

AMENDMENTS TO LB1197

(Amendments to Standing Committee amendments, AM2419)

Introduced by von Gillern, 4.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 13-3101, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-3101 Sections 13-3101 to 13-3109 and section 5 of this act shall
6 be known and may be cited as the Sports Arena Facility Financing
7 Assistance Act.

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

10 13-3102 For purposes of the Sports Arena Facility Financing
11 Assistance Act:

12 (1) Applicant means:

13 (a) A political subdivision; or

14 (b) A political subdivision and nonprofit corporation ~~organization~~
15 that jointly submit an application under the act;

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

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

26 (4) Concert venue means any enclosed, temperature-controlled

1 building that is primarily used for live performances with an indoor
2 capacity of at least two thousand two hundred fifty but no more than
3 three thousand five hundred persons;

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

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

10 (7) Economic redevelopment area means an area in the State of
11 Nebraska in which:

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

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

19 (8) Eligible sports arena facility means:

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

28 (b) Any racetrack enclosure licensed by the State Racing and Gaming
29 Commission in which initial occupancy occurs on or after July 1, 2010,
30 including concession areas, parking facilities, and onsite administrative
31 offices connected with operating the racetrack;

1 (c) Any publicly owned sports complex, including concession areas,
2 parking facilities, and onsite administrative offices connected with
3 operating the sports complex;~~and~~

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

7 (e) Any privately owned sports complex, including concession areas,
8 parking facilities, and onsite administrative offices connected with
9 operating the sports complex;

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

13 (10) Governmental use means operational control and use by the
14 political subdivision for a statutorily permitted purpose of the
15 political subdivision;

16 (11) (10) Increase in state sales tax revenue means the amount of
17 state sales tax revenue collected by a nearby retailer during the fiscal
18 year for which state assistance is calculated minus the amount of state
19 sales tax revenue collected by the nearby retailer in the fiscal year
20 that ended immediately preceding the project completion date of the
21 eligible sports arena facility, except that the amount of state sales tax
22 revenue of a nearby retailer shall not be less than zero;

23 (12) (11) Multipurpose field means a rectangular field of grass or
24 synthetic turf which is primarily used for competitive field sports,
25 including, but not limited to, soccer, football, flag football, lacrosse,
26 or rugby;

27 (13) (12) Nearby parking facility means any parking lot, parking
28 garage, or other parking structure that is not directly connected to an
29 eligible sports arena facility but which is located, in whole or in part,
30 within seven hundred yards of an eligible sports arena facility, measured
31 from any point of the exterior perimeter of such facility but not from

1 any other parking facility or other structure;

2 ~~(14)~~ ~~(13)~~ Nearby retailer means a retailer as defined in section
3 77-2701.32 that is located within the program area. The term includes a
4 subsequent owner of a nearby retailer operating at the same location;

5 ~~(15)~~ ~~(14)~~ New state sales tax revenue means:

6 (a) For any eligible sports arena facility that is not a sports
7 complex:

8 (i) One hundred percent of the state sales tax revenue that (A) is
9 collected by a nearby retailer that commenced collecting state sales tax
10 during the period of time beginning twenty-four months prior to the
11 project completion date of the eligible sports arena facility and ending
12 forty-eight months after the project completion date of the eligible
13 sports arena facility or, for applications for state assistance approved
14 prior to October 1, 2016, forty-eight months after October 1, 2016, and
15 (B) is sourced under sections 77-2703.01 to 77-2703.04 to the program
16 area; and

17 (ii) The increase in state sales tax revenue that (A) is collected
18 by a nearby retailer that commenced collecting state sales tax prior to
19 twenty-four months prior to the project completion date of the eligible
20 sports arena facility and (B) is sourced under sections 77-2703.01 to
21 77-2703.04 to the program area;~~or~~

22 (b) For any eligible sports arena facility that is a sports complex
23 which is not located in a city of the second class or village, one
24 hundred percent of the state sales tax revenue that (i) is collected by a
25 nearby retailer that commenced collecting state sales tax during the
26 period of time beginning on the date that the project commenced and
27 ending forty-eight months after the project completion date of the
28 eligible sports arena facility and (ii) is sourced under sections
29 77-2703.01 to 77-2703.04 to the program area;or

30 (c) For any eligible sports arena facility that is a sports complex
31 located in a city of the second class or village, one hundred percent of

