

AMENDMENTS TO LB1317

(Amendments to Standing Committee amendments, AM3246)

Introduced by Bostar, 29.

1 1. Insert the following new sections:

2 Sec. 34. Section 13-3102, Revised Statutes Supplement, 2023, is
3 amended to read:

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

6 (1) Applicant means:

7 (a) A political subdivision; or

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

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

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

20 (4) Concert venue means any enclosed, temperature-controlled
21 building that is primarily used for live performances with an indoor
22 capacity of at least two thousand two hundred fifty but no more than
23 three thousand five hundred persons;

24 (5) Court means a rectangular hard surface primarily used indoors
25 for competitive sports, including, but not limited to, basketball,
26 volleyball, or tennis;

1 (6) Covered property means any real property that, as of the date an
2 application for state assistance is submitted under the Sports Arena
3 Facility Financing Assistance Act, is part of:

4 (a) A project previously approved under the Sports Arena Facility
5 Financing Assistance Act, including the program area associated with such
6 project; or

7 (b) A project previously approved under the Convention Center
8 Facility Financing Assistance Act, including the area used in determining
9 an associated hotel as defined in section 13-2603 for such project;

10 ~~(7)~~ (6) Date that the project commenced means the date when a
11 project starts as specified by a contract, resolution, or formal public
12 announcement;

13 ~~(8)~~ (7) Economic redevelopment area means an area in the State of
14 Nebraska in which:

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

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

22 ~~(9)~~ (8) Eligible sports arena facility means:

23 (a) Any publicly owned, enclosed, and temperature-controlled
24 building primarily used for sports that has a permanent seating capacity
25 of at least three thousand but no more than seven thousand seats and in
26 which initial occupancy occurs on or after July 1, 2010, including
27 stadiums, arenas, dressing and locker facilities, concession areas,
28 parking facilities, nearby parking facilities for the use of the eligible
29 sports arena facility, and onsite administrative offices connected with
30 operating the facilities;

31 (b) Any racetrack enclosure licensed by the State Racing and Gaming

1 Commission in which initial occupancy occurs on or after July 1, 2010,
2 including concession areas, parking facilities, and onsite administrative
3 offices connected with operating the racetrack;

4 (c) Any sports complex, including concession areas, parking
5 facilities, and onsite administrative offices connected with operating
6 the sports complex;~~and~~

7 (d) Any privately owned concert venue, including stages, dressing
8 rooms, concession areas, parking facilities, lobby areas, and onsite
9 administrative offices used in operating the concert venue;and

10 (e) Any large public stadium in which initial occupancy occurs on or
11 after March 1, 2025, including dressing and locker facilities, concession
12 areas, parking facilities, nearby parking facilities for the use of the
13 stadium, and onsite administrative offices connected with operating the
14 stadium;

15 (10) (9) General obligation bond means any bond or refunding bond
16 issued by a political subdivision and which is payable from the proceeds
17 of an ad valorem tax;

18 (11) (10) Increase in state sales tax revenue means the amount of
19 state sales tax revenue collected by a nearby retailer during the fiscal
20 year for which state assistance is calculated minus the amount of state
21 sales tax revenue collected by the nearby retailer in the fiscal year
22 that ended immediately preceding the project completion date of the
23 eligible sports arena facility, except that the amount of state sales tax
24 revenue of a nearby retailer shall not be less than zero;

25 (12) Large public stadium means an open-air facility that:

26 (a) Is publicly owned or used for governmental purposes;

27 (b) Primarily includes an outdoor field, but may include some indoor
28 areas;

29 (c) Is primarily used for competitive sports;

30 (d) Has at least five thousand five hundred but no more than seven
31 thousand five hundred permanent seats with a capacity not to exceed ten

1 thousand seats; and

2 (e) Is located in a city of the metropolitan class;

3 (13) ~~(11)~~ Multipurpose field means a rectangular field of grass or
4 synthetic turf which is primarily used for competitive field sports,
5 including, but not limited to, soccer, football, flag football, lacrosse,
6 or rugby;

7 (14) ~~(12)~~ Nearby parking facility means any parking lot, parking
8 garage, or other parking structure that is not directly connected to an
9 eligible sports arena facility but which is located, in whole or in part,
10 within seven hundred yards of an eligible sports arena facility, measured
11 from any point of the exterior perimeter of such facility but not from
12 any other parking facility or other structure;

13 (15) ~~(13)~~ Nearby retailer means a retailer as defined in section
14 77-2701.32 that is located within the program area. The term includes a
15 subsequent owner of a nearby retailer operating at the same location;

16 (16) ~~(14)~~ New state sales tax revenue means:

17 (a) For any eligible sports arena facility that is not a sports
18 complex or a large public stadium:

