

AMENDMENTS TO LB 217

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1. Sections 1 to 8 of this act shall be known  
4 and may be cited as the Public Facilities Construction and Finance  
5 Act.

6           Sec. 2. It is the purpose of the Public Facilities  
7 Construction and Finance Act to allow local governmental units  
8 which cooperate with other governmental units to issue bonds to  
9 finance joint projects which may be serviced by property taxes,  
10 regardless of the restrictions on the issuance of debt contained in  
11 other statutory provisions, home rule charters, or the limitations  
12 in section 77-3442, for the acquisition, construction, financing,  
13 operation, and ownership of (1) public buildings and related  
14 improvements to real estate, recreational facilities and related  
15 improvements, flood control, and street and road construction and  
16 improvements and (2) information technology for libraries operated  
17 by counties, municipalities, school districts, educational service  
18 units, and community colleges.

19           Sec. 3. For purposes of the Public Facilities  
20 Construction and Finance Act:

21           (1) Bond measure means a resolution or ordinance which  
22 authorizes bonds to be issued and sold in accordance with the act  
23 and which sets the terms of such bonds;

24           (2) Joint project means a project financed and operated

1 by at least two or more qualified public agencies cooperating as a  
2 joint entity or joint public agency for (a) any public building or  
3 buildings and related improvements to real estate, including  
4 parking facilities, any recreational facilities and related  
5 improvements to real estate, any flood control, and any street and  
6 road construction and improvements and related fixtures and (b) any  
7 item of hardware or software used in providing for the delivery of  
8 information, including the purchasing of upgrades or related  
9 improvements to information technology for the operation of  
10 libraries operated by counties, municipalities, school districts,  
11 educational service units, and community colleges; and

12 (3) Qualified public agency means any city, village,  
13 municipal county, community college, county, educational service  
14 unit, rural or suburban fire protection district, hospital  
15 district, school district, and sanitary and improvement district.

16 Sec. 4. (1) In addition to any other borrowing powers  
17 provided for by law, a qualified public agency shall have the power  
18 to issue its negotiable bonds to any joint entity as defined in  
19 section 13-803 or to any joint public agency as defined in section  
20 13-2503 in connection with any joint project which is to be owned,  
21 operated, or financed by the joint entity or joint public agency  
22 for the benefit of the qualified public agency. The bonds may be  
23 issued only if the second largest participant in the joint project  
24 has a financial contribution in the joint project of at least  
25 twenty-five percent of the debt service. Such bonds may be issued  
26 after the qualified public agency has conducted a public hearing on  
27 the issuance of bonds. Notice of such public hearing shall be

1 given by publication in a newspaper of general circulation within  
2 the territory of the qualified public agency by at least one  
3 publication occurring not less than ten days prior to the time of  
4 hearing. After the public hearing, the governing body of the  
5 qualified public agency may proceed to adopt a bond measure  
6 authorizing bonds.

7 (2) Notice of any such bond measure shall be given by  
8 publication of notice of intention to issue bonds in a newspaper of  
9 general circulation within the territory of the qualified public  
10 agency at least once any time after the adoption of the bond  
11 measure. The notice shall state:

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

13 (b) The purpose of the issue;

14 (c) The principal amount of the issue;

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

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

20 (3) No election shall be required prior to the issuance  
21 of bonds under the Public Facilities Construction and Finance Act  
22 unless, within thirty days after the first publication of the  
23 notice of intention to issue bonds, a remonstrance petition against  
24 the issuance of bonds, signed by registered voters of the qualified  
25 public agency equal in number to fifteen percent or more of the  
26 registered voters of the qualified public agency, is filed with the  
27 clerk or secretary of the qualified public agency. If a

1 remonstrance petition with the necessary number of qualified  
2 signatures is timely filed, the question shall be submitted to the  
3 voters of the qualified public agency at a general election or a  
4 special election called for the purpose of approving the bonds  
5 proposed to be issued. Any joint project for which bonds are  
6 issued in accordance with the procedures of the act shall not  
7 require any other approval or proceeding by the governing body or  
8 the voters of the qualified public agency.

9 (4) No election shall be required for any qualified  
10 public agency not issuing bonds to participate in such joint  
11 project unless, within thirty days after the governing body of the  
12 qualified public agency adopts the measure approving the interlocal  
13 or cooperative agreement related to the joint project, a  
14 remonstrance petition signed by registered voters of the qualified  
15 public agency equal in number to fifteen percent or more of the  
16 registered voters of the qualified public agency is filed with the  
17 clerk or secretary of the qualified public agency. If a  
18 remonstrance petition with the necessary number of qualified  
19 signatures is timely filed, the question shall be submitted to the  
20 voters of the qualified public agency at a general election or a  
21 special election called for the purpose of approving the interlocal  
22 or cooperative agreement related to the joint project.