1 the state sales tax revenue that (i) is collected by a nearby retailer
2 and (ii) is sourced under sections 77-2703.01 to 77-2703.04 to the
3 program area;

4 (16) (15) Political subdivision means (a) any city, village, or
5 county, school district, or community college area or (b) a joint entity
6 formed under the Interlocal Cooperation Act which includes a city,
7 village, or county as a member;

8 (17) (16) Program area means:

9 (a) For any eligible sports arena facility that is not a sports
10 complex:

11 (i) For applications for state assistance submitted prior to October
12 1, 2016, the area that is located within six hundred yards of an eligible
13 sports arena facility, measured from any point of the exterior perimeter
14 of the facility but not from any parking facility or other structure; or

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

21 (A) It avoids as much of the unbuildable property as is practical;
22 and

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

26 (b) For any eligible sports arena facility that is a sports complex
27 which is not located in a city of the second class or village: ~~r~~

28 (i) For applications for state assistance submitted prior to the
29 effective date of this act, the area that is located within six hundred
30 yards of an eligible sports arena facility, measured from any point of
31 the exterior boundary or property line of the facility; ~~or~~

1 (ii) For applications for state assistance submitted on or after the
2 effective date of this act, the area that is located within six hundred
3 yards of an eligible sports arena facility, measured from any point of
4 the exterior boundary or property line of the facility, except that if
5 twenty-five percent or more of such area is unbuildable property, then
6 the program area shall be adjusted so that:

7 (A) It avoids as much of the unbuildable property as is practical;
8 and

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

12 (c) For any eligible sports arena facility that is a sports complex
13 located in a city of the second class or village, the corporate limits of
14 the city of the second class or village in which the facility is located.

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

19 ~~(18)~~ ~~(17)~~ Project completion date means:

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

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

25 ~~(19)~~ ~~(18)~~ Revenue bond means any bond or refunding bond issued by a
26 political subdivision which is limited or special rather than a general
27 obligation bond of the political subdivision and which is not payable
28 from the proceeds of an ad valorem tax;

29 ~~(20)~~ ~~(19)~~ Sports complex means a facility that:

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

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

1 (c) Contains at least:

2 (i) Twelve separate sports venues if such facility is located in a
3 city of the metropolitan class;

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

6 (iii) Four separate sports venues if such facility is located (A) in
7 a city of the first class, ~~city of the second class, or village,~~ (B)
8 within a county but outside the corporate limits of any city or village,
9 (C) in an economic redevelopment area, or (D) in an opportunity zone
10 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law
11 115-97; or

12 (iv) Two separate sports venues if such facility is located in a
13 city of the second class or village;

14 (21) (20) Sports venue includes, but is not limited to:

15 (a) A baseball field;

16 (b) A softball field;

17 (c) A multipurpose field;

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

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

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

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

30 Sec. 3. Section 13-3103, Revised Statutes Supplement, 2023, is
31 amended to read:

1 13-3103 (1) Any applicant may apply to the board for state
2 assistance if (a) the applicant has acquired, constructed, improved, or
3 equipped an eligible sports arena facility, (b) the applicant has
4 approved a revenue bond issue or a general obligation bond issue to
5 acquire, construct, improve, or equip an eligible sports arena facility,
6 (c) the applicant has adopted a resolution authorizing the applicant to
7 pursue a general obligation bond issue to acquire, construct, improve, or
8 equip an eligible sports arena facility, ~~or~~ (d) a building permit has
9 been issued within the applicant's jurisdiction for an eligible sports
10 arena facility that is a privately owned concert venue, or (e) a building
11 permit has been issued or construction has been completed within the
12 applicant's jurisdiction for an eligible sports arena facility that is a
13 privately owned sports complex.

14 (2) Except as provided in subsections (3) and (4) of this section,
15 the ~~The~~ state assistance shall only be used by the applicant to pay back
16 amounts expended or borrowed through one or more issues of bonds to be
17 expended by the applicant to acquire, construct, improve, or equip the
18 publicly owned eligible sports arena facility and to acquire, construct,
19 improve, or equip publicly owned nearby parking facilities.

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

26 (4) For an eligible sports arena facility that is a privately owned
27 sports complex, the state assistance shall only be used by the applicant
28 (a) to pay back amounts expended or borrowed through one or more issues
29 of bonds to be expended by the applicant to acquire, construct, improve,
30 or equip one or more public infrastructure projects, as defined in
31 section 77-27,142, related to a privately owned sports complex, (b) to

1 lease all or a portion of such privately owned sports complex for the
2 governmental use of the political subdivision, (c) to promote sporting
3 events which are open to or made available to the general public, or (d)
4 to pay back amounts expended or borrowed through one or more debt issues
5 to be expended by the nonprofit corporation coapplicant to acquire,
6 construct, improve, or equip a privately owned sports complex, subject to
7 voter approval as provided in section 5 of this act.

