

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 297CA

PROPOSED CONSTITUTIONAL AMENDMENT

FINAL READING

Introduced by Karpisek, 32.

Read first time January 20, 2010

Committee: Urban Affairs

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

3 Section 1. At the general election in November 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 Notwithstanding any other provision in the
9 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 shall be subject to taxation to the same
13 extent as private property during the time it is leased to or held
14 by private interests, notwithstanding the provisions of Article
15 VIII, section 2, of the Constitution. The acquiring, owning,
16 developing, and leasing of such property shall be deemed for a
17 public purpose, but the governmental subdivision shall not have
18 the right to acquire such property by condemnation. The principal
19 of and interest on any bonds issued may be secured by a pledge
20 of the lease and the revenue therefrom and by mortgage upon such
21 property. No such governmental subdivision shall have the power to
22 operate any such property as a business or in any manner except
23 as the lessor thereof.

24 Notwithstanding any other provision in the Constitution,
25 the Legislature may also authorize any incorporated city or

1 village, including cities operating under home rule charters,
2 to appropriate ~~from local sources of revenue~~ such funds as may be
3 deemed necessary for an economic or industrial development project
4 or program subject to approval by a vote of a majority of the
5 registered voters of such city or village voting upon the question.
6 ~~For purposes of this provision, funds from local sources of revenue~~
7 ~~shall mean funds raised from general taxes levied by the city or~~
8 ~~village and shall not include any funds received by the city or~~
9 ~~village which are derived from state or federal sources.~~ Subject
10 to such vote, funds may be derived from property tax, local option
11 sales tax, or any other general tax levied by the city or village
12 or generated from municipally owned utilities or grants, donations,
13 or state and federal funds received by the city or village subject
14 to any restrictions of the grantor, donor, or state or federal law.

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

18 A constitutional amendment to change the powers of
19 municipalities relating to fund sources for economic
20 or industrial development.

21 For

22 Against.