

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1119

Introduced by Wayne, 13.

Read first time January 19, 2022

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the Cities Airport Authorities Act; to
- 2 amend section 3-504, Reissue Revised Statutes of Nebraska; to change
- 3 powers of an authority created by a city of the metropolitan class
- 4 as prescribed; to harmonize provisions; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-504, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-504 Any authority established under the Cities Airport Authorities
4 Act shall have the power to:

5 (1) Sue ~~To sue~~ and be sued;

6 (2) Have ~~To have~~ a seal and alter the same at pleasure;

7 (3) Acquire ~~To acquire~~, hold, and dispose of personal property for
8 its corporate purposes;

9 (4) Acquire ~~To acquire~~ in the name of the city, by purchase or
10 condemnation, real property or rights or easements in such property
11 ~~therein~~ necessary or convenient for its corporate purposes and, except
12 (a) as may otherwise be provided in the Cities Airport Authorities Act
13 ~~act~~ and (b) that if property is to be acquired outside the
14 extraterritorial zoning jurisdiction of the city when such city is a city
15 of the metropolitan class, approval must be obtained from the county
16 board of the county where the property is located before the right of
17 eminent domain may be exercised, to use such right ~~the same~~ so long as
18 its corporate existence continues. Such power shall not be exercised by
19 authorities of cities of the primary class, first class, and second class
20 ~~classes~~ and of villages created after September 2, 1973, without further
21 approval until such time as at least three members of the authority have
22 been elected. If the exercise of such power is necessary while three or
23 more appointed members remain on the authority of cities of the primary
24 class, first class, and second class ~~classes~~ and of villages, the
25 appointing body shall approve all proceedings under this subdivision;

26 (5) Make ~~To make~~ bylaws for the management and regulation of its
27 affairs and, subject to agreements with bondholders, ~~to~~ make rules and
28 regulations for the use of projects and the establishment and collection
29 of rentals, fees, and all other charges for services or commodities sold,
30 furnished, or supplied by such authority, except that no authority
31 created by a city of the metropolitan class shall make rules and

1 regulations that allow any rentals, fees, or other charges established
2 and collected by the authority to be assessed as a percentage of gross
3 receipts. Any person violating such rules and regulations shall be guilty
4 of a Class III misdemeanor;

5 (6) With the consent of the city, ~~to~~ use the services of agents,
6 employees, and facilities of the city, for which the authority may
7 reimburse the city a proper proportion of the compensation or cost of of
8 such services thereof, and also to use the services of the city attorney
9 as legal advisor to the authority;

10 (7) Appoint ~~To appoint~~ officers, agents, and employees and fix their
11 compensation;

12 (8) Make ~~To make~~ contracts, leases, and all other instruments
13 necessary or convenient to the corporate purposes of the authority;

14 (9) Design ~~To design~~, construct, maintain, operate, improve, and
15 reconstruct, so long as its corporate existence continues, such projects
16 as are necessary and convenient to the maintenance and development of
17 aviation services to and for the city in which such authority is
18 established, including landing fields, heliports, hangars, shops,
19 passenger and freight terminals, control towers, and all facilities
20 necessary or convenient in connection with any such project, ~~to~~ contract
21 for the construction, operation, or maintenance of ~~any parts thereof~~ or
22 ~~for services to be performed~~ on such project ~~thereon~~, and ~~to~~ rent parts
23 ~~of thereof~~ and grant concessions on such project ~~thereon~~, all on such
24 terms and conditions as the authority may determine. This subdivision
25 shall not be construed to affect the obligation of a lessee to pay taxes
26 if taxes are due under sections 77-202, 77-202.11, and 77-202.12;

27 (10) Include ~~To include~~ in such project, subject to zoning
28 restrictions, space and facilities for any or all of the following:
29 Public recreation; business, trade, or other exhibitions; sporting or
30 athletic events; public meetings; conventions; and all other kinds of
31 assemblages and, in order to obtain additional revenue, space and

