

LEGISLATIVE BILL 480

Approved by the Governor May 18, 2011

Introduced by Krist, 10.

FOR AN ACT relating to public building commissions; to amend sections 13-1302 and 13-1304, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for agreements relating to the use of certain areas of a project; and to repeal the original sections.

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

Section 1. Section 13-1302, Reissue Revised Statutes of Nebraska, is amended to read:

13-1302 For purposes of sections 13-1301 to 13-1312, unless the context otherwise requires:

(1) Bonds ~~shall mean~~ means bonds issued by the commission pursuant to such sections;

(2) City ~~shall mean~~ means a city of the metropolitan class as defined in section 14-101 or a city of the primary class as defined in section 15-101, the population of which according to the most recent federal census was more than one-half in number of the total population, according to such census, of the county in which such city is located;

(3) Commission ~~shall mean~~ means a public building commission created by and activated pursuant to sections 13-1301 to 13-1312;

(4) County ~~shall mean~~ means a county in which a city of the metropolitan class or primary class is located;

(5) Governing body ~~shall mean~~ means the council in the case of the city and the board of county commissioners in the case of the county;

(6) Other governmental units ~~shall mean~~ means a city, other than a city as defined in ~~subdivision (2)~~ of this section, village, district, authority, public agency, board, commission, or other public corporation, political subdivision, or public instrumentality located in whole or in part in the county; and

(7) Project ~~shall mean~~ means any building, structure, or facility for public purposes to be used jointly by the city and the county, including the site thereof, all ~~fixtures,~~ machinery, equipment, ~~furnishings,~~ and apparatus of or pertaining thereto, including fixtures and furnishings if agreed to by the city and the county, and all other real or personal property necessary or incidental thereto.

Sec. 2. Section 13-1304, Reissue Revised Statutes of Nebraska, is amended to read:

13-1304 Any commission established under sections 13-1301 to 13-1312 shall have power to:

(1) Sue and be sued;

(2) Have a seal and alter the ~~same at pleasure,~~ seal;

(3) Acquire, hold, and dispose of personal property for its corporate purposes;

(4) Acquire in the name of the city and county, by gift, grant, bequest, purchase, or condemnation, real property or rights and easements thereon necessary or convenient for its corporate purposes and use ~~the same~~ such property or rights and easements so long as its corporate existence continues;

(5) Make bylaws for the management and regulation of its affairs and make rules and regulations for the use of its projects;

(6) With the consent of the city or the county, as the case may be, use the services of agents, employees, and facilities of the city or county, for which the commission may reimburse the city or the county ~~their~~ its proper proportion of the compensation or cost thereof, and use the services of the city attorney as legal advisor to the commission;

(7) Appoint officers, agents, and employees and fix their compensation, except that the county treasurer shall be the ex officio treasurer of the commission;

(8) Design, acquire, construct, maintain, operate, improve, remodel, remove, and reconstruct, so long as its corporate existence continues, such projects for the use both by the city and county as are approved by the city and the county and all facilities necessary or convenient in connection with any such projects;

(9) Enter into agreements with the city or county, or both, as to the operation, maintenance, repair, and use of its projects. Such agreements may provide that the city or county, or both, has responsibility for a certain area within any building, structure, or facility, including the maintenance,

repair, use, furnishing, or management of such area;

(10) With the approval of both the city and the county, enter into agreements with the United States of America, the State of Nebraska, any body, board, agency, corporation, or other governmental entity of either of them, or other governmental units for use by them of any projects to the extent that such use is not required by the city or the county;

(11) Make all other contracts, leases, and instruments necessary or convenient to the carrying out of the corporate purposes or powers of the commission;

(12) Annually levy, assess, and certify to the governing body of the county the amount of tax to be levied for the purposes of the commission subject to section 77-3443, not to exceed one and seven-tenths cents on each one hundred dollars upon the taxable valuation of all the taxable property in the county. The governing body of the county shall collect the tax so certified at the same time and in the same manner as other county taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenue of the commission is deposited;

(13) Accept grants, loans, or contributions from the United States of America, the State of Nebraska, any agency or instrumentality of either of them, the city, the county, any other governmental unit, or any private person, firm, or corporation and expend the proceeds thereof for any corporate purposes;

(14) Incur debt, issue bonds and notes and provide for the rights of the holders thereof, and pledge and apply to the payment of such bonds and notes the taxes and other receipts, income, revenue, profits, and money of the commission;

(15) Enter on any lands, waters, and premises for the purpose of making surveys, findings, and examinations; and

(16) Do all things necessary or convenient to carry out the powers specially conferred on the commission by sections 13-1301 to 13-1312.

Sec. 3. Original sections 13-1302 and 13-1304, Reissue Revised Statutes of Nebraska, are repealed.