

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 295CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by McGill, 26.

Read first time January 19, 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 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
14 the cost of acquiring and developing such property by construction,
15 purchase, or otherwise. The Legislature may also authorize such
16 county, city, or village to acquire, own, develop, and lease real

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

21 (2) Notwithstanding any other provision in this
 22 Constitution, the Legislature may also authorize any county, city,
 23 or village to acquire, own, develop, and lease or finance real
 24 and personal property, other than property used or to be used
 25 for sectarian instruction or study or as a place for devotional

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

23 (3) Notwithstanding any other provision in ~~the~~ this
24 Constitution, the Legislature may also authorize any incorporated
25 city or village, including cities operating under home rule

1 charters, to appropriate from local sources of revenue such
2 funds as may be deemed necessary for an economic or industrial
3 development project or program subject to approval by a vote of a
4 majority of the registered voters of such city or village voting
5 upon the question. For purposes of this provision, funds from
6 local sources of revenue shall mean funds raised from general taxes
7 levied by the city or village and shall not include any funds
8 received by the city or village which are derived from state or
9 federal sources.

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

13 A constitutional amendment to authorize the use of
14 revenue bonds to develop and lease property for use
15 by nonprofit enterprises as determined by law.

16 For

17 Against.