

AMENDMENTS TO LB531
(Amendments to AM1222)

Introduced by McDonnell, 5.

1 1. Insert the following new sections:

2 Section 1. Section 81-12,221, Revised Statutes Cumulative
3 Supplement, 2022, is amended to read:

4 81-12,221 For purposes of the Shovel-Ready Capital Recovery and
5 Investment Act:

6 (1) Capital project means a construction project to build, expand,
7 or develop a new or existing facility or facilities or restoration work
8 on a facility designated as a National Historic Landmark;

9 (2) Cost, in the context of a capital project, means the cost of
10 land, engineering, architectural planning, contract services,
11 construction, materials, and equipment needed to complete the capital
12 project;

13 (3) COVID-19 means the novel coronavirus identified as SARS-CoV-2,
14 the disease caused by the novel coronavirus SARS-CoV-2 or a virus
15 mutating therefrom, and the health conditions or threats associated with
16 the disease caused by the novel coronavirus SARS-CoV-2 or a virus
17 mutating therefrom;

18 (4) Department means the Department of Economic Development;

19 (5) Qualified nonprofit organization means a tax-exempt organization
20 under section 501(c)(3) of the Internal Revenue Code that:

21 (a) Is related to arts, culture, or the humanities, including any
22 organization formed for the purpose of developing and promoting the work
23 of artists and the humanities in various visual and performing forms,
24 such as film, sculpture, dance, painting, horticulture, multimedia,
25 poetry, photography, performing arts, zoology, or botany; ~~or~~

26 (b) Operates a sports complex;

1 (c) Is a postsecondary educational institution in a city of the
2 metropolitan class and partners with an organization hosting a regional
3 or national event for purposes of infrastructure development related to
4 furnishing and equipment for a health sciences education center, enhanced
5 mobility by vacation of a public street, pedestrian safety, and
6 construction of a community athletic complex; or

7 (d) Is a county agricultural society with facilities located within
8 the boundaries of a city of the primary class;

9 (6) Sports complex means property that:

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

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

12 (c) Contains multiple separate sports venues; and

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

14 (a) A baseball field;

15 (b) A softball field;

16 (c) A soccer field;

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

18 (e) An outdoor arena primarily used for competitive sports; and

19 (f) An enclosed, temperature-controlled building primarily used for
20 competitive sports.

21 Sec. 2. Section 81-12,222, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 81-12,222 (1) Beginning July 1, 2023 ~~2021~~, through July 1, 2024 ~~15,~~
24 ~~2021~~, a qualified nonprofit organization may apply to the department for
25 a grant under the Shovel-Ready Capital Recovery and Investment Act. The
26 application shall include, but not be limited to, the following
27 information:

28 (a) A description of the qualified nonprofit organization's capital
29 project;

30 (b) The estimated cost of the capital project; and

31 ~~(c) The date when the capital project was delayed due to COVID-19~~

1 ~~and the date when the capital project is expected to begin or resume,~~
2 ~~which shall be no later than June 30, 2022; and~~

3 (c) ~~(d)~~ Documentation on the amount of funds for the capital project
4 which have been received or will be received by the qualified nonprofit
5 organization from other ~~private~~ sources. Such amount shall be at least
6 equal to the amount of any grant received under the act. The
7 documentation provided under this subdivision does not need to identify
8 the names of any donors.

9 (2) The department shall consider applications in the order in which
10 they are received. If an applicant is a qualified nonprofit organization
11 and otherwise qualifies for funding under the Shovel-Ready Capital
12 Recovery and Investment Act, the department shall, subject to subsection
13 (3) of this section, approve the application and notify the applicant of
14 the approval.

