

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 116

Introduced by Ballard, 21; Bosn, 25; Bostar, 29.

Read first time January 10, 2025

Committee:

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
- 2 13-2606, 13-2607, 81-3717, and 81-3720, Reissue Revised Statutes of
- 3 Nebraska, and sections 13-2603, 13-2604, 13-2605, and 13-2610,
- 4 Revised Statutes Cumulative Supplement, 2024; to change provisions
- 5 of the Convention Center Facility Financing Assistance Act and the
- 6 Nebraska Visitors Development Act; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 13-2603, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

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

5 (1) Applicant means the political subdivision that applies for
6 assistance under the act;

7 (2) (1) Associated hotel means any publicly or privately owned
8 facility in which the public may, for a consideration, obtain sleeping
9 accommodations and which is located, in whole or in part, within six
10 hundred yards of an eligible facility, measured from any point of the
11 exterior perimeter of the eligible facility but not from any parking
12 facility or other structure, except that if the eligible facility is
13 within six hundred yards of the State Capitol, the area used in
14 determining associated hotels shall be one or more contiguous or
15 noncontiguous areas within the territorial boundaries of the applicant
16 which are selected by the applicant and which aggregate the same total
17 amount of square footage that such area would have contained had the
18 eligible facility not been within six hundred yards of the State Capitol.
19 The area used in determining associated hotels shall be depicted on a map
20 submitted pursuant to section 13-2605;

21 (3) (2) Board means a board consisting of the Governor, the State
22 Treasurer, the chairperson of the Nebraska Investment Council, the
23 chairperson of the Nebraska State Board of Public Accountancy, and a
24 professor of economics on the faculty of a state postsecondary
25 educational institution appointed to a two-year term on the board by the
26 Coordinating Commission for Postsecondary Education. For administrative
27 and budget purposes only, the board shall be considered part of the
28 Department of Revenue;

29 (4) (3) Bond means a general obligation bond, redevelopment bond,
30 lease-purchase bond, revenue bond, or combination of any such bonds;

31 (5) (4) Convention and meeting center facility means a temperature-

1 controlled building and personal property primarily used as a convention
2 and meeting center, including an auditorium, an exhibition hall, a
3 facility for onsite food preparation and serving, an onsite, directly
4 connected parking facility for the use of the convention and meeting
5 center facility, a nearby parking facility for the use of the convention
6 and meeting center facility, and an onsite administrative office of the
7 convention and meeting center facility;

8 (6)(a) ~~(5)(a)~~ Eligible facility means any publicly owned convention
9 and meeting center facility approved for state assistance on or before
10 June 1, 2007, any publicly owned sports arena facility attached to such
11 convention and meeting center facility, or any publicly owned convention
12 and meeting center facility or publicly owned sports arena facility
13 acquired, constructed, improved, or equipped after June 1, 2007; and

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

18 (7) ~~(6)~~ General obligation bond means any bond or refunding bond
19 issued by a political subdivision and which is payable exclusively from
20 the proceeds of an ad valorem tax;

21 (8) Maximum aggregate appropriation means (a) one hundred fifty
22 million dollars for any one approved project, but not more than the total
23 cost of acquiring, constructing, improving, repairing, replacing,
24 financing, or equipping the eligible facilities of the political
25 subdivision, or (b) for an eligible facility located within six hundred
26 yards of the State Capitol, the total cost of acquiring, constructing,
27 improving, repairing, replacing, financing, and equipping such facility,
28 but only to the extent the cost of acquiring, constructing, improving,
29 repairing, replacing, and equipping such facility does not exceed one
30 hundred fifty million dollars;

31 (9) ~~(7)~~ Nearby parking facility means any parking lot, parking

1 garage, or other parking structure that is not directly connected to a
2 convention and meeting center facility but which is located, in whole or
3 in part, within six hundred yards of a convention and meeting center
4 facility, measured from any point of the exterior perimeter of such
5 facility but not from any other parking facility or other structure;

