

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1000

FINAL READING

Introduced by Briese, 41.

Read first time January 16, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Public Facilities Construction and
2 Finance Act; to amend sections 13-809, 13-2531, 72-2301, and
3 72-2304, Reissue Revised Statutes of Nebraska; to require submission
4 of bond measures to an election prior to issuance of bonds; to
5 provide a duty for certain qualified public agencies; to harmonize
6 provisions; to repeal the original sections; and to declare an
7 emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-809, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-809 Any joint entity may from time to time issue its bonds in
4 such principal amounts as its governing body shall deem necessary to
5 provide sufficient funds to carry out any of the joint entity's purposes
6 and powers, including the establishment or increase of reserves, the
7 payment of interest accrued during construction of a project and for such
8 period thereafter as the governing body may determine, and the payment of
9 all other costs or expenses of the joint entity incident to and necessary
10 or convenient to carry out its purposes and powers. Bonds issued on or
11 after the effective date of this act for purposes of the Public
12 Facilities Construction and Finance Act shall be subject to a vote prior
13 to issuance as provided in the act.

14 Sec. 2. Section 13-2531, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-2531 Any joint public agency may from time to time issue its
17 bonds in such principal amounts as its board determines is necessary to
18 provide sufficient funds to carry out any of the joint public agency's
19 purposes and powers, including the establishment or increase of reserves,
20 the payment of interest accrued during construction of a project and for
21 such period thereafter as the board may determine, and the payment of all
22 other costs or expenses of the joint public agency incident to and
23 necessary or convenient to carry out its purposes and powers. Except as
24 provided in section 72-2304, bonds issued prior to the effective date of
25 this act for purposes of the Public Facilities Construction and Finance
26 Act may be issued with no requirement for a vote. Bonds issued on or
27 after the effective date of this act for purposes of the Public
28 Facilities Construction and Finance Act shall be subject to a vote prior
29 to issuance as provided in the act.

30 Sec. 3. Section 72-2301, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 72-2301 Sections 72-2301 to 72-2308 and sections 5 and 6 of this act
2 shall be known and may be cited as the Public Facilities Construction and
3 Finance Act.

4 Sec. 4. Section 72-2304, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 72-2304 (1)(a) This section applies to bonds issued prior to the
7 effective date of this act.

8 **(b)** ~~(1)~~ In addition to any other borrowing powers provided for by
9 law, a qualified public agency shall have the power to issue its
10 negotiable bonds to any joint entity as defined in section 13-803 or to
11 any joint public agency as defined in section 13-2503 in connection with
12 any joint project which is to be owned, operated, or financed by the
13 joint entity or joint public agency for the benefit of the qualified
14 public agency. The bonds may be issued only if the second largest
15 participant in the joint project has a financial contribution in the
16 joint project of at least twenty-five percent of the debt service. Such
17 bonds may be issued after the qualified public agency has conducted a
18 public hearing on the issuance of bonds. Notice of such public hearing
19 shall be given by publication in a newspaper of general circulation
20 within the territory of the qualified public agency by at least one
21 publication occurring not less than ten days prior to the time of
22 hearing. After the public hearing, the governing body of the qualified
23 public agency may proceed to adopt a bond measure authorizing bonds.

24 (2) Notice of any such bond measure shall be given by publication of
25 notice of intention to issue bonds in a newspaper of general circulation
26 within the territory of the qualified public agency at least twice after
27 the adoption of the bond measure. Such publications shall be at least
28 three weeks apart. The notice shall state:

29 (a) The name of the qualified public agency;

30 (b) The purpose of the issue;

31 (c) The principal amount of the issue;

1 (d) The amount of annual debt service payment anticipated for the
2 bonds, which may be stated as an approximation or estimate, and the
3 anticipated duration for such debt service payments; and

4 (e) The time and place where a copy of the form of the bond measure
5 may be examined for a period of at least thirty days.

6 (3) For bonds issued prior to the effective date of this act, no ~~No~~
7 election shall be required prior to the issuance of bonds under the
8 Public Facilities Construction and Finance Act unless, within sixty days
9 after the first publication of the notice of intention to issue bonds, a
10 remonstrance petition against the issuance of bonds is filed with the
11 clerk or secretary of the qualified public agency. Such remonstrance
12 petition shall be signed by registered voters of the qualified public
13 agency equal in number to at least five percent of the number of
14 registered voters of the qualified public agency at the time the
15 remonstrance petition is filed or at least the number of signatures
16 listed in subsection (5) of this section for the applicable qualified
17 public agency, whichever is less. If a remonstrance petition with the
18 necessary number of qualified signatures is timely filed, the question
19 shall be submitted to the voters of the qualified public agency at a
20 general election or a special election called for the purpose of
21 approving the bonds proposed to be issued. Any joint project for which
22 bonds are issued in accordance with the procedures of the act shall not
23 require any other approval or proceeding by the governing body or the
24 voters of the qualified public agency.

