

AMENDMENTS TO LB 1145

1 1. Strike section 2 and insert the following sections:
2 "Sec. 2. Section 18-2601, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 18-2601. Sections 18-2601 to 18-2608 and section 8 of
5 this act shall be known and may be cited as the Municipal
6 Infrastructure Redevelopment Fund Act.
7 Sec. 3. Section 18-2602, Reissue Revised Statutes of
8 Nebraska, is amended to read:
9 18-2602. The Legislature finds that the municipalities
10 of the state face an urgent need to construct, upgrade, and develop
11 municipal infrastructure facilities. By providing basic public
12 facilities, the municipalities of the state provide the building
13 blocks for economic development. Not only does the investment in
14 infrastructure generate an immediate stream of economic activity,
15 it also lays the groundwork for private investment that will use
16 the facilities so provided. Municipalities in the state currently
17 are in critical need of assistance in providing these facilities.
18 The Legislature determines that it is in the public
19 interest to establish a Municipal Infrastructure Redevelopment Fund
20 to provide funds to municipalities in the state to use to provide
21 infrastructure facilities and to permit municipalities in the state
22 to issue bonds secured by amounts payable from the Municipal
23 Infrastructure Redevelopment Fund and other sources.
24 Sec. 4. Section 18-2603, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 18-2603. For purposes of the Municipal Infrastructure
3 Redevelopment Fund Act:

4 (1) Bond means any evidence of indebtedness, including,
5 but not limited to, bonds, notes including notes issued pending
6 long-term financing arrangements, warrants, debentures, obligations
7 under a loan agreement or a lease-purchase agreement, or any
8 similar instrument or obligation;

9 (2) Fund ~~shall mean~~ means the Municipal Infrastructure
10 Redevelopment Fund;

11 ~~(2)~~ (3) Infrastructure project ~~shall mean~~ means any of
12 the following projects, or any combination thereof, to be owned or
13 operated by a municipality: Solid waste management facilities;
14 wastewater, storm water, and water treatment works and systems,
15 water distribution facilities, and water resources projects,
16 including, but not limited to, pumping stations, transmission
17 lines, and mains and their appurtenances; hazardous waste disposal
18 systems; resource recovery systems; airports; port facilities;
19 buildings and capital equipment used in the ~~operation~~ operations
20 and activities of municipal government and to provide services to
21 the residents of the municipality; convention and tourism
22 facilities; redevelopment projects as defined in section 18-2103;
23 and mass transit and other transportation systems, including
24 parking facilities and excluding public highways and bridges and
25 municipal roads, streets, and bridges;

26 ~~(3)~~ (4) Municipal allocation amount ~~shall mean~~ means, for
27 each municipality, the amount derived by multiplying the amount to

1 be allocated by the fraction determined by dividing the total
2 population of the municipality by the total population of the state
3 living in municipalities, each as determined by the most recent
4 federal census figures certified by the Tax Commissioner as
5 provided in section 77-3,119; and

6 ~~(4)~~ (5) Municipality ~~shall mean~~ means any city of any
7 class or any village in the state.

8 Sec. 5. Section 18-2606, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-2606. Money received by a municipality or credited to
11 its account from the fund shall be used for one of the following
12 purposes:

13 (1) To pay for the construction, acquisition, or
14 equipping of infrastructure projects or portions thereof; or

15 (2) To pay principal, interest, premium, and costs of
16 issuance on bonds ~~debt incurred or securities~~ issued by the
17 municipality to finance the construction, acquisition, or equipping
18 of infrastructure projects or portions thereof.

