

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SPECIAL SESSION

**LEGISLATIVE BILL 49**

Introduced by Wayne, 13.

Read first time July 29, 2024

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 13-518  
2 and 13-522, Reissue Revised Statutes of Nebraska; to adopt the Aid  
3 to Municipalities Act; to create a fund; to harmonize provisions; to  
4 provide a duty for the Revisor of Statutes; and to repeal the  
5 original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and may be  
2 cited as the Aid to Municipalities Act.

3           Sec. 2. The purpose of the Aid to Municipalities Act is to provide  
4 state aid to municipalities in the form of grants which may be used to  
5 pay for infrastructure projects within the municipalities.

6           Sec. 3. For purposes of the Aid to Municipalities Act:

7           (1) Department means the Department of Economic Development;

8           (2) Infrastructure project means any of the following projects, or  
9 any combination thereof, to be owned or operated by a municipality: Solid  
10 waste management facilities; wastewater, storm water, and water treatment  
11 works and systems, water distribution facilities, and water resources  
12 projects, including, but not limited to, pumping stations, transmission  
13 lines, and mains and their appurtenances; hazardous waste disposal  
14 systems; resource recovery systems; airports; port facilities; buildings  
15 and capital equipment used in the operations and activities of municipal  
16 government and to provide services to the residents of the municipality;  
17 convention and tourism facilities; redevelopment projects as defined in  
18 section 18-2103; and mass transit and other transportation systems,  
19 including parking facilities and excluding public highways and bridges  
20 and municipal roads, streets, and bridges; and

21           (3) Municipality means any city or village in this state.

22           Sec. 4. (1) A municipality may apply for a grant under the Aid to  
23 Municipalities Act by submitting an application to the department on a  
24 form prescribed by the department. The application shall include:

25           (a) The amount of grant funds requested; and

26           (b) A description of the infrastructure projects to be funded by the  
27 grant.

28           (2) The department shall consider applications in the order in which  
29 they are received and may approve applications within the limits of  
30 available appropriations, except that in no case shall any grant exceed  
31 ten million dollars.

1       (3) A municipality receiving a grant under this section shall use  
2 the grant funds exclusively to:

3       (a) Pay for the construction, acquisition, or equipping of  
4 infrastructure projects or portions thereof; or

5       (b) Pay principal, interest, premium, and costs of issuance on bonds  
6 issued by the municipality to finance the construction, acquisition, or  
7 equipping of infrastructure projects or portions thereof.

8       (4) Grant funds received under this section shall be placed in a  
9 separate fund and shall not be commingled with other money of the  
10 municipality.

11       Sec. 5. The Aid to Municipalities Fund is created. The department  
12 shall administer the fund. The fund may be used make grants under the Aid  
13 to Municipalities Act and to defray the administrative expenses incurred  
14 by the department in carrying out the act. Any money in the fund  
15 available for investment shall be invested by the state investment  
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
17 State Funds Investment Act.

18       Sec. 6. It is the intent of the Legislature to appropriate XX  
19 dollars each fiscal year for purposes of carrying out the Aid to  
20 Municipalities Act.

21       Sec. 7. The department may adopt and promulgate rules and  
22 regulations to carry out the Aid to Municipalities Act.

23       Sec. 8. Section 13-518, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25       13-518 For purposes of sections 13-518 to 13-522:

26       (1) Allowable growth means (a) for governmental units other than  
27 community colleges, the percentage increase in taxable valuation in  
28 excess of the base limitation established under section 77-3446, if any,  
29 due to improvements to real property as a result of new construction,  
30 additions to existing buildings, any improvements to real property which  
31 increase the value of such property, and any increase in valuation due to

1 annexation and any personal property valuation over the prior year and  
2 (b) for community colleges, the percentage increase in excess of the base  
3 limitation, if any, in full-time equivalent students from the second year  
4 to the first year preceding the year for which the budget is being  
5 determined;

6 (2) Capital improvements means (a) acquisition of real property or  
7 (b) acquisition, construction, or extension of any improvements on real  
8 property;

