

LEGISLATIVE BILL 1012

Approved by the Governor February 28, 1986

Introduced by V. Johnson, 8; Lynch, 13; Hartnett, 45;
Labeledz, 5; Hall, 7

AN ACT relating to the Metropolitan Transit Authority; to amend sections 14-1805 and 14-1821, Reissue Revised Statutes of Nebraska, 1943; to increase the tax which may be levied for a metropolitan transit authority; and to repeal the original sections.

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

Section 1. That section 14-1805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1805. For the purpose of accomplishing the object and purpose of ~~sections 14-1801 to 14-1814, 14-1816, 14-1818 to 14-1823, 14-1825 and 14-1826~~ the Transit Authority Law, the authority shall possess all the necessary powers of a public body corporate and governmental subdivision of the State of Nebraska, including, but not limited to, the following powers: ~~the enumeration of which shall not be construed as a limitation on the general powers herein conferred:~~

(1) To maintain a principal office in the city of the metropolitan class in which created;

(2) To adopt the official seal of the authority and to alter the same at its pleasure;

(3) To employ a general manager, engineers, accountants, attorneys, financial experts, and such other employees and agents as may be necessary in its judgment, to fix the compensation of and to discharge the same, to negotiate with employees and enter into contracts of employment, and to employ persons singularly or collectively, and, with the consent of such city, to use the services of agents, employees, and facilities of such city, including the city attorney as legal advisor to such authority, for which such authority shall reimburse such city a proper proportion of the compensation or cost thereof;

(4) To adopt bylaws and ~~enact~~ adopt and promulgate rules and regulations for the regulation of its affairs and for the conduct of its business;

(5) To acquire, lease, own, maintain, and operate for public service a public passenger

transportation system, excluding taxicabs and railroad systems, within or without a city of the metropolitan class, as herein defined;

(6) To sue and be sued in its own name, but execution shall not, in any case, issue against any of its property, except ; PROVIDED, that the lessor, vendor, or trustee under any agreement, lease, conditional sales contract, conditional lease contract, or equipment trust ~~certificates~~ certificate, as provided for in subdivision (15) of this section, may repossess the equipment described therein upon default;

(7) To acquire, lease, and hold such real or personal property and any rights, interests, or easements therein as may be necessary or convenient for the purposes of the authority and to sell, assign, and convey the same;

(8) To make and enter into any and all contracts and agreements with any individual, public or private corporation or agency of the State of Nebraska, public or private corporation or agency of any state of the United States adjacent and contiguous to the city of the metropolitan class, as herein defined, and the United States of America, as may be necessary or incidental to the performance of its duties and the execution of its powers under the Transit Authority Law sections 14-1801 to 14-1814, 14-1816, 14-1818 to 14-1823, 14-1825 and 14-1826, and to enter into agreements authorized under the Interlocal Cooperative Act;

(9) To contract with an operating and management company for the purpose of operating, servicing, and maintaining any public passenger transportation systems of such authority;

(10) To acquire and hold capital stock in any passenger transportation system, excluding taxicabs and railroad systems, solely for the purpose of lawfully acquiring the physical property of such corporation for public use;

(11) To borrow money and issue and sell negotiable bonds, notes, or other evidence of indebtedness, to provide for the rights of the holders thereof, and to pledge all or any part of the income of the authority received as herein provided to secure the payment thereof. The ; PROVIDED, the authority shall not have the power to pledge the credit or taxing power of the state or any political subdivision thereof, except such tax receipts as may be authorized herein, or to place any lien or encumbrance on any property owned by the state, county, or city used by the authority;

(12) To receive and accept from the government of the United States of America or any agency thereof, from the State of Nebraska or any subdivision thereof, and from any person or corporation, donations or loans or grants for or in aid of the acquisition or operation of passenger transportation facilities, and to administer, hold, use, and apply the same for the purposes for which such grants or donations may have been made;

(13) To exercise the right of eminent domain under and pursuant to the Constitution, statutes, and laws of the State of Nebraska to acquire private property, including any existing private passenger transportation system, but excluding any taxicabs, railroad, and air passenger transportation systems, which is necessary for the passenger transportation purposes of the authority and including the right to acquire rights and easements across, under, or over the right-of-way of any railroad. Exercise of the right of eminent domain shall be pursuant to sections 76-704 to 76-724;

