A BILL FOR AN ACT relating to the Public Facilities Construction and Finance Act; to amend sections 13-809, 13-2531, 72-2301, and 72-2304, Reissue Revised Statutes of Nebraska; to require submission of bond measures to an election prior to issuance of bonds; to provide procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 13-809, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

Sec. 3. Section 72-2301, Reissue Revised Statutes of Nebraska, is amended to read:
72-2301 Sections 72-2301 to 72-2308 and sections 5 to 8 of this act shall be known and may be cited as the Public Facilities Construction and Finance Act.

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

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

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

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

(a) The name of the qualified public agency;

(b) The purpose of the issue;

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

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

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

(4) For bonds issued prior to the effective date of this act, no election shall be required for any qualified public agency not issuing bonds to participate in such joint project unless, within sixty days after the governing body of the qualified public agency adopts the measure approving the interlocal or cooperative agreement related to the joint project, a remonstrance petition is filed with the clerk or secretary of the qualified public agency. Such remonstrance petition
shall be signed by registered voters of the qualified public agency equal in number to at least five percent of the number of registered voters of the qualified public agency at the time the remonstrance petition is filed or at least the number of signatures listed in subsection (5) of this section for the applicable qualified public agency, whichever is less. If a remonstrance petition with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the qualified public agency at a general election or a special election called for the purpose of approving the interlocal or cooperative agreement related to the joint project.

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

<table>
<thead>
<tr>
<th>Qualified Public Agency</th>
<th>Number of Signatures of Registered Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of the Metropolitan Class</td>
<td>1500</td>
</tr>
<tr>
<td>City of the Primary Class</td>
<td>1000</td>
</tr>
<tr>
<td>City of the First Class</td>
<td>750</td>
</tr>
<tr>
<td>City of the Second Class</td>
<td>250</td>
</tr>
<tr>
<td>Villages</td>
<td>50</td>
</tr>
<tr>
<td>Municipal County</td>
<td>1500</td>
</tr>
<tr>
<td>Class 7 County</td>
<td>1500</td>
</tr>
<tr>
<td>Class 6 County</td>
<td>1000</td>
</tr>
<tr>
<td>Class 5 County</td>
<td>750</td>
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<tr>
<td>Class 4 County</td>
<td>500</td>
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<tr>
<td>Class 3 County</td>
<td>250</td>
</tr>
<tr>
<td>Class 2 County</td>
<td>100</td>
</tr>
<tr>
<td>Class 1 County</td>
<td>50</td>
</tr>
</tbody>
</table>
Sec. 5. (1) In addition to any other borrowing powers provided for by law, a qualified public agency may issue its negotiable bonds subject to the terms and conditions set forth in the Public Facilities Construction and Finance Act to any joint entity as defined in section 13-803 or to any joint public agency as defined in section 13-2503 in connection with any joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of the qualified public agency. The bonds may be issued only if the second largest participant in the joint project has a financial contribution in the joint project of at least twenty-five percent of the debt service. No bonds shall be issued on or after the effective date of this act until the question has been submitted to the qualified electors of each participating qualified public agency and a majority of all the qualified electors voting on the question have voted in favor of issuing the same, at an election called for the purpose, upon notice given by each qualified public agency at least twenty days prior to such election.

(2) The question of issuing bonds may be submitted at a special election as provided in section 7 of this act or at an election held in conjunction with the statewide primary or statewide general election as provided in section 6 of this act. The question of bond issues, when
defeated, shall not be resubmitted in substance for a period of six
months from and after the date of such election.

Sec. 6. (1) When the question of issuing bonds pursuant to the
Public Facilities Construction and Finance Act is to be submitted at a
statewide primary or statewide general election, each qualified public
agency participating in the bond measure shall notify the election
commissioner or county clerk in writing not less than fifty days prior to
the statewide primary or statewide general election. The notification
shall be filed with the election commissioner or county clerk in the
county having the greatest number of electors entitled to vote on the
question. The election commissioner or county clerk receiving the
notification shall conduct the bond election for the qualified public
agencies as provided in the Election Act.

(2) Each qualified public agency participating in the bond measure
shall publish a special notice of the election in a newspaper of general
circulation within the jurisdiction of the qualified public agency
stating the day of the election, the hours during which the polls will be
open, and any other information deemed necessary in informing the public
of the bond issue. The notice shall be published at least twenty days
prior to the election.

(3) If the bond measure is voted upon in one or more counties and
the ballots have been certified across county lines, the election boards
in the counties where the ballots are cast shall count the ballots on
election day the same as all other ballots are counted and seal the same
in their ballots-cast containers along with other ballots. The canvassing
boards in each county shall canvass the returns in the same manner as
other returns are canvassed. The election commissioner or county clerk in
any adjoining county voting on the bond issue shall certify the returns
to the election commissioner or county clerk of the county having the
greatest number of electors entitled to vote on the bond measure.

(4) The election commissioner or county clerk of the county having
the greatest number of electors entitled to vote on the bond measure shall enter the total returns from any adjoining county or counties to the total votes recorded in his or her official book of votes cast and shall certify the returns to the qualified public agencies for which such bond election was held.

Sec. 7. (1) When the question of issuing bonds pursuant to the Public Facilities Construction and Finance Act is to be submitted at a special election, the election commissioner or county clerk of the county having the greatest number of electors entitled to vote on the bond measure shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under the Election Act except as otherwise specifically provided in this section. Any special election held under this section shall be subject to section 32-405.

(2) The qualified public agencies participating in the bond measure shall designate the form of ballot and reimburse the election commissioner or county clerk for the expenses of conducting the election as provided in sections 32-1201 to 32-1208 and at the minimum rate as described in subdivision (2)(d) of section 32-1203.

(3) The qualified public agencies participating in the bond measure shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation within the jurisdiction of the qualified public agency one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the election commissioner or county clerk. The notice of election shall state where ballots for early voting may be obtained.

(4) The ballots shall be counted by the election commissioner or county clerk conducting the election and two disinterested persons appointed by him or her. When the polls are closed, the receiving board shall deliver the ballots to the election commissioner or county clerk.
conducting the election who, with the two disinterested persons appointed by him or her, shall proceed to count the ballots.

(5) Ballots for early voting shall be furnished to the election commissioner or county clerk conducting the election and ready for distribution by the election commissioner or county clerk not less than fifteen days prior to the election.

(6) The election commissioner or county clerk of any other county containing part of the area in the jurisdiction of the qualified public agencies participating in the bond measure shall, upon request, certify the registration books for those precincts in which such area is located to the election commissioner or county clerk of the county having the greatest number of electors entitled to vote on the bond measure and shall immediately forward all requests for ballots for early voting to the election commissioner or county clerk charged with issuing such ballots. Not less than five days prior to the election, the qualified public agencies shall certify to the election commissioner or county clerk conducting the election a list of all registered voters of the qualified public agencies in any other county or counties qualified to vote on the bond measure.

(7) All ballots cast at the election shall be counted by the same board. When all the ballots have been counted, the returns of such election shall be turned over to the election commissioner or county clerk conducting the election for the purpose of making a canvass thereof.

(8) The two disinterested persons appointed on the counting board shall receive wages at no less than the minimum rate set in section 48-1203 for each hour of service rendered.

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

Sec. 9. Original sections 13-809, 13-2531, 72-2301, and 72-2304,
Reissue Revised Statutes of Nebraska, are repealed.

Sec. 10. Since an emergency exists, this act takes effect when
passed and approved according to law.