15 (3) The department may approve applications within the limits of
16 available funding. The amount of any grant approved under this section
17 shall be equal to the amount of funds to be supplied by the qualified
18 nonprofit organization from other ~~private~~ sources, as documented under
19 subdivision (1)(c) ~~(1)(d)~~ of this section, subject to the following
20 limitations:

21 (a) For any capital project with an estimated cost of less than five
22 hundred thousand dollars, the grant shall not exceed two hundred fifty
23 thousand dollars;

24 (b) (a) For any capital project with an estimated cost of at least
25 five hundred thousand dollars but less than five million dollars, the
26 grant shall not exceed one million five hundred thousand dollars;

27 (c) (b) For any capital project with an estimated cost of at least
28 five million dollars but less than twenty-five million dollars, the grant
29 shall not exceed five million dollars;

30 (d) (c) For any capital project with an estimated cost of at least
31 twenty-five million dollars but less than fifty million dollars, the

1 grant shall not exceed ten million dollars;~~and~~

2 (e) (d) For any capital project with an estimated cost of at least
3 fifty million dollars but less than one hundred million dollars or more,
4 the grant shall not exceed fifteen million dollars; and -

5 (f) For any capital project with an estimated cost of at least one
6 hundred million dollars, the grant shall not exceed thirty million
7 dollars.

8 Sec. 3. Section 81-12,223, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 81-12,223 (1) Each qualified nonprofit organization that receives a
11 grant under the Shovel-Ready Capital Recovery and Investment Act shall:

12 (a) Secure all of the other private funds described in subdivision
13 (1)(c) (1)(d) of section 81-12,222 through a written pledge or payment by
14 December 31, 2024 2021, and shall begin or resume construction on the
15 organization's capital project by June 30, 2025 2022; and

16 (b) Abide by the federal laws commonly known as the Davis-Bacon and
17 Related Acts.

18 (2) Any qualified nonprofit organization that fails to meet the
19 requirements of subsection (1) of this section shall repay any grant
20 funds received under the act.

21 Sec. 5. Section 81-12,225, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 81-12,225 (1) For any federal funds appropriated to the department
24 pursuant to the Shovel-Ready Capital Recovery and Investment Act, it is
25 the intent of the Legislature that the department divide the total
26 appropriation for grants to capital projects eligible under the act
27 equally for each congressional district and give priority to grant
28 requests less than or equal to five million dollars. After eligible
29 grantees with priority status have been awarded grant funds, remaining
30 funds may be awarded on a statewide basis with the department considering
31 each project based on the overall economic impact of the project to the

1 respective community and the overall benefit to the State of Nebraska. It
2 is the intent of the Legislature that the department make reasonable
3 adjustments to dates and deadlines and request additional documentation
4 pursuant to any requirements for the use of funds received pursuant to
5 the federal American Rescue Plan Act of 2021.

6 (2) For any cash funds appropriated to the department pursuant to
7 the Shovel-Ready Capital Recovery and Investment Act, it is the intent of
8 the Legislature that the department divide the total appropriation for
9 grants to capital projects eligible under the act as follows:

10 (a) Thirty million dollars for grants to nonprofit organizations
11 holding a certificate of exemption under section 501(c)(3) of the
12 Internal Revenue Code that are qualified nonprofit organizations under
13 subdivision (5)(c) of section 81-12,221; and

14 (b) Remaining funds equally by each congressional district.

15 (3) The changes made in this section and sections 81-12,220,
16 81-12,221, 81-12,222, and 81-12,223 by this legislative bill apply to all
17 grant applications filed on or after July 1, 2023. For all applications
18 filed prior to the effective date of this act, the provisions of the
19 Shovel-Ready Capital Recovery and Investment Act as they existed
20 immediately prior to such date apply.

21 ~~It is the intent of the Legislature to allocate fifteen million~~
22 ~~dollars from the General Fund and an additional amount of federal funds,~~
23 ~~subject to the appropriations process, up to the amount needed to fully~~
24 ~~fund all approved grants, from federal funds allocated to states pursuant~~
25 ~~to the American Rescue Plan Act of 2021 from the Coronavirus State Fiscal~~
26 ~~Recovery Fund and received by the State of Nebraska on or after May 26,~~
27 ~~2021, if such use is permitted under section 9901 of the American Rescue~~
28 ~~Plan Act of 2021, for use by the department for purposes of carrying out~~
29 ~~the Shovel-Ready Capital Recovery and Investment Act.~~

30 2. Renumber the remaining sections and correct the repealer and
31 internal references accordingly.