6 (10) ~~(8)~~ Nearby retailer means a retailer as defined in section
7 77-2701.32 that is located, in whole or in part, within six hundred yards
8 of an eligible facility the application for which is approved on or after
9 June 7, 2023, measured from any point of the exterior perimeter of the
10 eligible facility but not from any parking facility or other structure,
11 except that if the eligible facility is within six hundred yards of the
12 State Capitol, the area used in determining nearby retailers shall be one
13 or more contiguous or noncontiguous areas within the territorial
14 boundaries of the applicant which are selected by the applicant and which
15 aggregate the same total amount of square footage that such area would
16 have contained had the eligible facility not been within six hundred
17 yards of the State Capitol. The area used in determining nearby retailers
18 shall be depicted on a map submitted pursuant to section 13-2605;

19 (11) ~~(9)~~ Political subdivision means any local governmental body
20 formed and organized under state law and any joint entity or joint public
21 agency created under state law to act on behalf of political subdivisions
22 which has statutory authority to issue general obligation bonds;

23 (12) ~~(10)~~ Revenue bond means any bond or refunding bond issued by a
24 political subdivision which is limited or special rather than a general
25 obligation bond of the political subdivision and which is not payable
26 from the proceeds of an ad valorem tax; and

27 (13) ~~(11)~~ Sports arena facility means any enclosed temperature-
28 controlled building primarily used for competitive sports, including
29 arenas, dressing and locker facilities, concession areas, parking
30 facilities, and onsite administrative offices connected with operating
31 the facilities.

1 **Sec. 2.** Section 13-2604, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 13-2604 Any political subdivision that has acquired, constructed,
4 improved, or equipped eligible facilities, has approved the acquisition,
5 construction, improvement, or equipping of eligible facilities, or has
6 approved a bond issue to acquire, construct, improve, or equip eligible
7 facilities may apply to the board for state assistance. The state
8 assistance shall be used:

9 (1) To pay back amounts expended or borrowed through one or more
10 issues of bonds to be expended by the political subdivision to acquire,
11 construct, improve, repair, replace, and equip any eligible facilities
12 until repayment in full of the amounts expended or borrowed by the
13 political subdivision, including the principal of and interest on bonds,
14 for all of its eligible facilities;

15 (2) To pay for capital improvements to any eligible facilities; and

16 (3) To acquire, construct, improve, repair, replace, and equip
17 nearby parking facilities.

18 **Sec. 3.** Section 13-2605, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 13-2605 (1) All applications for state assistance under the
21 Convention Center Facility Financing Assistance Act shall be in writing
22 and shall include a certified copy of the approving action of the
23 governing body of the applicant describing the proposed eligible facility
24 and the anticipated financing.

25 (2) The application shall contain:

26 (a) A description of the proposed financing of the eligible
27 facility, including the estimated principal and interest requirements for
28 the bonds proposed to be issued in connection with the eligible facility
29 or the amounts necessary to repay the original investment by the
30 applicant in the eligible facility;

31 (b) Documentation of local financial commitment to support the

1 project, including all public and private resources pledged or committed
2 to the project;

3 (c) A map identifying the area to be used in determining associated
4 hotels and nearby retailers; and

5 (d) Any other project information deemed appropriate by the
6 applicant or the board.

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

10 (4) Any state assistance received pursuant to the act shall be used
11 only to pay for or repay amounts borrowed to finance a project owned by a
12 political subdivision for public purposes.

13 (5) Approval of an application for state assistance by the board
14 after June 7, 2023, pursuant to section 13-2607 shall establish the area
15 to be used for determining associated hotels and nearby retailers as the
16 aggregate area or areas depicted in the map or maps accompanying the
17 application for state assistance as submitted pursuant to subdivision (2)
18 (c) of this section.

