

AMENDMENTS TO LB774

(Amendments to Standing Committee amendments, AM2422)

Introduced by Stinner, 48.

1           1. Insert the following new section:

2           Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           3-613 Any authority established under sections 3-601 to 3-622 shall  
5 have power:

6           (1) To sue and be sued;

7           (2) To have a seal and alter the same at pleasure;

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

10          (4) To acquire in the name of the county, by purchase or  
11 condemnation, real property or rights or easements therein necessary or  
12 convenient for its corporate purposes and, except as may otherwise be  
13 provided in such sections, to use the same so long as its corporate  
14 existence continues. Such power shall not be exercised by authorities  
15 created after September 2, 1973, without further approval until such time  
16 as three or more members of the authority have been elected. If the  
17 exercise of such power is necessary while three or more appointed members  
18 remain on the authority, the appointing body shall approve all  
19 proceedings under this subdivision;

20          (5) To make bylaws for the management and regulation of its affairs  
21 and, subject to agreements with bondholders, to make rules and  
22 regulations for the use of projects and the establishment and collection  
23 of rentals, fees, and all other charges for services or commodities sold,  
24 furnished, or supplied by such authority. Any person violating such rules  
25 shall be guilty of a Class III misdemeanor;

26          (6) With the consent of the county, to use the services of agents,

1 employees, and facilities of the county, for which the authority may  
2 reimburse the county a proper proportion of the compensation or cost  
3 thereof, and also to use the services of the county attorney as legal  
4 advisor to the authority;

5 (7) To appoint officers, agents, and employees and fix their  
6 compensation;

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

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

22 (10) To include in such project, subject to zoning restrictions,  
23 space and facilities for any or all of the following: Public recreation;  
24 business, trade, or other exhibitions; sporting or athletic events;  
25 public meetings; conventions; and all other kinds of assemblages and, in  
26 order to obtain additional revenue, space and facilities for business and  
27 commercial purposes. Whenever the authority deems it to be in the public  
28 interest, the authority may lease any such project or any part or parts  
29 thereof or contract for the management and operation thereof or any part  
30 or parts thereof. Any such lease or contract may be for such period of  
31 years as the authority shall determine. This subdivision shall not be

1 construed to affect the obligation of a lessee to pay taxes if taxes are  
2 due under sections 77-202, 77-202.11, and 77-202.12;

3 (11) To charge fees, rentals, and other charges for the use of  
4 projects under the jurisdiction of such authority subject to and in  
5 accordance with such agreement with bondholders as may be made as  
6 hereinafter provided. Subject to contracts with bondholders, all fees,  
7 rentals, charges, and other revenue derived from any project shall be  
8 applied to the payment of operating, administration, and other necessary  
9 expenses of the authority properly chargeable to such project and to the  
10 payment of the interest on and principal of bonds or for making sinking-  
11 fund payments therefor. Subject to contracts with bondholders, the  
12 authority may treat one or more projects as a single enterprise with  
13 respect to revenue, expenses, the issuance of bonds, maintenance,  
14 operation, or other purposes;

15 (12) To annually request of the county board the amount of tax to be  
16 levied for airport purposes subject to section 77-3443, not to exceed  
17 three and five-tenths cents on each one hundred dollars of taxable  
18 valuation of all the taxable property in such county. Property tax levies  
19 for bonds issued by the authority pursuant to section 3-617 are not  
20 included in the levy limits established by this subdivision. The  
21 governing body shall levy and collect the taxes so requested at the same  
22 time and in the same manner as other taxes are levied and collected, and  
23 the proceeds of such taxes when due and as collected shall be set aside  
24 and deposited in the special account or accounts in which other revenue  
25 of the authority is deposited;

26 (13) To construct and maintain under, along, over, or across a  
27 project, telephone, telegraph, or electric wires and cables, fuel lines,  
28 gas mains, water mains, and other mechanical equipment not inconsistent  
29 with the appropriate use of such project, to contract for such  
30 construction and to lease the right to construct and use the same, or to  
31 use the same on such terms for such period of time and for such

1 consideration as the authority shall determine;

2 (14) To accept grants, loans, or contributions from the United  
3 States, the State of Nebraska, any agency or instrumentality of either of  
4 them, or the county in which such authority is established and to expend  
5 the proceeds thereof for any corporate purposes;

6 (15) To incur debt and issue negotiable bonds and to provide for the  
7 rights of the holders thereof;

8 (16) To enter on any lands, waters, and premises for the purposes of  
9 making surveys, soundings, and examinations; and

10 (17) To do all things necessary or convenient to carry out the  
11 powers expressly conferred on such authorities by sections 3-601 to  
12 3-622.

13 2. Renumber the remaining sections and correct internal references  
14 accordingly.

15 3. Correct the operative date and repealer sections so that the  
16 section added by this amendment becomes operative three calendar months  
17 after the adjournment of this legislative session.