

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 919

Introduced by Lindstrom, 18.

Read first time January 10, 2022

Committee: Revenue

1 A BILL FOR AN ACT relating to the Sports Arena Facility Financing
2 Assistance Act; to amend section 13-3102, Revised Statutes
3 Supplement, 2021; to redefine terms; and to repeal the original
4 section.

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

1 Section 1. Section 13-3102, Revised Statutes Supplement, 2021, is
2 amended to read:

3 13-3102 For purposes of the Sports Arena Facility Financing
4 Assistance Act:

5 (1) Applicant means:

6 (a) A political subdivision; or

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

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

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

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

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

25 (6) Economic redevelopment area means an area in the State of
26 Nebraska in which:

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

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

3 (7) Eligible sports arena facility means:

4 (a) Any publicly owned, enclosed, and temperature-controlled
5 building primarily used for sports that has a permanent seating capacity
6 of at least three thousand but no more than seven thousand seats and in
7 which initial occupancy occurs on or after July 1, 2010, including
8 stadiums, arenas, dressing and locker facilities, concession areas,
9 parking facilities, and onsite administrative offices connected with
10 operating the facilities;

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

15 (c) Any sports complex, including concession areas, parking
16 facilities, and onsite administrative offices connected with operating
17 the sports complex;

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

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

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

1 (11) Nearby retailer means a retailer as defined in section
2 77-2701.32 that is located within the program area. The term includes a
3 subsequent owner of a nearby retailer operating at the same location;

4 (12) New state sales tax revenue means:

5 (a) For any eligible sports arena facility that is not a sports
6 complex:

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

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

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

28 (13) Political subdivision has the same meaning as in section
29 13-1612 ~~means any city, village, or county;~~

30 (14) Program area means:

31 (a) For any eligible sports arena facility that is not a sports

1 complex:

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

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

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

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

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

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

25 (15) Project completion date means:

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

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

31 (16) Revenue bond means any bond or refunding bond issued by a

1 political subdivision which is limited or special rather than a general
2 obligation bond of the political subdivision and which is not payable
3 from the proceeds of an ad valorem tax;

4 (17) Sports complex means a facility that:

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

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

7 (c) Contains at least:

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

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

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

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

19 (a) A baseball field;

20 (b) A softball field;

21 (c) A multipurpose field;

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

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

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

29 (19) Unbuildable property means any real property that is located in
30 a floodway, an environmentally protected area, a right-of-way, or a
31 brownfield site as defined in 42 U.S.C. 9601 that the political

1 subdivision determines is not suitable for the construction or location
2 of residential, commercial, or other buildings or facilities.

3 Sec. 2. Original section 13-3102, Revised Statutes Supplement,
4 2021, is repealed.