19 ~~(6) Each political subdivision that had an application for state~~
20 ~~assistance approved prior to October 1, 2016, shall submit a map to the~~
21 ~~Department of Revenue showing the area that lies within six hundred yards~~
22 ~~of the eligible facility as such area is described in subdivision (1) of~~
23 ~~section 13-2603. The department shall approve such area if it satisfies~~
24 ~~the requirements of subdivision (1) of section 13-2603.~~

25 **Sec. 4.** Section 13-2606, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 13-2606 (1) After reviewing an application submitted under section
28 13-2605 and upon reasonable notice to the applicant, the board shall hold
29 a public hearing on the application.

30 (2) The board shall give notice of the time, place, and purpose of
31 the public hearing by publication three times in a newspaper of statewide

1 circulation. Such publication shall be not less than ten days prior to
2 the hearing. The notice shall describe generally the facilities for which
3 state assistance has been requested. The applicant shall pay the cost of
4 the notice.

5 (3) At the public hearing, representatives of the applicant and any
6 other interested persons may appear and present evidence and argument in
7 support of or in opposition to the application or neutral testimony. The
8 board may seek expert testimony and may require testimony of persons whom
9 the board desires to comment on the application. The board may provide
10 for the acceptance of additional evidence after conclusion of the public
11 hearing. Any such additional evidence shall be provided contemporaneously
12 to the applicant.

13 **Sec. 5.** Section 13-2607, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 13-2607 (1) After consideration of the application, ~~and~~ the
16 evidence, and the testimony at the public hearing, the board shall issue
17 a finding of whether the convention and meeting center facility or sports
18 arena facility described in the application is eligible for state
19 assistance.

20 (2) If the board finds that the facility described in the
21 application is an eligible facility and that state assistance is in the
22 best interest of the state, the application shall be approved.

23 (3) In determining whether state assistance is in the best interest
24 of the state, the board shall consider the fiscal and economic capacity
25 of the applicant to finance the local share of the eligible facility.

26 (4) A majority of the board members constitutes a quorum for the
27 purpose of conducting business. All actions of the board shall be by a
28 majority vote of all the board members, one of whom must be the Governor.

29 **Sec. 6.** Section 13-2610, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 13-2610 (1) Upon the annual certification under section 13-2609, the

1 State Treasurer shall transfer after the audit the amount certified to
2 the Convention Center Support Fund. The Convention Center Support Fund is
3 created. Transfers may be made from the fund to the General Fund at the
4 direction of the Legislature. Any money in the Convention Center Support
5 Fund available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 (2)(a) It is the intent of the Legislature to appropriate from the
9 fund to any political subdivision for which an application for state
10 assistance under the Convention Center Facility Financing Assistance Act
11 has been approved (i) an annual amount not to exceed (i) seventy percent
12 of the state sales tax revenue collected by retailers and operators doing
13 business at such facilities on sales at such facilities, state sales tax
14 revenue collected on primary and secondary box office sales of admissions
15 to such facilities, and state sales tax revenue collected by associated
16 hotels and nearby retailers , and (ii) an aggregate amount of not more
17 than the maximum aggregate appropriation one hundred fifty million
18 dollars for any one approved project, or (iii) the total cost of
19 acquiring, constructing, improving, repairing, replacing, or equipping
20 the eligible facilities of the political subdivision. State assistance
21 shall not be used for an operating subsidy.

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

28 (3)(a) Ten percent of the funds appropriated to a city of the
29 metropolitan class under subdivision (2)(a) of this section and all of
30 the funds appropriated to a city of the metropolitan class under
31 subdivision (2)(b) of this section shall be equally distributed to areas

1 with a high concentration of poverty. Fifty-five percent of such funds
2 shall be used to showcase important historical aspects of such areas or
3 areas within close geographic proximity of the area with a high
4 concentration of poverty and to assist with the reduction of street and
5 gang violence in such areas. Forty-five percent of such funds shall be
6 used to assist with small business and entrepreneurship growth in such
7 areas.