(14) Subject to the continuing rights of the public to the use thereof, to use any public road, street, or other public way in any city of the metropolitan class for transportation of passengers;

(15) To purchase and dispose of equipment, including motor buses, and to execute any agreement, lease, conditional sales contract, conditional lease contract, and equipment trust note or certificate to effect such purpose;

(16) To pay for any equipment and rentals therefor in installments and to give evidence by equipment trust notes or certificates of any deferred installments, and title to such equipment need not vest in the authority until the equipment trust notes or certificates are paid;

(17) To certify annually to the local lawmaking body of the city of the metropolitan class such tax for the fiscal year commencing on the first day of the following January as, in its discretion and judgment, the authority determines to be necessary, which shall not exceed in any one year three and five-tenths ten cents on each one hundred dollars of the actual value of all taxable tangible real and personal property in such city of the metropolitan class, except that for all taxable years beginning after December 31, 1988, such tax shall not exceed seven cents. The and the local lawmaking body of such city of the metropolitan class is authorized to and shall levy and

collect such tax in the same manner as other taxes in such city;

(18) To apply for and accept grants and loans from the government of the United States of America, or any agency or instrumentality thereof, to be used for any of the authorized purposes of the authority, and to enter into any agreement with the government of the United States of America, or any agency or instrumentality thereof, in relation to such grants or loans, subject to the provisions hereof;

(19) To determine routes and to change the same subject to the provisions hereof;

(20) To fix rates, fares, and charges for transportation. The ~~7~~ PROVIDED, ~~that the revenue derived from rates, from the taxation herein provided, and from any grants or loans herein authorized shall at all times be sufficient in the aggregate to provide for the payment of:~~ (a) All operating costs of the transit authority, (b) interest on and principal of all revenue bonds, revenue certificates, equipment trust notes or certificates, and other obligations of the authority, and to meet all other charges upon such revenue as may be provided by any trust agreement executed by such authority in connection with the issuance of revenue bonds or certificates under ~~sections 14-1801 to 14-1814, 14-1816, 14-1818 to 14-1823, 14-1825 and 14-1826~~ the Transit Authority Law, and (c) ~~for the payment of any other costs and charges, acquisition, installation, replacement, or reconstruction of equipment, structures, or rights-of-way not financed through the issuance of revenue bonds or certificates;~~

(21) To provide free transportation for firefighters and police officers firemen and policemen in uniform in the city of the metropolitan class in which they are employed and for employees of such authority when in uniform or upon presentation of proper identification;

(22) To enter into agreements with the Post Office Department of the United States of America or its successors for the transportation of mail and letter carriers and the payment therefor;

(23) To exercise all powers usually granted to corporations, public and private, necessary or convenient to carry out the powers granted by ~~sections 14-1801 to 14-1814, 14-1816, 14-1818 to 14-1823, 14-1825 and 14-1826~~ the Transit Authority Law; and

(24) To establish pension and retirement plans for officers and employees and to adopt any existing pension and retirement plans and any existing pension

and retirement contracts for officers and employees of any passenger transportation system purchased or otherwise acquired pursuant to ~~sections 14-1801 to 14-1814, 14-1816, 14-1818 to 14-1823, 14-1825 and 14-1826~~ the Transit Authority Law.

Sec. 2. That section 14-1821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1821. To assist in the defraying of all character of expense of the authority, and to such extent as in its discretion and judgment may be necessary, the board shall annually certify a tax for the fiscal year commencing on the following January 1. Such tax shall not exceed in any one year seven ten cents on each one hundred dollars on the actual value of all tangible real and personal property in the city of the metropolitan class, taxable according to the laws of the State of Nebraska, except that for all taxable years beginning after December 31, 1988, such tax shall not exceed seven cents. The board shall by resolution, on or before July 31, certify such tax levy to the city council of such metropolitan city. Such city is hereby authorized and required to cause such tax to be levied and to be collected as are other taxes by the treasurer of such metropolitan city or the county treasurer as ex officio treasurer of the city in which the said metropolitan city is situated, and paid over by him or her to the treasurer of such board, subject to the order of such board. If in any year the full amount so certified and collected is not needed for the current purposes of such authority, the balance shall be credited to reserves of such authority, to be used for acquisition of necessary property and equipment.

Sec. 3. That original sections 14-1805 and 14-1821, Reissue Revised Statutes of Nebraska, 1943, are repealed.