

## LEGISLATIVE BILL 74

Approved by the Governor April 16, 1971

Introduced by Terry Carpenter, 48th District

AN ACT to amend sections 39-2519 and 39-2520, Revised Statutes Supplement, 1969, relating to municipalities; to change the manner of allocation of funds to municipalities for street purposes and public parking as prescribed; to redefine terms; to provide additional purposes of expenditures; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-2519, Revised Statutes Supplement, 1969, be amended to read as follows:

39-2519. (1) Each municipality city of the metropolitan, primary, or first class shall be entitled to the first one-third of its annual allocation with no requirement of matching, but shall be required to match the second one-third, on the basis of one dollar for each dollar it receives, with funds provided locally for street purposes, and shall be required to match the final one-third, on the basis of one dollar for each two dollars it receives, with funds so provided, and each city of the second class or village shall be entitled to one half of its annual allocation with no requirement of matching, but shall be required to match the second one half on the basis of one dollar for each two dollars it receives, with any available funds. Commencing in 1972, any municipality which, during the preceding calendar year, failed to provide the matching funds required by this subsection shall, except as provided in subsection (2) or (3) of this section, forfeit so much of its allocation as it fails to match. Any amount so forfeited shall be reallocated and distributed to the municipalities which have met the full matching provisions of this subsection. Such reallocation shall be made in the manner provided in sections 39-2517 and 39-2518.

(2) Any municipality may, for any year, certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part, all or a part of the state funds allocated to it for that year and the amount so relinquished shall be available for distribution to such county subject to the same

matching as would have been required of the municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any amount so distributed to the county shall be used exclusively for road purposes within the trade area of the relinquishing municipality as may be agreed upon by the county and municipal governing bodies.

(3) Any municipality may certify to the State Treasurer that it relinquishes, to the county in which it is situated in whole or in part, all or a part of the state funds allocated to it for not to exceed three years and the amount so relinquished shall be available for distribution to such county subject to the same matching as would have been required of the municipality had it not relinquished such funds and without regard to the provisions of sections 39-2501 to 39-2510. Any relinquishment under this subsection shall be made pursuant to an agreement between the relinquishing municipality and the county, to which other political subdivisions may also be parties, which provides for the accumulation and investment by the county of the amount relinquished for not to exceed three years so as to provide funds for one or more specific road improvement projects.

(4) For the purposes of this section, funds provided locally shall include, but not be limited to, money provided for street purposes through the following: Provided, that there shall not be duplication in the following in the determination of the total:

(a) Local motor vehicle or wheel taxes;

(b) Property taxes levied by action of the local governing body for construction, improvement, maintenance, and repair of streets and bridges, for curbs, for snow removal, for street cleaning, for grading of dirt and gravel streets and roads, for traffic signs and signals, for construction of storm sewers directly related to streets, off-street public parking owned by the municipality, and property taxes levied for the payment of the principal and interest on general obligation bonds for any of the foregoing;

(c) Special assessments levied for street paving or improvement districts and off-street public parking owned by the municipality; and

(d) Local costs in the acquisition of street right-of-way, including incidental expenses directly related to such acquisition-; and

(e) Any other funds provided solely for street purposes.

Sec. 2. That section 39-2520, Revised Statutes Supplement, 1969, be amended to read as follows:

39-2520. No money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways and bridges and county, city, township and village roads, streets, off-street public parking owned by the municipality, and bridges, and all facilities, appurtenances and structures, deemed necessary or desirable in connection with such highways, bridges, roads and streets; Provided, that the provisions of this section shall not apply to money derived from the motor vehicle tax imposed under Article VIII, section 1, of the Constitution of Nebraska, motor vehicle operators' license fees, or to money received from parking meter proceeds, fines and penalties.

Sec. 3. That original sections 39-2519 and 39-2520, Revised Statutes Supplement, 1969, are repealed.