

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 564**

FINAL READING

Introduced by Bolz, 29.

Read first time January 22, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702,  
2 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01,  
3 Revised Statutes Cumulative Supplement, 2018; to change the Civic  
4 and Community Center Financing Act; and to repeal the original  
5 sections.

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

1 Section 1. Section 13-2702, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 13-2702 The purpose of the Civic and Community Center Financing Act  
4 is to support the development of civic centers, historic buildings or  
5 districts, public spaces ~~community~~, and recreation centers throughout  
6 Nebraska. Furthermore, the act is intended to support projects that  
7 foster maintenance or growth of communities.

8 Sec. 2. Section 13-2703, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 13-2703 For purposes of the Civic and Community Center Financing  
11 Act:

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

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

19 (2) ~~(3)~~ Department means the Department of Economic Development;

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

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

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

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

29 (7) Public space means property located within the traditional  
30 center of a community, typically comprised of a cohesive core of  
31 residential, civic, religious, and commercial buildings, arranged around

1 a main street and intersecting streets; and

2 (8) ~~(6)~~ Recreation center means a facility or park used for  
3 athletics, fitness, sport activities, or recreation that is owned by a  
4 municipality and is available for use by the general public with or  
5 without charge. Recreation center does not include any facility that  
6 requires a person to purchase a membership to utilize such facility.

7 Sec. 3. Section 13-2704, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 13-2704 (1) The Civic and Community Center Financing Fund is  
10 created. The fund shall be administered by the department. Any money in  
11 the fund available for investment shall be invested by the state  
12 investment officer pursuant to the Nebraska Capital Expansion Act and the  
13 Nebraska State Funds Investment Act. Transfers may be made from the fund  
14 to the General Fund, the Department of Revenue Enforcement Fund, and the  
15 State Colleges Sport Facilities Cash Fund at the direction of the  
16 Legislature.

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

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

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

21 and

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

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

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

1 and Community Center Financing Fund to the State Colleges Sport  
2 Facilities Cash Fund.

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

5 13-2704.01 (1) The department shall use the fund to provide grants  
6 of assistance for the following purposes:

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

10 (b) To assist in the preservation, restoration, conversion,  
11 rehabilitation, or reuse of historic buildings or districts; or

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

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

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

20 Sec. 5. Section 13-2705, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 13-2705 The department may conditionally approve grants of  
23 assistance from the fund to eligible and competitive applicants subject  
24 to within the following limits and requirements:

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

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

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

31 (ii) For a city with a population of at least ~~more than~~ forty

1 thousand inhabitants but fewer less than one hundred thousand inhabitants  
2 as determined by the most recent federal decennial census or the most  
3 recent revised certified count by the United States Bureau of the Census,  
4 one million one hundred twenty-five thousand dollars;

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

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

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

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

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

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

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

29 (ii) For a city with a population of at least ~~more than~~ forty  
30 thousand inhabitants but fewer less than one hundred thousand inhabitants  
31 as determined by the most recent federal decennial census or the most

1 recent revised certified count by the United States Bureau of the Census,  
2 one million six hundred eighty-seven thousand dollars;

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

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

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

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

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

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

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

30 (6) Upon receipt of any application for a grant of assistance to  
31 assist in the preservation, restoration, conversion, rehabilitation, or

1 reuse of a historic building or district, the department shall notify the  
2 State Historic Preservation Officer of such application. The State  
3 Historic Preservation Officer shall evaluate the work proposed in such  
4 application to determine whether it conforms to the United States  
5 Secretary of the Interior's Standards for the Treatment of Historic  
6 Properties and shall notify the department of the determination. If the  
7 work does not conform to such standards, the department shall not award a  
8 grant of assistance for such application.

9       Sec. 6. Section 13-2707, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11       13-2707 (1) The department shall evaluate all applications for  
12 grants of assistance under section 13-2704.01 based on the following  
13 criteria, which are listed in no particular order of preference:

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

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

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

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

1 ~~recreation center; and~~

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

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

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

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

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

23 Sec. 7. Section 13-2707.01, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 13-2707.01 The department shall evaluate all applications for grants  
26 of assistance under section 13-2704.02 based on the following criteria:

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



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

6           Sec. 8. Original sections 13-2702, 13-2703, 13-2704, 13-2704.01,  
7 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement,  
8 2018, are repealed.