8 ~~(5)(a) No (4) For applications for state assistance approved on or~~
9 ~~after October 1, 2016, (a) no more than fifty percent of the final cost~~
10 ~~of the project shall be funded by state assistance received pursuant to~~
11 ~~section 13-3108 and (b) no more than ten years of funding for promotion~~
12 of the arts and cultural events shall be paid by state assistance
13 received pursuant to section 13-3108.

14 (b) No more than ten years of funding for promotion of sporting
15 events shall be paid by state assistance received pursuant to section
16 13-3108.

17 (c) No more than five years of funding for a sports complex located
18 in a city of the second class or village shall be paid by state
19 assistance received pursuant to section 13-3108.

20 Sec. 4. Section 13-3104, Revised Statutes Supplement, 2023, is
21 amended to read:

22 13-3104 (1) All applications for state assistance under the Sports
23 Arena Facility Financing Assistance Act shall be in writing and shall
24 include a certified copy of the approving action of the governing body of
25 the applicant describing the proposed project for which state assistance
26 is requested and the anticipated financing.

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

29 (a) A description of the proposed financing of the project,
30 including the estimated principal and interest requirements for the bonds
31 proposed to be issued in connection with the project or the amounts

1 necessary to repay the original investment by the applicant in the
2 project;

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

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

11 (d) For applications for a privately owned sports complex subject to
12 voter approval as provided in section 5 of this act, a description of the
13 proposed ballot language and anticipated election date for such voter
14 approval if the application is approved; and

15 (e) ~~(d)~~ Any other project information deemed appropriate by the
16 board.

17 (3) If the state assistance will be used to provide funding for
18 promotion of the arts and cultural events or for promotion of sporting
19 events, the application shall contain:

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

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

25 (4) Upon receiving an application for state assistance, the board
26 shall review the application and notify the applicant of any additional
27 information needed for a proper evaluation of the application.

28 (5) Any state assistance received pursuant to the act shall be used
29 only for public purposes, except as provided in section 5 of this act for
30 a privately owned sports complex subject to voter approval.

31 Sec. 5. (1) State assistance may be used to pay or reimburse

1 amounts expended for a privately owned sports complex, or borrowed
2 through one or more debt issues to be expended by the applicant to
3 acquire, construct, improve, or equip a privately owned sports complex,
4 upon satisfaction of the following conditions:

5 (a) A city or village shall propose such privately owned sports
6 complex as a sports complex economic development project in a resolution
7 which includes all of the provisions described in this section for
8 establishing such project, except for the date of the proposed election
9 described in this section;

10 (b) The application must be a joint application submitted by a city
11 or village and a nonprofit corporation for a project to be owned by one
12 or both of the coapplicants as a sports complex economic development
13 project to be located within the corporate limits of such city or
14 village. The application shall propose such project as an economic
15 development project subject to the terms of this section;

16 (c) Approval of such application pursuant to section 13-3106 shall
17 be conditional upon voter approval of the ballot question described in
18 this section. If the ballot question is approved by the voters of such
19 city or village, the approval of the board becomes permanent. If the
20 ballot question is not approved by such voters, the approval shall become
21 void; and

22 (d) Upon the conditional approval of such application, the city or
23 village shall submit the question of approving the proposed sports
24 complex economic development project to the registered voters at an
25 election as follows:

26 (i) The governing body of the city or village shall order the
27 submission of the question by filing a certified copy of the resolution
28 proposing the sports complex economic development project with the
29 election commissioner or county clerk not later than the eighth Friday
30 prior to a special election or a municipal primary or general election
31 which is not held at the statewide primary or general election, not later

1 than March 1 prior to a statewide primary election, or not later than
2 September 1 prior to a statewide general election;

3 (ii) The question on the ballot shall briefly set out the terms of
4 the proposed sports complex economic development project, including that
5 such project will be funded with state assistance received pursuant to
6 the Sports Arena Facility Financing Assistance Act. In addition to all
7 other information, the ballot question shall include the following
8 language: "Shall the city (or village) of (name of city or village)
9 establish a sports complex economic development project as described here
10 by appropriating annually from state assistance received by the city (or
11 village) pursuant to the Sports Arena Facility Financing Assistance
12 Act?"; and

13 (iii) If a majority of those voting on the issue vote in favor of
14 the question, the governing body of the city or village shall implement
15 the proposed sports complex economic development project upon the terms
16 set out in the resolution calling for the election. If a majority of
17 those voting on the issue vote against the question, the governing body
18 shall not implement the sports complex economic development project.

