eight months after October 1, 2016, and
16 (B) is sourced under sections 77-2703.01 to 77-2703.04 to the program
17 area; and

18 (ii) The increase in state sales tax revenue that (A) is collected
19 by a nearby retailer that commenced collecting state sales tax prior to
20 twenty-four months prior to the project completion date of the eligible
21 sports arena facility and (B) is sourced under sections 77-2703.01 to
22 77-2703.04 to the program area; or

23 (b) For any eligible sports arena facility that is a sports complex,
24 one hundred percent of the state sales tax revenue that (i) is collected
25 by a nearby retailer that commenced collecting state sales tax during the
26 period of time beginning on the date that the project commenced and
27 ending forty-eight months after the project completion date of the
28 eligible sports arena facility and (ii) is sourced under sections
29 77-2703.01 to 77-2703.04 to the program area;

30 (14) ~~(13)~~ Political subdivision means any city, village, or county;

31 (15) ~~(14)~~ Program area means:

1 (a) For any eligible sports arena facility that is not a sports
2 complex:

3 (i) For applications for state assistance submitted prior to October
4 1, 2016, the area that is located within six hundred yards of an eligible
5 sports arena facility, measured from any point of the exterior perimeter
6 of the facility but not from any parking facility or other structure; or

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

13 (A) It avoids as much of the unbuildable property as is practical;
14 and

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

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

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

26 (16) ~~(15)~~ Project completion date means:

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

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

1 ~~(17)~~ ~~(16)~~ Revenue bond means any bond or refunding bond issued by a
2 political subdivision which is limited or special rather than a general
3 obligation bond of the political subdivision and which is not payable
4 from the proceeds of an ad valorem tax;

5 ~~(18)~~ ~~(17)~~ Sports complex means a facility that:

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

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

8 (c) Contains at least:

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

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

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

19 ~~(19)~~ ~~(18)~~ Sports venue includes, but is not limited to:

20 (a) A baseball field;

21 (b) A softball field;

22 (c) A multipurpose field;

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

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

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

30 ~~(20)~~ ~~(19)~~ Unbuildable property means any real property that is
31 located in a floodway, an environmentally protected area, a right-of-way,

1 or a brownfield site as defined in 42 U.S.C. 9601 that the political
2 subdivision determines is not suitable for the construction or location
3 of residential, commercial, or other buildings or facilities.

4 Sec. 7. Section 13-3103, Revised Statutes Supplement, 2021, is
5 amended to read:

6 13-3103 (1) Any applicant that has (a) acquired, constructed,
7 improved, or equipped, (b) approved a revenue bond issue or a general
8 obligation bond issue to acquire, construct, improve, or equip, or (c)
9 adopted a resolution authorizing the applicant to pursue a general
10 obligation bond issue to acquire, construct, improve, or equip an
11 eligible sports arena facility may apply to the board for state
12 assistance.

13 (2) The state assistance shall only be used to pay back amounts
14 expended or borrowed through one or more issues of bonds to be expended
15 by the applicant to acquire, construct, improve, or equip the eligible
16 sports arena facility and to acquire, construct, improve, or equip nearby
17 parking facilities.

18 (3) ~~(2)~~ For applications for state assistance approved on or after
19 October 1, 2016, no more than fifty percent of the final cost of the
20 project shall be funded by state assistance received pursuant to section
21 13-3108.

22 Sec. 8. Section 13-3104, Revised Statutes Supplement, 2021, is
23 amended to read:

24 13-3104 (1) All applications for state assistance under the Sports
25 Arena Facility Financing Assistance Act shall be in writing and shall
26 include a certified copy of the approving action of the governing body of
27 the applicant describing the proposed project for which state assistance
28 is requested and the anticipated financing.

29 (2) The application shall contain:

30 (a) A description of the proposed financing of the project,
31 including the estimated principal and interest requirements for the bonds

1 proposed to be issued in connection with the project or the amounts
2 necessary to repay the original investment by the applicant in the
3 project;

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

8 (c) For applications submitted on or after October 1, 2016, a map
9 identifying the program area, including any unbuildable property within
10 the program area or taken into account in adjusting the program area as
11 described in subdivision ~~(14)(a)(ii)~~ (15)(a)(ii) of section 13-3102; and

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

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

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

18 Sec. 9. Section 13-3108, Revised Statutes Supplement, 2021, is
19 amended to read:

20 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
21 money in the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.

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

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

30 (3)(a) It is the intent of the Legislature to appropriate from the
31 fund money to be distributed as provided in subsections (4) and (5) of

1 this section to any political subdivision for which an application for
2 state assistance under the Sports Arena Facility Financing Assistance Act
3 has been approved an amount not to exceed seventy percent of the (i)
4 state sales tax revenue collected by retailers doing business at eligible
5 sports arena facilities on sales at such facilities, (ii) state sales tax
6 revenue collected on primary and secondary box office sales of admissions
7 to such facilities, and (iii) new state sales tax revenue collected by
8 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to
9 the program area.