23 Sec. 5. For joint projects described in subdivision  
24 (3) (a) of section 3 of this act, the principal amount of bonds  
25 which may be issued by a qualified public agency under the Public  
26 Facilities Construction and Finance Act shall not exceed five  
27 million dollars as to the total principal amount of such bonds

1 which may be outstanding at any time, and the annual amounts due by  
2 reason of such bonds from each qualified public agency shall not  
3 exceed five percent of the restricted funds of the obligated  
4 qualified public agency in the year prior to issuance. The  
5 principal amount of bonds of qualified public agencies in the  
6 aggregate issued for any one such joint project shall not exceed  
7 five million dollars.

8           Sec. 6. For joint projects described in subdivision  
9 (3) (b) of section 3 of this act, the principal amount of bonds  
10 which may be issued by a qualified public agency under the Public  
11 Facilities Construction and Finance Act shall not exceed two  
12 hundred fifty thousand dollars for cities of the metropolitan and  
13 primary classes, one hundred thousand dollars for counties, cities  
14 of the first class, school districts, educational service units,  
15 and community colleges, and fifty thousand dollars for cities of  
16 the second class and villages, as to the total principal amount of  
17 such bonds which may be outstanding at any time, and the annual  
18 amounts due by reason of such bonds from each qualified public  
19 agency shall not exceed five percent of the restricted funds of the  
20 obligated qualified public agency in the year prior to issuance.  
21 The principal amount of bonds of a qualified public agency in the  
22 aggregate issued for any one such joint project shall not exceed  
23 two hundred and fifty thousand dollars for cities of the  
24 metropolitan and primary classes and one hundred thousand dollars  
25 for counties, cities of the first class, cities of the second  
26 class, villages, school districts, educational service units, and  
27 community colleges.

1           Sec. 7. Any qualified public agency which has issued  
2 bonds in accordance with the Public Facilities Construction and  
3 Finance Act shall levy and collect taxes on all the taxable  
4 property within the territory of the qualified public agency, in  
5 addition to all other taxes, for the purpose of paying the  
6 principal and interest of such bonds as the principal and interest  
7 become due. Taxes levied for such purposes shall not be subject to  
8 the limitations in section 77-3442. The levying of taxes to pay  
9 such bonds for any county shall be subject to the constitutional  
10 limitation upon levying taxes by a county.

11           Sec. 8. The Public Facilities Construction and Finance  
12 Act shall be independent of and in addition to any other provisions  
13 of the laws of the State of Nebraska or provisions of home rule  
14 charters, and bonds may be issued under the act for any purpose  
15 authorized in the act even though other provisions of the laws of  
16 the State of Nebraska or provisions of home rule charters may  
17 provide for the issuance of bonds for the same or similar purposes.  
18 The act shall not be considered amendatory of or limited by any  
19 other provisions of the laws of the State of Nebraska or provisions  
20 of home rule charters, and bonds may be issued under the act  
21 without complying with the restrictions or requirements of any  
22 other provisions of the laws of the State of Nebraska or without  
23 complying with the restrictions or requirements of home rule  
24 charters. Nothing in the act shall prohibit or limit the issuance  
25 of bonds in accordance with the provisions of other applicable laws  
26 of the State of Nebraska or of home rule charters if the governing  
27 body determines to issue such bonds under such other laws or

1 charter, or otherwise limit the provisions of any home rule  
2 charter.

3           Sec. 9.     Section 13-808, Revised Statutes Supplement,  
4 2004, is amended to read:

5           13-808. (1) Any joint entity may issue such types of  
6 bonds as its governing body may determine subject only to any  
7 agreement with the holders of outstanding bonds, including bonds as  
8 to which the principal and interest are payable exclusively from  
9 all or a portion of the revenue from one or more projects, from one  
10 or more revenue-producing contracts, including securities acquired  
11 from any person, bonds issued by any qualified public agency under  
12 the Public Facilities Construction and Finance Act, or leases made  
13 by the joint entity with any person, including any of those public  
14 agencies which are parties to the agreement creating the joint  
15 entity, or from its revenue generally or which may be additionally  
16 secured by a pledge of any grant, subsidy, or contribution from any  
17 person or a pledge of any income or revenue, funds, or money of the  
18 joint entity from any source whatsoever or a mortgage or security  
19 interest in any real or personal property, commodity, product, or  
20 service or interest therein.