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

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

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

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

28 (iii) Two residents of the area with a high concentration of
29 poverty, appointed by the two members of the committee described in
30 subdivisions (3)(c)(i) and (ii) of this section. Such resident members
31 shall be appointed for four-year terms. Each time a resident member is to

1 be appointed pursuant to this subdivision, the committee shall solicit
2 applications from interested individuals by posting notice of the open
3 position on the city's website and on the city's official social media
4 accounts, if any, and by publishing the notice in a legal newspaper in or
5 of general circulation in the area with a high concentration of poverty.
6 Applications may be submitted to either of the committee members
7 described in subdivisions (3)(c)(i) and (ii) of this section. Prior to
8 making any appointment, the committee shall hold a public hearing in the
9 area with a high concentration of poverty. Notice of the hearing shall be
10 provided, at least seven days prior to the hearing, by posting the notice
11 on the city's website and on the city's official social media accounts,
12 if any, and by publishing the notice in a legal newspaper in or of
13 general circulation in the area with a high concentration of poverty; and

14 (iv) The member of the Legislature whose district includes a
15 majority of the census tracts which each contain a percentage of persons
16 below the poverty line of greater than thirty percent, as determined by
17 the most recent federal decennial census, within the area with a high
18 concentration of poverty. The member described in this subdivision shall
19 be a nonvoting member of the committee.

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

27 (e) For any committee formed under subdivision (3)(b) of this
28 section:

29 (i) The two committee members described in subdivisions (3)(c)(i)
30 and (ii) of this section shall share joint responsibility of all
31 committee operations and meetings. Applications for funding may be

1 submitted to either of such members; and

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

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

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

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

12 (iii) The desirability of the social or environmental outcomes of
13 the project and how such outcomes will be achievable and measurable;

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

16 (v) The recipient's sustainability plan.

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

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

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

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

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

26 (h) For purposes of this subsection, an area with a high
27 concentration of poverty means an area within the corporate limits of a
28 city of the metropolitan class consisting of one or more contiguous
29 census tracts, as determined by the most recent federal decennial census,
30 which contain a percentage of persons below the poverty line of greater
31 than thirty percent, and all census tracts contiguous to such tract or

1 tracts, as determined by the most recent federal decennial census.

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

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

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

15 (b) 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 primary class consisting of one or more contiguous census
18 tracts, as determined by the most recent American Community Survey 5-Year
19 Estimate, which contain a percentage of persons below the poverty line of
20 greater than thirty percent, and all census tracts contiguous to such
21 tract or tracts, as determined by the most recent American Community
22 Survey 5-Year Estimate.

23 (5) State assistance to the political subdivision shall no longer be
24 available (a) upon the retirement of the bonds issued to acquire,
25 construct, improve, repair, replace, or equip all of the political
26 subdivision's facilities approved for state assistance under the
27 Convention Center Facility Financing Assistance Act or any subsequent
28 bonds that refunded the original issue or (b) when state assistance
29 reaches the amount determined under subdivision (2)(a) of this section,
30 whichever comes first.

31 (6) The remaining thirty percent of state sales tax revenue

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

12 (7) Any municipality that has applied for and received a grant of
13 assistance under the Civic and Community Center Financing Act may not
14 receive state assistance under the Convention Center Facility Financing
15 Assistance Act.

16 **Sec. 7.** Section 81-3717, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-3717 (1) The governing body of the county shall after a public
19 hearing adopt a resolution establishing a County Visitors Promotion Fund
20 and a visitors committee which shall serve as an advisory committee to
21 the governing body in administering the proceeds from the taxes provided
22 to the county by the Nebraska Visitors Development Act. The governing
23 body of a county may also after a public hearing adopt a resolution
24 establishing a County Visitors Improvement Fund. The proceeds of the
25 County Visitors Promotion Fund shall be used generally to promote,
26 encourage, and attract visitors to come to the county and use the travel
27 and tourism facilities within the county. The proceeds of the County
28 Visitors Improvement Fund shall be used to expand, improve, and maintain
29 the visitor attractions and facilities in the county pursuant to section
30 81-3720, except that no proceeds shall be used to expand, improve, or
31 maintain a facility in which parimutuel wagering is conducted unless such