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

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

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

25 (6) The total amount of state assistance approved for an eligible
26 sports arena facility shall not ~~neither~~ (a) exceed one hundred fifty
27 million dollars ~~nor~~ (b) ~~be paid out for more than twenty years after the~~
28 ~~issuance of the first bond for the sports arena facility.~~

29 (7) State assistance to the political subdivision shall no longer be
30 available upon the retirement of the bonds issued to acquire, construct,
31 improve, or equip the facility or any subsequent bonds that refunded the

1 original issue or when state assistance reaches the amount determined
2 under subsection (6) of this section, whichever comes first.

3 (8) State assistance shall not be used for an operating subsidy—~~or~~
4 ~~other ancillary facility.~~

5 (9) The thirty percent of state sales tax revenue remaining after
6 the appropriation and transfer in subsection (3) of this section shall be
7 appropriated by the Legislature and transferred quarterly as follows:

8 (a) If the revenue relates to an eligible sports arena facility that
9 is a sports complex and that is approved for state assistance under
10 section 13-3106 on or after May 26, 2021, eighty-three percent of such
11 revenue shall be transferred to the Support the Arts Cash Fund and
12 seventeen percent of such revenue shall be transferred to the Convention
13 Center Support Fund; and

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

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

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

27 Sec. 10. Section 77-1633, Revised Statutes Supplement, 2021, is
28 amended to read:

29 77-1633 (1) For purposes of this section, political subdivision
30 means any county, city, school district, or community college.

31 (2) If any political subdivision seeks to increase its property tax

1 request by more than the allowable growth percentage, such political
2 subdivision may do so if:

3 (a) A public hearing is held and notice of such hearing is provided
4 in compliance with subsection (3) of this section; and

5 (b) The governing body of such political subdivision passes a
6 resolution or an ordinance that complies with subsection (4) of this
7 section.

8 (3)(a) Each political subdivision within a county that seeks to
9 increase its property tax request by more than the allowable growth
10 percentage shall participate in a joint public hearing. Each such
11 political subdivision shall designate one representative to attend the
12 joint public hearing on behalf of the political subdivision. If a
13 political subdivision includes area in more than one county, the
14 political subdivision shall be deemed to be within the county in which
15 the political subdivision's principal headquarters are located. At such
16 hearing, there shall be no items on the agenda other than discussion on
17 each political subdivision's intent to increase its property tax request
18 by more than the allowable growth percentage.

19 (b) The joint public hearing shall be held on or after September 17
20 and prior to September 29 and before any of the participating political
21 subdivisions file their adopted budget statement pursuant to section
22 13-508.

23 (c) The joint public hearing shall be held after 6 p.m. local time
24 on the relevant date.

25 (d) The joint public hearing shall be organized by the county clerk
26 or his or her designee. At the joint public hearing, the representative
27 of each political subdivision shall give a brief presentation on the
28 political subdivision's intent to increase its property tax request by
29 more than the allowable growth percentage and the effect of such request
30 on the political subdivision's budget. The presentation shall include:

31 (i) The name of the political subdivision;

1 (ii) The amount of the property tax request; and

2 (iii) The following statements:

3 (A) The total assessed value of property differs from last year's
4 total assessed value by percent;

5 (B) The tax rate which would levy the same amount of property taxes
6 as last year, when multiplied by the new total assessed value of
7 property, would be \$..... per \$100 of assessed value;

8 (C) The (name of political subdivision) proposes to adopt a property
9 tax request that will cause its tax rate to be \$..... per \$100 of
10 assessed value;

11 (D) Based on the proposed property tax request and changes in other
12 revenue, the total operating budget of (name of political subdivision)
13 will exceed last year's by percent; and

14 (E) To obtain more information regarding the increase in the
15 property tax request, citizens may contact the (name of political
16 subdivision) at (telephone number and email address of political
17 subdivision).

18 (e) Any member of the public shall be allowed to speak at the joint
19 public hearing and shall be given a reasonable amount of time to do so.

20 (f) Notice of the joint public hearing shall be provided:

21 (i) By sending a postcard to all affected property taxpayers. The
22 postcard shall be sent to the name and address to which the property tax
23 statement is mailed;

24 (ii) By posting notice of the hearing on the home page of the
25 relevant county's website, except that this requirement shall only apply
26 if the county has a population of more than twenty-five thousand
27 inhabitants; and

28 (iii) By publishing notice of the hearing in a legal newspaper in or
29 of general circulation in the relevant county.

30 (g) Each political subdivision that participates in the joint public
31 hearing shall send the information prescribed in subdivision (3)(h) of

1 this section to the county clerk by September 5. The county clerk shall
2 transmit the information to the county assessor no later than September
3 10. The county clerk shall notify each participating political
4 subdivision of the date, time, and location of the joint public hearing.
5 The county assessor shall send the information required to be included on
6 the postcards pursuant to subdivision (3)(h) of this section to a
7 printing service designated by the county board. The initial cost for
8 printing the postcards shall be paid from the county general fund ~~mail~~
9 ~~the postcards required in this subsection.~~ Such postcards shall be mailed
10 at least seven calendar days before the joint public hearing. The cost of
11 creating and mailing the postcards, including staff time, materials, and
12 postage, shall be charged proportionately to ~~divided among~~ the political
13 subdivisions participating in the joint public hearing based on the total
14 number of parcels in each participating political subdivision.