21           (2) Any bonds issued by such joint entity shall be issued  
22 on behalf of those public agencies which are parties to the  
23 agreement creating such joint entity and shall be authorized to be  
24 issued for the specific purpose or purposes for which the joint  
25 entity has been created. Such specific purposes may include, but  
26 shall not be limited to, joint projects authorized by the Public  
27 Facilities Construction and Finance Act; solid waste collection,

1 management, and disposal; waste recycling; sanitary sewage  
2 treatment and disposal; public safety communications; correctional  
3 facilities; water treatment plants and distribution systems;  
4 drainage systems; flood control projects; fire protection services;  
5 ground water quality management and control; education and  
6 postsecondary education; hospital and other health care services;  
7 bridges, roads, and streets; and law enforcement.

8 (3) As an alternative to issuing bonds for financing  
9 public safety communication projects, any joint entity may enter  
10 into a financing agreement with the Nebraska Investment Finance  
11 Authority for such purpose.

12 (4) Any joint entity formed for purposes of providing or  
13 assisting with the provision of public safety communications may  
14 enter into an agreement with any other joint entity relating to (a)  
15 the operation, maintenance, or management of the property or  
16 facilities of such joint entity or (b) the operation, maintenance,  
17 or management of the property or facilities of such other joint  
18 entity.

19 Sec. 10. Section 13-2530, Revised Statutes Supplement,  
20 2004, is amended to read:

21 13-2530. (1) Any joint public agency may issue such  
22 types of bonds as its board may determine subject only to any  
23 agreement with the holders of outstanding bonds, including bonds as  
24 to which the principal and interest are payable exclusively from  
25 all or a portion of the revenue from one or more projects, from one  
26 or more revenue-producing contracts, including securities acquired  
27 from any person, bonds issued by any qualified public agency under

1 the Public Facilities Construction and Finance Act, or leases made  
2 by the joint public agency with any person, including any of the  
3 public agencies which are parties to the agreement creating the  
4 joint public agency, or from its revenue generally or which may be  
5 additionally secured by a pledge of any grant, subsidy, or  
6 contribution from any person or a pledge of any income or revenue,  
7 funds, or money of the joint public agency from any source  
8 whatsoever or a mortgage or security interest in any real or  
9 personal property, commodity, product, or service or interest  
10 therein.

11 (2) Any bonds issued by such joint public agency shall be  
12 issued on behalf of the joint public agency solely for the specific  
13 purpose or purposes for which the joint public agency has been  
14 created. Such specific purposes may include, but shall not be  
15 limited to, joint projects authorized by the Public Facilities  
16 Construction and Finance Act; solid waste collection, management,  
17 and disposal; waste recycling; sanitary sewage treatment and  
18 disposal; public safety communications; correctional facilities;  
19 water treatment plants and distribution systems; drainage systems;  
20 flood control projects; fire protection services; ground water  
21 quality management and control; education and postsecondary  
22 education; hospital and other health care services; bridges, roads,  
23 and streets; and law enforcement.

24 (3) As an alternative to issuing bonds for financing  
25 public safety communication projects, any joint public agency may  
26 enter into a financing agreement with the Nebraska Investment  
27 Finance Authority for such purpose.

1           (4) Any joint public agency formed for purposes of  
2 providing or assisting with the provision of public safety  
3 communications may enter into an agreement with any other joint  
4 public agency relating to (a) the operation, maintenance, or  
5 management of the property or facilities of such joint public  
6 agency or (b) the operation, maintenance, or management of the  
7 property or facilities of such other joint public agency.

8           Sec. 11. Section 13-2531, Revised Statutes Supplement,  
9 2004, is amended to read:

10           13-2531. Any joint public agency may from time to time  
11 issue its bonds in such principal amounts as its board determines  
12 is necessary to provide sufficient funds to carry out any of the  
13 joint public agency's purposes and powers, including the  
14 establishment or increase of reserves, the payment of interest  
15 accrued during construction of a project and for such period  
16 thereafter as the board may determine, and the payment of all other  
17 costs or expenses of the joint public agency incident to and  
18 necessary or convenient to carry out its purposes and powers.  
19 Except as provided in section 4 of this act, bonds issued for  
20 purposes of the Public Facilities Construction and Finance Act may  
21 be issued with no requirement for a vote.

22           Sec. 12. If any section in this act or any part of any  
23 section is declared invalid or unconstitutional, the declaration  
24 shall not affect the validity or constitutionality of the remaining  
25 portions.

26           Sec. 13. Original sections 13-808, 13-2530, and 13-2531,  
27 Revised Statutes Supplement, 2004, are repealed.".