

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 5CA

PROPOSED CONSTITUTIONAL AMENDMENT

FINAL READING

Introduced by Friend, 10

Read first time January 5, 2007

Committee: Urban Affairs

1 THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA,
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the primary election in May 2010 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To amend Article XIII, section 2:

8 XIII-2 (1) Notwithstanding any other provision in
9 the Constitution, the Legislature may authorize any county or
10 incorporated city or village, including cities operating under
11 home rule charters, to acquire, own, develop, and lease real and
12 personal property suitable for use by manufacturing or industrial
13 enterprises and to issue revenue bonds for the purpose of defraying

1 the cost of acquiring and developing such property by construction,
2 purchase, or otherwise. The Legislature may also authorize such
3 county, city, or village to acquire, own, develop, and lease real
4 and personal property suitable for use by enterprises as determined
5 by law if such property is located in blighted areas as determined
6 by law and to issue revenue bonds for the purpose of defraying
7 the cost of acquiring and developing or financing such property by
8 construction, purchase, or otherwise. Such bonds shall not become
9 general obligation bonds of the governmental subdivision by which
10 such bonds are issued. Any real or personal property acquired,
11 owned, developed, or used by any such county, city, or village
12 pursuant to this ~~section~~ subsection shall be subject to taxation to
13 the same extent as private property during the time it is leased
14 to or held by private interests, notwithstanding the provisions of
15 Article VIII, section 2, of ~~the~~ this Constitution. The acquiring,
16 owning, developing, and leasing of such property shall be deemed
17 for a public purpose, but the governmental subdivision shall not
18 have the right to acquire such property by condemnation. The
19 principal of and interest on any bonds issued may be secured by
20 a pledge of the lease and the revenue therefrom and by mortgage
21 upon such property. No such governmental subdivision shall have the
22 power to operate any such property as a business or in any manner
23 except as the lessor thereof.

24 (2) Notwithstanding any other provision in this
25 Constitution, the Legislature may also authorize any county, city,

1 or village to acquire, own, develop, and lease or finance real
2 and personal property, other than property used or to be used
3 for sectarian instruction or study or as a place for devotional
4 activities or religious worship, to be used, during the term of any
5 revenue bonds issued, only by nonprofit enterprises as determined
6 by law and to issue revenue bonds for the purpose of defraying
7 the cost of acquiring and developing or financing such property
8 by construction, purchase, or otherwise. Such bonds shall not
9 become general obligation bonds of the governmental subdivision
10 by which such bonds are issued, and such governmental subdivision
11 shall have no authority to impose taxes for the payment of such
12 bonds. Notwithstanding the provisions of Article VIII, section 2,
13 of this Constitution, the acquisition, ownership, development, use,
14 or financing of any real or personal property pursuant to the
15 provisions of this subsection shall not affect the imposition of
16 any taxes or the exemption therefrom by the Legislature pursuant to
17 this Constitution. The acquiring, owning, developing, and leasing
18 or financing of such property shall be deemed for a public purpose,
19 but the governmental subdivision shall not have the right to
20 acquire such property for the purposes specified in this subsection
21 by condemnation. The principal of and interest on any bonds
22 issued may be secured by a pledge of the lease and the revenue
23 therefrom and by mortgage upon such property. No such governmental
24 subdivision shall have the power to operate any such property as a
25 business or in any manner except as the lessor thereof.

1 (3) Notwithstanding any other provision in ~~the~~ this
2 Constitution, the Legislature may also authorize any incorporated
3 city or village, including cities operating under home rule
4 charters, to appropriate from local sources of revenue such
5 funds as may be deemed necessary for an economic or industrial
6 development project or program subject to approval by a vote of a
7 majority of the registered voters of such city or village voting
8 upon the question. For purposes of this provision, funds from
9 local sources of revenue shall mean funds raised from general taxes
10 levied by the city or village and shall not include any funds
11 received by the city or village which are derived from state or
12 federal sources.

13 Sec. 2. The proposed amendment shall be submitted to the
14 electors in the manner prescribed by the Constitution of Nebraska,
15 Article XVI, section 1, with the following ballot language:

16 A constitutional amendment to authorize the use of
17 revenue bonds to develop and lease property for use
18 by nonprofit enterprises as determined by law.

19 For

20 Against.