

AMENDMENTS TO LB267

(Amendments to Standing Committee amendments, AM1245)

Introduced by La Grone, 49.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new
3 sections:

4 Section 1. Section 13-1304, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 13-1304 Any commission established under sections 13-1301 to 13-1312
7 shall have power to:

8 (1) Sue and be sued;

9 (2) Have a seal and alter the seal;

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

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

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

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

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

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

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

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

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

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

30 (13) Accept grants, loans, or contributions from the United States
31 of America, the State of Nebraska, any agency or instrumentality of

1 either of them, the city, the county, any other governmental unit, or any
2 private person, firm, or corporation and expend the proceeds thereof for
3 any corporate purposes;

4 (14) Subject to section 13-1306, incur ~~Incur~~ debt, issue bonds and
5 notes and provide for the rights of the holders thereof, and pledge and
6 apply to the payment of such bonds and notes the taxes and other
7 receipts, income, revenue, profits, and money of the commission;

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

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

12 Sec. 2. Section 13-1306, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 13-1306 (1)(a) With the prior approval of both the city and the
15 county for which the commission was created, the commission shall have
16 the power and is hereby authorized from time to time to issue its bonds
17 for any corporate purpose in such amounts as may be required to carry out
18 and fully perform the purposes for which such commission is established.
19 No bonds shall be issued by any commission on or after the effective date
20 of this act until the question has been submitted to the qualified
21 electors of the county at an election called for that purpose as provided
22 in this subsection and a majority of the qualified electors voting on the
23 question voted in favor of issuing the same.

24 (b) The county board shall give notice of the election at least
25 fifty days prior to the election. The question of issuing bonds may be
26 submitted at the statewide primary or general election. The election
27 shall be conducted in accordance with the Election Act.

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

31 (d) Before the issuance of bonds pursuant to sections 13-1301 to

1 13-1312, the commission shall make a written statement of all proceedings
2 relative to the vote upon the issuance of such bonds and the notice of
3 the election, the manner and time of giving notice, the question
4 submitted, and the result of the canvass of the vote on the proposition
5 pursuant to which it is proposed to issue such bonds, together with a
6 full statement of the taxable valuation and the total bonded indebtedness
7 of the county. Such statement shall be certified to under oath.

8 (2) The commission shall have power from time to time and when
9 refunding is deemed expedient to issue bonds in amounts sufficient to
10 refund any bonds, including any premiums payable upon the redemption of
11 the bonds to be refunded and interest to their redemption date upon the
12 bonds to be refunded, by the issuance of new bonds, whether the bonds to
13 be refunded have or have not matured. It may issue bonds partly to refund
14 bonds then outstanding and partly for any other corporate purpose subject
15 to approval by the voters if required under subsection (1) of this
16 section. The refunding bonds may be exchanged for the bonds to be
17 refunded with such cash adjustment as may be agreed or may be sold and
18 the proceeds applied to the purchase, redemption, or payment of the bonds
19 to be refunded.

20 (3) All bonds shall be general obligations of the commission issuing
21 the same and shall be payable out of the tax and other receipts, revenue,
22 income receipts, profits, or other money of the commission.

23 (4) A commission shall have power from time to time to issue bond
24 anticipation notes referred to as notes in this section and from time to
25 time to issue renewal notes, such notes in any case to mature not later
26 than thirty months from the date of incurring the indebtedness
27 represented thereby in an amount not exceeding in the aggregate at any
28 time outstanding the amount of bonds then or theretofore authorized. Such
29 notes shall be general obligations of the commission. Payment of such
30 notes shall be made from any money or revenue which the commission may
31 have available for such purpose or from the proceeds of the sale of bonds

1 of the commission or such notes may be exchanged for a like amount of
2 such bonds.

3 (5) All such bonds and notes shall be authorized by a resolution or
4 resolutions of the board, after approval by the voters if required under
5 subsection (1) of this section, and shall bear such date or dates, mature
6 at such time or times, bear interest at such rate or rates, be in such
7 denominations, be in such form, either coupon or registered, carry such
8 exchange privileges, be executed in such manner, be payable in such
9 medium of payment at such place or places within or without the State of
10 Nebraska and be subject to such terms of redemption and at such
11 redemption premiums, as such resolution or resolutions may provide and
12 the provisions of section 10-126, shall not be applicable to such bonds
13 or notes. The bonds and notes may be sold at public or private sale for
14 such price or prices as the commission shall determine. No proceedings
15 for the issuance of bonds or notes of a commission shall be required
16 other than those required by the provisions of sections 13-1301 to
17 13-1312 and the provisions of all other laws and city charters, if any,
18 relative to the terms and conditions for the issuance, payment,
19 redemption, registration, sale or delivery of bonds of public bodies,
20 corporations or political subdivisions of this state shall not be
21 applicable to bonds and notes issued by commissions pursuant to sections
22 13-1301 to 13-1312.

23 (6) The full faith and credit of the commission shall be pledged to
24 the payment and security of the bonds and notes issued by it, whether or
25 not such pledge shall be set forth in the bonds or notes. So long as any
26 of its bonds or notes are outstanding, the commission shall have the
27 power and be obligated to levy taxes within the limitation as provided in
28 section 13-1304 to the extent required, together with any other money
29 available to the commission therefor to pay the principal of and interest
30 and premium, if any, on such bonds and notes as the same become due and
31 payable.

1 (7) All bonds and notes issued pursuant to the provisions of
2 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
3 instruments within the meaning of and for all the purposes of the Uniform
4 Commercial Code subject only to any provisions contained in such bonds
5 and notes for the registration of the principal thereof.

6 (8) A commission shall have power to purchase bonds or notes of the
7 commission out of any money available therefor. Any bonds so purchased
8 shall be canceled by the commission.

9 Sec. 3. Original sections 13-1304 and 13-1306, Reissue Revised
10 Statutes of Nebraska, are repealed.