19 Sec. 6. Section 18-2607, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 18-2607. Each municipality shall be permitted to pledge
22 the amounts on deposit or to be deposited in its account of the
23 fund, as and when appropriated by the Legislature, to the holders
24 of any bonds ~~debt incurred or securities~~ issued by the municipality
25 to finance the construction, acquisition, or equipping of
26 infrastructure projects as long as the lien of such pledge does not
27 attach until funds are actually deposited into the municipality's

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1 account, and in no event shall such a pledge be construed as an
2 obligation of the Legislature to appropriate such funds. Any such
3 pledge shall be valid and binding from the time when the pledge is
4 made. The money so pledged and thereafter received by the
5 municipality or deposited into its respective account shall
6 immediately be subject to the lien of such pledge without any
7 physical delivery thereof or further act, and the lien of any such
8 pledge shall be valid and binding as against all parties having
9 claims of any kind in tort, contract, or otherwise against the
10 municipality, irrespective of whether the parties have notice
11 thereof. Neither the resolution nor any other instrument by which
12 a pledge is created need be recorded.

13 Sec. 7. Section 18-2608, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 18-2608. No ~~securities~~ bonds issued by any municipality
16 ~~and pledging which pledges~~ funds to be deposited in its account of
17 the fund shall constitute a debt, liability, or general obligation
18 of this state or a pledge of the faith and credit of this state but
19 shall be payable, to the extent payable from state revenue, solely
20 from amounts credited to the accounts of the fund as provided by
21 the Municipal Infrastructure Redevelopment Fund Act, as and when
22 appropriated by the Legislature. Each ~~security~~ bond issued by any
23 municipality ~~and pledging which pledges~~ funds to be deposited in
24 its account of the fund shall contain on the face thereof a
25 statement that neither the faith and credit nor the taxing power of
26 this state is pledged to the payment of the principal of or the
27 interest on such security.

1 Sec. 8. Any municipality may by ordinance issue bonds in
2 one or more series for the construction or acquisition of an
3 infrastructure project or any portion thereof and pay the principal
4 of and interest on any such bonds by pledging funds received from
5 the Municipal Infrastructure Redevelopment Fund. Such bonds shall
6 have a final maturity not later than August 1, 2009, and the
7 aggregate debt service payments and related expenses with respect
8 to all series of such bonds for any twelve-month period during
9 which such bonds are outstanding shall not exceed the anticipated
10 receipts from the fund by such municipality. For purposes of this
11 section, anticipated receipts means the amount received by the
12 municipality from the fund for the twelve-month period immediately
13 preceding the date of issuance of such bonds.

14 Any municipality which has or may issue bonds under this
15 section may dedicate a portion of its property tax levy authority
16 as provided in section 77-3442 to meet debt service obligations
17 under the bonds, but only to the extent the receipts from the fund
18 pledged to the payment of such bonds and any other money made
19 available and used for that purpose are insufficient to pay the
20 principal of and interest on such bonds as they mature.

21 Sec. 9. Section 77-3,119, Revised Statutes Supplement,
22 1998, is amended to read:

23 77-3,119. (1) The Tax Commissioner shall certify the
24 population of cities and villages to be used for purposes of
25 calculations made pursuant to subdivision ~~(3)~~ (4) of section
26 18-2603, subdivisions (3)(a) and (b) of section 35-1205,
27 subdivision (1) of section 39-2517, and sections 39-2513 and

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1 77-27,137.01. The Tax Commissioner shall transmit copies of such
2 certification to all interested parties upon request.

3 (2) The Tax Commissioner shall certify the population of
4 each city and village based upon the most recent federal census.
5 The Tax Commissioner shall determine the most recent federal census
6 for each city and village by using the most recent federal census
7 figures available from (a) the most recent federal decennial
8 census, (b) the most recent federal census update or recount
9 certified by the United States Bureau of the Census, or (c) the
10 most recent federal census figure of the city or village plus the
11 population of territory annexed as calculated in sections 18-1753
12 and 18-1754.

13 (3) The Tax Commissioner may adopt and promulgate rules
14 and regulations to carry out this section.

15 Sec. 10. Original sections 10-126, 18-2601 to 18-2603,
16 and 18-2606 to 18-2608, Reissue Revised Statutes of Nebraska, and
17 section 77-3,119, Revised Statutes Supplement, 1998, are
18 repealed."

19 2. Renumber the remaining section accordingly.