1 facility also serves as the site of a state fair or district or county
2 agricultural society fair. If the visitors committee determines that the
3 visitor attractions in the county are adequate and do not require
4 expansion, improvement, or maintenance, the governing body of the county,
5 with the advice of the committee, may only use the County Visitors
6 Improvement Fund to promote, encourage, and attract visitors to the
7 county to use the county's travel and tourism facilities or, with the
8 advice of the visitors committee, make grants to organizations to
9 promote, encourage, and attract visitors to the county to use the
10 county's travel and tourism facilities. The committee shall consist of
11 five or seven members appointed by the governing body of the county. If
12 the committee has five members, at least one but no more than two members
13 of the committee shall be in the hotel industry. If the committee has
14 seven members, at least two but no more than three members of the
15 committee shall be in the hotel industry.

16 (2) The members of the committee shall serve without compensation,
17 except for reimbursement for necessary expenses. Committee members shall
18 serve for terms of four years, except that at least half of those
19 appointed shall be appointed for initial terms of two years. Vacancies
20 shall be filled in the same manner as the initial appointments. The
21 committee shall elect a chairperson and vice-chairperson from among its
22 members to serve for terms of two years.

23 **Sec. 8.** Section 81-3720, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-3720 (1)(a) The County Visitors Improvement Fund shall be
26 administered by the governing body of the county. The governing body of
27 the county shall use the fund to expand, improve, and maintain visitor
28 attractions and facilities in the county or, with the advice of the
29 visitors committee created pursuant to section 81-3717, ~~the fund shall~~
30 ~~be used~~ to make grants for expanding, and improving, and maintaining
31 facilities at any existing visitor attraction, acquiring or expanding

1 exhibits for existing visitor attractions, constructing visitor
2 attractions, or planning or developing such expansions, improvements,
3 maintenance, or construction.

4 (b) Grants shall be available for any visitor attraction in the
5 county owned by the public or any nonprofit organization, the primary
6 purpose of which is to operate the visitor attraction.

7 (c) Grants may be made for a specified annual amount not to exceed
8 the proceeds derived from a sales tax rate of one percent imposed by a
9 county for a County Visitors Improvement Fund for a term of years not to
10 exceed twenty years and may be pledged by the recipient to secure bonds
11 issued to finance expansion, improvement, maintenance, or construction of
12 a visitor attraction. Any grant made for a term of years shall be funded
13 each year in accordance with any agreement contained in the grant
14 contract.

15 (d) No bonds issued by a grant recipient which pledges grant funds
16 shall constitute a debt, liability, or general obligation of the county
17 levying the tax or a pledge of the faith and credit of the county levying
18 the tax but shall be payable solely from grant funds. Each bond issued by
19 any grant recipient which pledges grant funds shall contain on the face
20 thereof a statement that neither the faith and credit nor the taxing
21 power of the county levying the tax is pledged to the payment of the
22 principal of or the interest on such bond.

23 (2) For purposes of this section and section 81-3717, visitor
24 attraction means a defined location open to the public that ~~, which~~
25 ~~location~~ is of educational, cultural, historical, artistic, or
26 recreational significance, that ~~or~~ provides entertainment, or that has in
27 ~~which~~ ~~are~~ exhibits, displays, or performances of educational, cultural,
28 historic, artistic, or entertainment value.

29 **Sec. 9.** Original sections 13-2606, 13-2607, 81-3717, and 81-3720,
30 Reissue Revised Statutes of Nebraska, and sections 13-2603, 13-2604,
31 13-2605, and 13-2610, Revised Statutes Cumulative Supplement, 2024, are

1 repealed.