19 (2) Funds received by the city or village for an approved sports
20 complex economic development project shall be deposited to a separate
21 fund established for such project to be used exclusively as described in
22 this subsection and shall not be commingled with any other funds of the
23 city or village. Such funds (a) shall first be used to pay or reimburse
24 any preliminary or ongoing administrative costs of the city or village
25 related to such project, (b) may be remitted to the nonprofit corporation
26 coapplicant upon submission of proper evidence of expenditures related to
27 such project, (c) may be pledged for and applied to payment of bonds
28 issued by such city or village as provided in sections 13-1101 to
29 13-1110, or (d) may otherwise be expended for the cost of such project if
30 owned by the city or village. Any amount received and held for such
31 project which is not committed or expended within five years for the

1 project may be transferred to the general fund of such city or village by
2 action of the governing body of such city or village after a public
3 hearing. Such public hearing shall be held after not less than thirty
4 days' written notice to the nonprofit corporation coapplicant delivered
5 to its last known registered address.

6 (3) The sports complex economic development project authorized by
7 this section shall be separate and apart from any other economic
8 development program of such city or village, including any economic
9 development program established under the Local Option Municipal Economic
10 Development Act. The powers conferred by this section shall be in
11 addition and supplemental to the powers conferred by any other law and
12 shall be independent of and in addition to any other provisions of the
13 law of Nebraska, including the Local Option Municipal Economic
14 Development Act and the Community Development Law. This section and all
15 grants of power, authority, rights, or discretion to a political
16 subdivision under the Sports Arena Facility Financing Assistance Act
17 shall be liberally construed, and all incidental powers necessary to
18 carry the act into effect are hereby expressly granted to and conferred
19 upon a political subdivision.

20 Sec. 6. Section 13-3108, Revised Statutes Supplement, 2023, is
21 amended to read:

22 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
23 money in the fund available for investment shall be invested by the state
24 investment officer pursuant to the Nebraska Capital Expansion Act and the
25 Nebraska State Funds Investment Act.

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

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

1 (3)(a) It is the intent of the Legislature to appropriate from the
2 fund money to be distributed as provided in subsections (4) and (5) of
3 this section to any political subdivision for which an application for
4 state assistance under the Sports Arena Facility Financing Assistance Act
5 has been approved an amount not to exceed:

6 (i) For any eligible sports arena facility that is not a sports
7 complex located in a city of the second class or village, seventy percent
8 of the (A) ~~(i)~~ state sales tax revenue collected by retailers doing
9 business at eligible sports arena facilities on sales at such facilities,
10 (B) ~~(ii)~~ state sales tax revenue collected on primary and secondary box
11 office sales of admissions to such facilities, and (C) ~~(iii)~~ new state
12 sales tax revenue collected by nearby retailers and sourced under
13 sections 77-2703.01 to 77-2703.04 to the program area; or -

14 (ii) For any eligible sports arena facility that is a sports complex
15 located in a city of the second class or village, twenty-five percent of
16 the (A) state sales tax revenue collected by retailers doing business at
17 eligible sports arena facilities on sales at such facilities, (B) state
18 sales tax revenue collected on primary and secondary box office sales of
19 admissions to such facilities, and (C) new state sales tax revenue
20 collected by nearby retailers and sourced under sections 77-2703.01 to
21 77-2703.04 to the program area.

22 (b) The amount to be appropriated for distribution as state
23 assistance to a political subdivision under this subsection for any one
24 year after the tenth year shall not exceed the highest such amount
25 appropriated under subdivision (3)(a) of this section during any one year
26 of the first ten years of such appropriation. If seventy percent of the
27 state sales tax revenue as described in subdivision (3)(a) of this
28 section exceeds the amount to be appropriated under this subdivision,
29 such excess funds shall be transferred to the General Fund. This
30 subdivision does not apply to any eligible sports arena facility that is
31 a sports complex located in a city of the second class or village.