19 (i) One hundred percent of the state sales tax revenue that (A) is
20 collected by a nearby retailer that commenced collecting state sales tax
21 during the period of time beginning twenty-four months prior to the
22 project completion date of the eligible sports arena facility and ending
23 forty-eight months after the project completion date of the eligible
24 sports arena facility or, for applications for state assistance approved
25 prior to October 1, 2016, forty-eight months after October 1, 2016, and
26 (B) is sourced under sections 77-2703.01 to 77-2703.04 to the program
27 area; and

28 (ii) The increase in state sales tax revenue that (A) is collected
29 by a nearby retailer that commenced collecting state sales tax prior to
30 twenty-four months prior to the project completion date of the eligible
31 sports arena facility and (B) is sourced under sections 77-2703.01 to

1 77-2703.04 to the program area; or

2 (b) For any eligible sports arena facility that is a sports complex
3 or a large public stadium, one hundred percent of the state sales tax
4 revenue that (i) is collected by a nearby retailer that commenced
5 collecting state sales tax during the period of time beginning on the
6 date that the project commenced and ending forty-eight months after the
7 project completion date of the eligible sports arena facility and (ii) is
8 sourced under sections 77-2703.01 to 77-2703.04 to the program area;

9 (17) ~~(15)~~ Political subdivision means any city, village, or county;

10 (18) ~~(16)~~ Program area means:

11 (a) For any eligible sports arena facility that is not a sports
12 complex or a large public stadium:

13 (i) For applications for state assistance submitted prior to October
14 1, 2016, the area that is located within six hundred yards of an eligible
15 sports arena facility, measured from any point of the exterior perimeter
16 of the facility but not from any parking facility or other structure; or

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

23 (A) It avoids as much of the unbuildable property as is practical;
24 and

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

28 (b) For any eligible sports arena facility that is a sports complex,
29 the area that is located within six hundred yards of an eligible sports
30 arena facility, measured from any point of the exterior boundary or
31 property line of the facility; or ~~or~~

1 (c) For any eligible sports arena facility that is a large public
2 stadium, the area that is located within six hundred yards of an eligible
3 sports arena facility, measured from any point of the exterior perimeter
4 of the facility but not from any parking facility or other structure,
5 except that if twenty-five percent or more of such area is covered
6 property or unbuildable property, then the program area shall be adjusted
7 so that:

8 (i) It avoids as much of the covered property and unbuildable
9 property as is practical; and

10 (ii) It contains contiguous property with the same total amount of
11 square footage that the program area would have contained had no
12 adjustment been necessary.

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

17 (19) (17) Project completion date means:

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

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

23 (20) (18) 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;

27 (21) (19) Sports complex means a facility that:

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

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

30 (c) Contains at least:

31 (i) Twelve separate sports venues if such facility is located in a

1 city of the metropolitan class;

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

4 (iii) Four separate sports venues if such facility is located (A) in
5 a city of the first class, city of the second class, or village, (B)
6 within a county but outside the corporate limits of any city or village,
7 (C) in an economic redevelopment area, or (D) in an opportunity zone
8 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law
9 115-97;

10 ~~(22)~~ (20) Sports venue includes, but is not limited to:

11 (a) A baseball field;

12 (b) A softball field;

13 (c) A multipurpose field;

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

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

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

21 ~~(23)~~ (21) Unbuildable property means any real property that is
22 located in a floodway, an environmentally protected area, a right-of-way,
23 or a brownfield site as defined in 42 U.S.C. 9601 that the political
24 subdivision determines is not suitable for the construction or location
25 of residential, commercial, or other buildings or facilities.

26 Sec. 35. Section 13-3103, Revised Statutes Supplement, 2023, is
27 amended to read:

28 13-3103 (1) Any applicant may apply to the board for state
29 assistance if (a) the applicant has acquired, constructed, improved, or
30 equipped an eligible sports arena facility, (b) the applicant has
31 approved a revenue bond issue or a general obligation bond issue to

1 acquire, construct, improve, or equip an eligible sports arena facility,
2 (c) the applicant has adopted a resolution authorizing the applicant to
3 pursue a general obligation bond issue to acquire, construct, improve, or
4 equip an eligible sports arena facility, or (d) a building permit has
5 been issued within the applicant's jurisdiction for an eligible sports
6 arena facility that is a privately owned concert venue.

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

12 (3) For an eligible sports arena facility that is a privately owned
13 concert venue, the state assistance shall only be used by the applicant
14 (a) to pay back amounts expended or borrowed through one or more issues
15 of bonds to be expended by the applicant to acquire, construct, improve,
16 or equip a nearby parking facility or (b) to promote arts and cultural
17 events which are open to or made available to the general public.