1 facilities for business and commercial purposes. Whenever the authority
2 deems it to be in the public interest, the authority may lease any such
3 project or any part or parts of such project ~~thereof~~ or contract for the
4 management and operation of such project ~~thereof~~ or any part or parts of
5 such project ~~thereof~~. Any such lease or contract may be for such period
6 of years as the authority shall determine. This subdivision shall not be
7 construed to affect the obligation of a lessee to pay taxes if taxes are
8 due under sections 77-202, 77-202.11, and 77-202.12;

9 (11) Charge ~~To charge~~ fees, rentals, and all other charges for the
10 use of projects under the jurisdiction of such authority subject to and
11 in accordance with any agreement ~~such agreement~~ with bondholders, except
12 that no such fees, rentals, or other charges shall be charged by any
13 authority created by a city of the metropolitan class based on a
14 percentage of gross receipts ~~as may be made as hereinafter provided~~.
15 Subject to contracts with bondholders, all fees, rentals, charges, and
16 other revenue derived from any project shall be applied to the payment of
17 operating, administration, and other necessary expenses of the authority
18 properly chargeable to such project and to the payment of the interest on
19 and principal of bonds or for making sinking-fund payments therefor.
20 Subject to contracts with bondholders, the authority may treat one or
21 more projects as a single enterprise with respect to revenue, expenses,
22 the issuance of bonds, maintenance, operation, or other purposes;

23 (12) Certify ~~To certify~~ annually to the governing body of the city
24 the amount of tax to be levied for airport purposes which the authority
25 requires under its adopted budget statement to be received from taxation,
26 not to exceed three and five-tenths cents on each one hundred dollars of
27 taxable valuation of all the taxable property in such city subject to
28 section 77-3443. The governing body may levy and collect the taxes so
29 certified at the same time and in the same manner as other taxes are
30 levied and collected, and the proceeds of such taxes when due and as
31 collected shall be set aside and deposited in the special account or

1 accounts in which other revenue of the authority is deposited. An
2 authority in a city of the first class, ~~or a city of the second class~~, or
3 a village shall have power to certify annually to the governing body of
4 such a city or village an additional amount of tax to be levied for
5 airport purposes, not to exceed three and five-tenths cents on each one
6 hundred dollars of taxable value, to be levied, collected, set aside, and
7 deposited as specified in this subdivision, and if negotiable bonds of
8 the authority are thereafter issued, this power shall continue until such
9 bonds are paid in full. When such additional amount of tax is first
10 certified, the governing body may then require, but not thereafter,
11 approval of the same by a majority vote of the governing body or by a
12 majority vote of the electors voting on the same at a general or special
13 election. The additional levy shall be subject to section 77-3443. This
14 ~~The provisions of this~~ subdivision shall not apply to cities of the
15 metropolitan class;

16 (13) Construct ~~To construct~~ and maintain under, along, over, or
17 across a project, telephone, telegraph, or electric wires and cables,
18 fuel lines, gas mains, water mains, and other mechanical equipment not
19 inconsistent with the appropriate use of such project, ~~to~~ contract for
20 such construction, and ~~to~~ lease the right to construct and use such
21 wires, cables, lines, mains, and other equipment ~~the same~~, or ~~to~~ use such
22 wires, cables, lines, mains, and other equipment ~~the same~~ on such terms
23 for such periods of time and for such consideration as the authority
24 shall determine;

25 (14) Accept ~~To accept~~ grants, loans, or contributions from the
26 United States, the State of Nebraska, any agency or instrumentality of
27 either of them, or the city in which such authority is established and ~~to~~
28 expend the proceeds of such grants, loans, or contributions ~~thereof~~ for
29 any corporate purposes;

30 (15) Incur ~~To incur~~ debt and issue negotiable bonds and ~~to~~ provide
31 for the rights of the holders of such bonds ~~thereof~~;

1 (16) Enter ~~To enter~~ on any lands, waters, and premises for the
2 purposes of making surveys, soundings, and examinations; and

3 (17) Do ~~To do~~ all things necessary or convenient to carry out the
4 powers expressly conferred on such authorities under the Cities Airport
5 Authorities Act ~~by the act~~.

6 Sec. 2. Original section 3-504, Reissue Revised Statutes of
7 Nebraska, is repealed.