

LEGISLATIVE BILL 564

Approved by the Governor May 29, 2019

Introduced by Bolz, 29.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement, 2018; to change the Civic and Community Center Financing Act; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 13-2702, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 2. Section 13-2703, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

~~(2) Community center means property that is owned by a municipality and located within the traditional center of a community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged around a main street and intersecting streets;~~

(2) ~~(3)~~ Department means the Department of Economic Development;

~~(3) Eligible facility means any civic center, historic building or district, public space, or recreation center;~~

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

(5) Historic building or district means a building or district eligible for listing on or currently listed on the National Register of Historic Places or a building that is certified as contributing to the significance of a registered state or national historic district; ~~and~~

~~(6) Political subdivision means a county, school district, community college area, or natural resources district;~~

~~(7) Public space means property located within the traditional center of a community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged around a main street and intersecting streets; and~~

~~(8) (6) Recreation center means a facility or park used for athletics, fitness, sport activities, or recreation that is owned by a municipality and is available for use by the general public with or without charge. Recreation center does not include any facility that requires a person to purchase a membership to utilize such facility.~~

Sec. 3. Section 13-2704, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2704 (1) The Civic and Community Center Financing Fund is created. The fund shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Transfers may be made from the fund to the General Fund, the Department of Revenue Enforcement Fund, and the State Colleges Sport Facilities Cash Fund at the direction of the Legislature.

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

(i) For grants of assistance as described in section 13-2704.01;

(ii) For grants of assistance as described in section 13-2704.02; and

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

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

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

Sec. 4. Section 13-2704.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2704.01 (1) The department shall use the fund to provide grants of assistance for the following purposes:

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

(b) To assist in the preservation, restoration, conversion,

rehabilitation, or reuse of historic buildings or districts; or

~~(c) To assist in the preservation and restoration of historic buildings owned by a nonprofit organization if a contractual relationship is created between a municipality and the nonprofit organization; or~~

~~(c) (d) To assist in the construction or upgrade of public spaces community centers, including the demolition of substandard and abandoned buildings.~~

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

Sec. 5. Section 13-2705, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5) Any eligible facility for which a grant of assistance under section 13-2704.01 is made shall not be sold for at least five years following the award of such grant of assistance; and A municipality shall not sell any civic, community, or recreation center that received grant funds for at least five years under the Civic and Community Center Financing Act.~~

(6) Upon receipt of any application for a grant of assistance to assist in the preservation, restoration, conversion, rehabilitation, or reuse of a historic building or district, the department shall notify the State Historic

Preservation Officer of such application. The State Historic Preservation Officer shall evaluate the work proposed in such application to determine whether it conforms to the United States Secretary of the Interior's Standards for the Treatment of Historic Properties and shall notify the department of the determination. If the work does not conform to such standards, the department shall not award a grant of assistance for such application.

Sec. 6. Section 13-2707, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2707 (1) The department shall evaluate all applications for grants of assistance under section 13-2704.01 based on the following criteria, which are listed in no particular order of preference:

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

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

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

(d) Readiness. The applicant's fiscal, and economic, and operational capacity of the applicant, and of any political subdivision that owns the eligible facility jointly with the applicant, to finance and manage the project the local share and ability to proceed and implement its plan and to operate the eligible facility civic center, community center, or recreation center; and

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

(2) The department shall give priority to applications from municipalities which have not received a grant of assistance under section 13-2704.01 within the last ten years.

(3) Any grant of assistance under section 13-2704.01 shall be matched at least equally from local sources. At least fifty percent of the local match must be in cash.

(4) To receive a grant of assistance under section 13-2704.01, the project for which the grant is requested shall be located in the municipality that applies for the grant or, for any city of the first class, city of the second class, or village, within the municipality's extraterritorial zoning jurisdiction.

(5) To receive a grant of assistance under section 13-2704.01, the project for which the grant is requested shall involve an eligible facility that is owned by the municipality applying for the grant, except that a municipality may own an eligible facility jointly with a political subdivision if the municipality's ownership interest in such eligible facility is at least fifty percent. In any case, the municipality shall be the applicant for the grant of assistance.

Sec. 7. Section 13-2707.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2707.01 The department shall evaluate all applications for grants of assistance under section 13-2704.02 based on the following criteria:

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

(2) Project Location. Assistance from the fund shall be for engineering and technical studies related to projects that will be located in the municipality that applies for the grant or, for any city of the first class, city of the second class, or village, in the municipality's extraterritorial zoning jurisdiction.

Sec. 8. Original sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement, 2018, are repealed.