15 (h) The postcard sent under this subsection and the notice posted on
16 the county's website, if required under subdivision (3)(f)(ii) of this
17 section, and published in the newspaper shall include the date, time, and
18 location for the joint public hearing, a listing of and telephone number
19 for each political subdivision that will be participating in the joint
20 public hearing, and the amount of each participating political
21 subdivision's property tax request. The postcard shall also contain the
22 following information:

23 (i) The following words in capitalized type at the top of the
24 postcard: NOTICE OF PROPOSED TAX INCREASE;

25 (ii) The name of the county that will hold the joint public hearing,
26 which shall appear directly underneath the capitalized words described in
27 subdivision (3)(h)(i) of this section;

28 (iii) The following statement: The following political subdivisions
29 are proposing a revenue increase which would result in an overall
30 increase in ~~as a result of~~ property taxes in (insert current tax year).
31 THE ACTUAL TAX ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice

1 contains estimates of the tax on your property ~~and the proposed tax~~
2 ~~increase on your property~~ as a result of this revenue increase. These
3 estimates are calculated on the basis of the proposed (insert current tax
4 year) data. The actual tax on your property ~~and tax increase on your~~
5 ~~property~~ may vary from these estimates.

6 (iv) The parcel number for the property;

7 (v) The name of the property owner and the address of the property;

8 (vi) The property's assessed value in the previous tax year;

9 (vii) The amount of property taxes due in the previous tax year for
10 each participating political subdivision;

11 (viii) The property's assessed value for the current tax year;

12 (ix) The amount of property taxes due for the current tax year for
13 each participating political subdivision;

14 (x) The change in the amount of property taxes due for each
15 participating political subdivision from the previous tax year to the
16 current tax year; and

17 (xi) The following statement: To obtain more information regarding
18 the tax increase, citizens may contact the political subdivision at the
19 telephone number provided in this notice.

20 (4) After the joint public hearing required in subsection (3) of
21 this section, the governing body of each participating political
22 subdivision shall pass an ordinance or resolution to set such political
23 subdivision's property tax request. If the political subdivision is
24 increasing its property tax request over the amount from the prior year,
25 including any increase in excess of the allowable growth percentage, then
26 such ordinance or resolution shall include, but not be limited to, the
27 following information:

28 (a) The name of the political subdivision;

29 (b) The amount of the property tax request;

30 (c) The following statements:

31 (i) The total assessed value of property differs from last year's

1 total assessed value by percent;

2 (ii) The tax rate which would levy the same amount of property taxes
3 as last year, when multiplied by the new total assessed value of
4 property, would be \$..... per \$100 of assessed value;

5 (iii) The (name of political subdivision) proposes to adopt a
6 property tax request that will cause its tax rate to be \$..... per \$100
7 of assessed value; and

8 (iv) Based on the proposed property tax request and changes in other
9 revenue, the total operating budget of (name of political subdivision)
10 will exceed last year's by percent; and

11 (d) The record vote of the governing body in passing such resolution
12 or ordinance.

13 (5) Any resolution or ordinance setting a property tax request under
14 this section shall be certified and forwarded to the county clerk on or
15 before October 15 of the year for which the tax request is to apply.

16 (6) The county clerk, or his or her designee, shall prepare a report
17 which shall include (a) the names of the representatives of the political
18 subdivisions participating in the joint public hearing and (b) the name
19 and address of each individual who spoke at the joint public hearing,
20 unless the address requirement is waived to protect the security of the
21 individual, and the name of any organization represented by each such
22 individual. Such report shall be delivered to the political subdivisions
23 participating in the joint public hearing within ten days after such
24 hearing.

25 Sec. 11. Section 77-1634, Revised Statutes Supplement, 2021, is
26 amended to read:

27 77-1634 (1) Except as provided in subsection (2) of this section,
28 any levy which is not in compliance with the Property Tax Request Act and
29 section 77-1601 shall be construed as an unauthorized levy under section
30 77-1606.

31 (2) An inadvertent failure to comply with the Property Tax Request

1 Act shall not invalidate a political subdivision's property tax request
2 or constitute an unauthorized levy under section 77-1606. A political
3 subdivision that has complied with the Property Tax Request Act shall not
4 have its property tax request invalidated due to any other political
5 subdivision's failure to comply with the Property Tax Request Act. The
6 failure of a taxpayer to receive a postcard as required under the act
7 shall not invalidate a political subdivision's property tax request or
8 constitute an unauthorized levy under section 77-1606.

9 Sec. 12. Original section 13-2706, Reissue Revised Statutes of
10 Nebraska, sections 13-2603, 13-2604, and 13-2705, Revised Statutes
11 Cumulative Supplement, 2020, and sections 13-2610, 13-3102, 13-3103,
12 13-3104, 13-3108, 77-1633, and 77-1634, Revised Statutes Supplement,
13 2021, are repealed.