

E AND R AMENDMENTS TO LB 1000

Introduced by Wishart, 27, Chairman Enrollment and Review

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

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

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

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

18           13-2531 Any joint public agency may from time to time issue its  
19 bonds in such principal amounts as its board determines is necessary to  
20 provide sufficient funds to carry out any of the joint public agency's  
21 purposes and powers, including the establishment or increase of reserves,  
22 the payment of interest accrued during construction of a project and for  
23 such period thereafter as the board may determine, and the payment of all  
24 other costs or expenses of the joint public agency incident to and  
25 necessary or convenient to carry out its purposes and powers. Except as  
26 provided in section 72-2304, bonds issued prior to the effective date of  
27 this act for purposes of the Public Facilities Construction and Finance

1 Act may be issued with no requirement for a vote. Bonds issued on or  
2 after the effective date of this act for purposes of the Public  
3 Facilities Construction and Finance Act shall be subject to a vote prior  
4 to issuance as provided in the act.

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

7 72-2301 Sections 72-2301 to 72-2308 and sections 5 and 6 of this act  
8 shall be known and may be cited as the Public Facilities Construction and  
9 Finance Act.

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

12 72-2304 (1)(a) This section applies to bonds issued prior to the  
13 effective date of this act.

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

30 (2) Notice of any such bond measure shall be given by publication of  
31 notice of intention to issue bonds in a newspaper of general circulation

1 within the territory of the qualified public agency at least twice after  
2 the adoption of the bond measure. Such publications shall be at least  
3 three weeks apart. The notice shall state:

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

5 (b) The purpose of the issue;

6 (c) The principal amount of the issue;

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

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

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

31 (4) For bonds issued prior to the effective date of this act, no ~~Ne~~

1 election shall be required for any qualified public agency not issuing  
2 bonds to participate in such joint project unless, within sixty days  
3 after the governing body of the qualified public agency adopts the  
4 measure approving the interlocal or cooperative agreement related to the  
5 joint project, a remonstrance petition is filed with the clerk or  
6 secretary of the qualified public agency. Such remonstrance petition  
7 shall be signed by registered voters of the qualified public agency equal  
8 in number to at least five percent of the number of registered voters of  
9 the qualified public agency at the time the remonstrance petition is  
10 filed or at least the number of signatures listed in subsection (5) of  
11 this section for the applicable qualified public agency, whichever is  
12 less. If a remonstrance petition with the necessary number of qualified  
13 signatures is timely filed, the question shall be submitted to the voters  
14 of the qualified public agency at a general election or a special  
15 election called for the purpose of approving the interlocal or  
16 cooperative agreement related to the joint project.

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

22 Qualified Public Agency	Number of Signatures 23 of Registered Voters
24 City of the Metropolitan Class	1500
25 City of the Primary Class	1000
26 City of the First Class	750
27 City of the Second Class	250
28 Villages	50
29 Municipal County	1500
30 Class 7 County	1500

1	Class 6 County	1000
2	Class 5 County	750
3	Class 4 County	500
4	Class 3 County	250
5	Class 2 County	100
6	Class 1 County	50
7	Class VI School District	250
8	Class V School District	1500
9	Class IV School District	1000
10	Class III School District	500
11	Class II School District	250
12	Class I School District	250
13	Educational Service Unit	250
14	Community College Area	1500
15	Fire Protection District	500
16	Hospital District	500
17	Sanitary and Improvement District	500

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

1 purpose as provided in this section and, within each participating  
2 qualified public agency, a majority of the qualified electors voting on  
3 the question within the participating qualified public agency voted in  
4 favor of issuing the same.

5 (2) Each participating qualified public agency shall give notice of  
6 the election at least fifty days prior to the election. The question of  
7 issuing bonds may be submitted at the statewide primary or general  
8 election. The election shall be conducted in accordance with the Election  
9 Act.

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

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

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

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

27 2. On page 1, line 5, strike "procedures" and insert "a duty for  
28 certain qualified public agencies".