18 (4) For applications for state assistance approved on or after
19 October 1, 2016; ~~7~~

20 (a) Except as provided in subsection (5) of this section, no more
21 than fifty percent of the final cost of the project shall be funded by
22 state assistance received pursuant to section 13-3108; and

23 (b) No ~~no~~ more than ten years of funding for promotion of the arts
24 and cultural events shall be paid by state assistance received pursuant
25 to section 13-3108.

26 (5) For any application for state assistance for a large public
27 stadium approved on or after the operative date of this section, up to
28 one hundred percent of the final cost of the project may be funded by
29 state assistance received pursuant to section 13-3108.

30 Sec. 36. Section 13-3104, Revised Statutes Supplement, 2023, is
31 amended to read:

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

6 (2) Except as provided in subsection (3) of this section, the
7 application shall contain:

8 (a) A description of the proposed financing of the project,
9 including the estimated principal and interest requirements for the bonds
10 proposed to be issued in connection with the project or the amounts
11 necessary to repay the original investment by the applicant in the
12 project;

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

17 (c) ~~A For applications submitted on or after October 1, 2016,~~ a map
18 identifying the program area, including any covered property or
19 unbuildable property within the program area or taken into account in
20 adjusting the program area as described in subdivision ~~(18) (16)(a)(ii)~~
21 of section 13-3102; and

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

23 (3) If the state assistance will be used to provide funding for
24 promotion of the arts and cultural events, the application shall contain:

25 (a) A detailed description of the programs contemplated and how such
26 programs will be in furtherance of the applicant's public use or public
27 purpose if such funds are to be expended through one or more private
28 organizations; and

29 (b) Any other program information deemed appropriate by the board.

30 (4) Upon receiving an application for state assistance, the board
31 shall review the application and notify the applicant of any additional

1 information needed for a proper evaluation of the application.

2 (5) Any state assistance received pursuant to the act shall be used
3 only for public purposes.

4 Sec. 37. Section 13-3108, Revised Statutes Supplement, 2023, is
5 amended to read:

6 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
7 money in the fund available for investment shall be invested by the state
8 investment officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

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

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

16 (3)(a) It is the intent of the Legislature to appropriate from the
17 fund money to be distributed as provided in subsections (4) and (5) of
18 this section to any political subdivision for which an application for
19 state assistance under the Sports Arena Facility Financing Assistance Act
20 has been approved an amount not to exceed seventy percent of the (i)
21 state sales tax revenue collected by retailers doing business at eligible
22 sports arena facilities on sales at such facilities, (ii) state sales tax
23 revenue collected on primary and secondary box office sales of admissions
24 to such facilities, and (iii) new state sales tax revenue collected by
25 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to
26 the program area.

27 (b) The amount to be appropriated for distribution as state
28 assistance to a political subdivision under this subsection for any one
29 year after the tenth year shall not exceed the highest such amount
30 appropriated under subdivision (3)(a) of this section during any one year
31 of the first ten years of such appropriation. If seventy percent of the

1 state sales tax revenue as described in subdivision (3)(a) of this
2 section exceeds the amount to be appropriated under this subdivision,
3 such excess funds shall be transferred to the General Fund.

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

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

11 (6)(a) Except as provided in subdivision (6)(b) of this section, the
12 ~~(6)~~ The total amount of state assistance approved for an eligible sports
13 arena facility shall not exceed one hundred million dollars.

14 (b) For any eligible sports arena facility that is a large public
15 stadium:

16 (i) The total amount of state assistance approved for such facility
17 shall not exceed twenty-five million dollars; and

18 (ii) The amount of state assistance approved for such facility for
19 any year shall not exceed one million two hundred fifty thousand dollars.

20 (7)(a) Except as provided in subdivisions (b) and (c) of this
21 subsection, state State assistance to the political subdivision shall no
22 longer be available upon the retirement of the bonds issued to acquire,
23 construct, improve, or equip the facility or any subsequent bonds that
24 refunded the original issue or when state assistance reaches the amount
25 determined under subdivision (6)(a) subsection ~~(6)~~ of this section,
26 whichever comes first.

27 (b) If the state assistance will be used to provide funding for
28 promotion of the arts and cultural events, such state assistance to the
29 political subdivision shall no longer be available after ten years of
30 funding or when state assistance reaches the amount determined under
31 subdivision (6)(a) subsection ~~(6)~~ of this section, whichever comes first.

1 (c) If the state assistance will be used to provide funding for a
2 large public stadium, such state assistance to the political subdivision
3 shall no longer be available after twenty years of funding or when state
4 assistance reaches the amount determined under subdivision (6)(b)(i) of
5 this section, whichever comes first.

6 (8) State assistance shall not be used for an operating subsidy.

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

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

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

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

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

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

31 3. Correct the operative date and repealer sections so that the

- 1 sections added by this amendment become operative three calendar months
- 2 after the adjournment of this legislative session.