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

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

8 (6) The total amount of state assistance approved for an eligible
9 sports arena facility shall not exceed one hundred million dollars.

10 (7)(a) Except as provided in subdivisions (b) and (c) of this
11 subsection, state State assistance to the political subdivision shall no
12 longer be available upon the retirement of the bonds issued to acquire,
13 construct, improve, or equip the facility or any subsequent bonds that
14 refunded the original issue or when state assistance reaches the amount
15 determined under subsection (6) of this section, whichever comes first.

16 (b) If the state assistance will be used to provide funding for
17 promotion of the arts and cultural events or for promotion of sporting
18 events, such state assistance to the political subdivision shall no
19 longer be available after ten years of funding or when state assistance
20 reaches the amount determined under subsection (6) of this section,
21 whichever comes first.

22 (c) If the state assistance will be used to provide funding for a
23 sports complex located in a city of the second class or village, such
24 state assistance to the political subdivision shall no longer be
25 available after five years of funding or when state assistance reaches
26 the amount determined under subsection (6) of this section, whichever
27 comes first.

28 (8) State assistance shall not be used for an operating subsidy for
29 any publicly owned eligible sports arena facility or nearby parking
30 facility.

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

1 the appropriation and transfer in subdivision (3)(a)(i) ~~subsection (3)~~ of
2 this section shall be appropriated by the Legislature and transferred
3 quarterly as follows:

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

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

13 (10) The seventy-five percent of state sales tax revenue remaining
14 after the appropriation and transfer in subdivision (3)(a)(ii) of this
15 section shall be distributed in accordance with section 77-27,132.

16 (11) ~~(10)~~ Except as provided in subsection (12) ~~(11)~~ of this section
17 for a city of the primary class, any municipality that has applied for
18 and received a grant of assistance under the Civic and Community Center
19 Financing Act shall not receive state assistance under the Sports Arena
20 Facility Financing Assistance Act for the same project for which the
21 grant was awarded under the Civic and Community Center Financing Act.

22 (12) ~~(11)~~ A city of the primary class shall not be eligible to
23 receive a grant of assistance from the Civic and Community Center
24 Financing Act if the city has applied for and received a grant of
25 assistance under the Sports Arena Facility Financing Assistance Act.

26 Sec. 7. Section 82-335, Revised Statutes Supplement, 2023, is
27 amended to read:

28 82-335 (1) The Nebraska Arts Council shall establish a competitive
29 grant program to award grants to cities of the first class, cities of the
30 second class, and villages as provided in this section. The grants shall
31 be awarded from funds transferred to the Support the Arts Cash Fund

1 pursuant to subdivision (9)(a) of section 13-3108.

2 (2) A city of the first class, city of the second class, or village
3 is eligible for a grant under this section if:

4 (a) The city or village has a creative district within its
5 boundaries that has a ten-year plan for integration of the arts intended
6 to catalyze economic and workforce development initiatives in such city
7 or village; and

8 (b) The city or village is not receiving state assistance under the
9 Sports Arena Facility Financing Assistance Act.

10 (3) Priority in grant funding shall go to any city of the first
11 class, city of the second class, or village described in subsection (2)
12 of this section whose project includes the partnership of a city or
13 village convention and visitors bureau or county convention and visitors
14 bureau.

15 (4) Grants under this section may fund capital assets, video
16 projection mapping, ~~and~~ intangible video or audio artistic expression
17 presentations, planning expenses, architectural expenses, engineering
18 expenses, live performances, and promotional or marketing efforts of the
19 creative district. Grants shall not fund ongoing operational and
20 personnel expenses of a political subdivision or nonprofit corporation,
21 ~~live performances, promotional or marketing efforts of the creative~~
22 ~~district, legal expenses, or lobbying expenses, planning expenses,~~
23 ~~architectural expenses, or engineering expenses.~~

24 (5) Any assets acquired using grant funds shall be owned by the city
25 of the first class, city of the second class, or village receiving such
26 grant.

27 (6) Any grant awarded under this section shall be in an amount
28 determined by the Nebraska Arts Council, which shall not be less than one
29 hundred thousand dollars.

30 (7) For purposes of this section, creative district means a creative
31 district established pursuant to subdivision (5) of section 82-312.

1 Sec. 8. Original section 13-3101, Reissue Revised Statutes of
2 Nebraska, and sections 13-3102, 13-3103, 13-3104, 13-3108, and 82-335,
3 Revised Statutes Supplement, 2023, are repealed.