~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 90, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1~~

~~NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT~~

~~Rules and Regulations for Local Civic, Cultural, and Convention Center Financing Act~~

~~Issue Date: July 31, 2003~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 90 NAC CHAPTER 1~~

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~~TITLE 90 – NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT~~

~~Chapter 1 – Rules and Regulations for Carrying Out the Local Civic, Cultural, and Convention Center Financing Act~~

~~**001. Administration.** The Department of Economic Development shall adopt, promulgate, and carry out these rules and regulations for the Local Civic, Cultural, and Convention Center Financing Act, pursuant to provisions of Legislative Bill 382, Ninety-Sixth Legislature, First Session, 1999, incorporated into Revised Statutes (R.S. SUPP., 2000, Sections 13-2701 through 13-2710), as amended by provisions of Legislative Bill 385, Ninety-Eighth Legislature, First Session, 2003.~~

~~**001.01. Purpose.** The purpose of the Local Civic, Cultural, and Convention Center Financing Act is to support the development of civic, cultural, and convention centers throughout Nebraska and to support projects that attract new civic, cultural, and convention activity to Nebraska from outside of Nebraska. The means of support are grants of assistance to municipalities from the Local Civic, Cultural, and Convention Center Financing Fund administered by the Department of Economic Development.~~

~~**001.02. Definitions.** Certain terms are defined below.~~

~~**001.02A.** Center – means a civic, cultural, or convention facility or area.~~

~~**001.02B.** Civic center – means a community center, where residents of a community gather for cultural and social activities of sufficient appeal to also attract many nonresidents. While a civic center may include areas for physical recreation, it is not primarily a gymnasium or sports facility.~~

~~**001.02C.** Cultural center – means a place for intellectual and artistic activity and the works produced by it, which are of sufficient appeal to attract many nonresidents as well as residents of a community. Special libraries, museums, and/or theaters are in cultural centers.~~

~~**001.02D.** Convention center – means a meeting place that includes an auditorium or other area for large audience assembly, an exhibit hall, a facility for onsite food preparation and service, a directly connected parking facility or area, and an administrative office, which together~~

~~attract many nonresidents as well as residents of a community.~~

~~**001.02E.** Department – means the Department of Economic Development.~~

~~**001.02F**. Fund – means the Local Civic, Cultural, and Convention Center Financing Fund.~~

~~**001.02G.** Grant – means grant of assistance from the fund for the construction of a new center or the renovation or expansion of an existing center.~~

~~**001.02H.** Local sources – means amount, not including the grant, of financial and other pledges or commitments to and by a municipality for the construction of a new center or the renovation or expansion of an existing center.~~

~~**001.03. Eligible Applicants.** Any municipality except a city of the metropolitan class (population of 300,000 or more) may apply for a grant on application forms developed and provided by the Department. The applicant will own and operate the center for which grant assistance is sought. A municipality applying for a grant is in competition with other municipalities. Any municipality receiving a grant will not be awarded more than one grant in any five-year period.~~

~~**001.04. Eligible Projects**. The fund may be used for the construction of new centers or the renovation or expansion of existing centers. The fund may not be used for planning, programming, marketing, advertising, and related activities. The exclusion of planning disallows the use of the fund for the preparation of architectural and/or engineering plans. The fund may be used for site and infrastructure improvements directly related to the construction, renovation, or expansion of a center. It also may be used for the purchase and installation of fixed seating, lighting, carpeting, and other fixtures at a center, but not for temporary and/or portable furniture or equipment.~~

~~**001.05. Grant Amounts**. Assistance from the fund shall not amount to more than fifty percent of the cost of construction, renovation, or expansion. The minimum amount for a grant request is $20,000. The maximum amount is determined by the population size of a municipality applying for a grant, as follows:~~

~~1) For a city of the primary class (population of 100,001 to 299,999), one~~

million dollars;

2) For a municipality with a population of 40,000 but less than 100,000, five hundred thousand dollars;
3) For a municipality with a population of 20,000 but less than 40,000, four hundred thousand dollars;
4) For a municipality with a population of 10,000 but less than 20,000, three hundred thousand dollars;
5) For a municipality with a population of 5,000 but less than 10,000, two hundred thousand dollars;
6) For a municipality with a population of less than 5,000, one hundred thousand dollars.

001.06. Criteria for Evaluating Grant Applications. The Department shall evaluate all applications for grants based on the following criteria:

1) Attraction impact. Funding decisions by the Department shall be based in part on the likelihood of the project attracting new cultural, civic, or convention activity to Nebraska from outside Nebraska. A project with greater draw from out-of-state shall be preferred over a project with less impact.
2) Socioeconomic impact. The project's potential for long-term positive impacts on the local and regional economy and society.
3) Financial support. Assistance from the fund must be matched at least equally from local sources. At least eighty percent of the local match must be in cash. Projects with a higher level of local matching funds shall be preferred over those with a lower level of matching funds. Neither the local match nor the items listed for grant assistance should include amounts already expended prior to the date of application for grant assistance.
4) Readiness. The applicant's fiscal and economic capacity to finance the local share and ability to proceed and implement its plan and operate the center.
5) Project location. A project must be located in the municipality that applies for the grant.

001.07. Conditional Approval for Grants. Department approval of a grant is conditional on subsequent appropriation of funds by the Legislature. Projects shall receive grant funding in the order conditional approval is received and whenever there is sufficient money in the fund to provide assistance. If the Department gives conditional approval to a project and, one or more days later, to another project, the earlier project is first in order. If conditional approval is

~~given to more than one project on the same day, the project first in order is the one most preferred in a rank ordering of projects approved by the Department on that day. In any calendar year when the Department will accept applications for grants, it will accept the applications no earlier than September 1 and no later than September 15, and will evaluate projects for conditional approval no later than October 31. It is the intent of the Legislature to appropriate funds to support projects which have received conditional approval from the Department. A grant shall be finally approved when funds for the project are appropriated by the Legislature.~~

~~**001.08. Annual Report.** The Department shall submit to the Governor, the Clerk of the Legislature, and the Legislative Fiscal Analyst an annual report on or before December 1 each year documenting the grants conditionally approved for funding by the Legislature in the following fiscal year.~~