9 (3) Governing body has the same meaning as in section 13-503;

10 (4) Governmental unit means every political subdivision which has  
11 authority to levy a property tax or authority to request levy authority  
12 under section 77-3443 except sanitary and improvement districts which  
13 have been in existence for five years or less and school districts;

14 (5) Qualified sinking fund means a fund or funds maintained  
15 separately from the general fund to pay for acquisition or replacement of  
16 tangible personal property with a useful life of five years or more which  
17 is to be undertaken in the future but is to be paid for in part or in  
18 total in advance using periodic payments into the fund. The term includes  
19 sinking funds under subdivision (13) of section 35-508 for firefighting  
20 and rescue equipment or apparatus;

21 (6) Restricted funds means (a) property tax, excluding any amounts  
22 refunded to taxpayers, (b) payments in lieu of property taxes, (c) local  
23 option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers  
24 of surpluses from any user fee, permit fee, or regulatory fee if the fee  
25 surplus is transferred to fund a service or function not directly related  
26 to the fee and the costs of the activity funded from the fee, (g) any  
27 funds excluded from restricted funds for the prior year because they were  
28 budgeted for capital improvements but which were not spent and are not  
29 expected to be spent for capital improvements, (h) the tax provided in  
30 sections 77-27,223 to 77-27,227 beginning in the second fiscal year in  
31 which the county will receive a full year of receipts, and (i) any excess

1 tax collections returned to the county under section 77-1776. Funds  
2 received pursuant to the nameplate capacity tax levied under section  
3 77-6203 for the first five years after a renewable energy generation  
4 facility has been commissioned are nonrestricted funds; and

5 (7) State aid means:

6 (a) For all governmental units, state aid paid pursuant to sections  
7 60-3,202 and 77-3523 and reimbursement provided pursuant to section  
8 77-1239;

9 (b) For municipalities, state aid to municipalities paid pursuant to  
10 the Aid to Municipalities Act and sections 39-2501 to 39-2520, 60-3,190,  
11 and 77-27,139.04 and insurance premium tax paid to municipalities;

12 (c) For counties, state aid to counties paid pursuant to sections  
13 60-3,184 to 60-3,190, insurance premium tax paid to counties, and  
14 reimbursements to counties from funds appropriated pursuant to section  
15 29-3933;

16 (d) For community colleges, state aid to community colleges paid  
17 pursuant to the Community College Aid Act;

18 (e) For educational service units, state aid appropriated under  
19 sections 79-1241.01 and 79-1241.03; and

20 (f) For local public health departments as defined in section  
21 71-1626, state aid as distributed under section 71-1628.08.

22 Sec. 9. Section 13-522, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 13-522 The Auditor of Public Accounts shall prepare budget documents  
25 to be submitted by governmental units which calculate the restricted  
26 funds authority for each governmental unit. Each governmental unit shall  
27 submit its calculated restricted funds authority with its budget  
28 documents at the time the budgets are due to the Auditor of Public  
29 Accounts. If the Auditor of Public Accounts determines from the budget  
30 documents that a governmental unit is not complying with the budget  
31 limits provided in sections 13-518 to 13-522, he or she shall notify the

1 governing body of his or her determination and notify the State Treasurer  
2 and the Department of Economic Development of the noncompliance. The  
3 State Treasurer and the department shall then suspend distribution of  
4 state aid allocated to the governmental unit until such sections are  
5 complied with. The funds shall be held for six months until the  
6 governmental unit complies, and if the governmental unit complies within  
7 the six-month period, it shall receive the suspended funds, but after six  
8 months, if the governmental unit fails to comply, the suspended funds  
9 shall be forfeited and shall be redistributed to other recipients of the  
10 state aid or, in the case of homestead exemption reimbursement, returned  
11 to the General Fund.

12       Sec. 10. The Revisor of Statutes shall assign sections 1 to 7 of  
13 this act to a new article in Chapter 18.

14       Sec. 11. Original sections 13-518 and 13-522, Reissue Revised  
15 Statutes of Nebraska, are repealed.