25 (4) For bonds issued prior to the effective date of this act, no ~~No~~
26 election shall be required for any qualified public agency not issuing
27 bonds to participate in such joint project unless, within sixty days
28 after the governing body of the qualified public agency adopts the
29 measure approving the interlocal or cooperative agreement related to the
30 joint project, a remonstrance petition is filed with the clerk or
31 secretary of the qualified public agency. Such remonstrance petition

1 shall be signed by registered voters of the qualified public agency equal
2 in number to at least five percent of the number of registered voters of
3 the qualified public agency at the time the remonstrance petition is
4 filed or at least the number of signatures listed in subsection (5) of
5 this section for the applicable qualified public agency, whichever is
6 less. If a remonstrance petition with the necessary number of qualified
7 signatures is timely filed, the question shall be submitted to the voters
8 of the qualified public agency at a general election or a special
9 election called for the purpose of approving the interlocal or
10 cooperative agreement related to the joint project.

11 (5) The chart in this subsection provides the alternative number of
12 signatures of registered voters of a qualified public agency which may be
13 used to submit a remonstrance petition under subsection (3) or (4) of
14 this section. The classification of counties in section 23-1114.01
15 applies for purposes of this section.

16 Qualified Public Agency	Number of Signatures
17	of Registered Voters
18 City of the Metropolitan Class	1500
19 City of the Primary Class	1000
20 City of the First Class	750
21 City of the Second Class	250
22 Villages	50
23 Municipal County	1500
24 Class 7 County	1500
25 Class 6 County	1000
26 Class 5 County	750
27 Class 4 County	500
28 Class 3 County	250
29 Class 2 County	100
30 Class 1 County	50

1	Class VI School District	250
2	Class V School District	1500
3	Class IV School District	1000
4	Class III School District	500
5	Class II School District	250
6	Class I School District	250
7	Educational Service Unit	250
8	Community College Area	1500
9	Fire Protection District	500
10	Hospital District	500
11	Sanitary and Improvement District	500

12 Sec. 5. (1) In addition to any other borrowing powers provided for
13 by law, a qualified public agency may issue its negotiable bonds subject
14 to the terms and conditions set forth in the Public Facilities
15 Construction and Finance Act to any joint entity as defined in section
16 13-803 or to any joint public agency as defined in section 13-2503 in
17 connection with any joint project which is to be owned, operated, or
18 financed by the joint entity or joint public agency for the benefit of
19 the qualified public agency. The bonds may be issued only if the second
20 largest participant in the joint project has a financial contribution in
21 the joint project of at least twenty-five percent of the debt service. No
22 bonds shall be issued on or after the effective date of this act until
23 the question has been submitted to the qualified electors of each
24 participating qualified public agency at an election called for that
25 purpose as provided in this section and, within each participating
26 qualified public agency, a majority of the qualified electors voting on
27 the question within the participating qualified public agency voted in
28 favor of issuing the same.

29 (2) Each participating qualified public agency shall give notice of
30 the election at least fifty days prior to the election. The question of
31 issuing bonds may be submitted at the statewide primary or general

1 election. The election shall be conducted in accordance with the Election
2 Act.

3 (3) The question of bond issues, when defeated, shall not be
4 resubmitted in substance for a period of six months from and after the
5 date of such election.

6 Sec. 6. Before the issuance of bonds pursuant to the Public
7 Facilities Construction and Finance Act, the qualified public agencies
8 participating in the bond measure shall make a written statement of all
9 proceedings relative to the vote upon the issuance of such bonds and the
10 notice of the election, the manner and time of giving notice, the
11 question submitted, and the result of the canvass of the vote on the
12 proposition pursuant to which it is proposed to issue such bonds,
13 together with a full statement of the taxable valuation and the total
14 bonded indebtedness of the qualified public agencies participating in the
15 bond measure. Such statement shall be certified to under oath.

16 Sec. 7. Original sections 13-809, 13-2531, 72-2301, and 72-2304,
17 Reissue Revised Statutes of Nebraska, are repealed.

18 Sec. 8. Since an emergency exists, this act takes effect when
19 passed and approved according to law.