

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 20

Introduced by Briese, 41.

Read first time January 10, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
- 2 13-1304 and 13-1306, Reissue Revised Statutes of Nebraska; to
- 3 require approval by the voters for the issuance of bonds by public
- 4 building commissions; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 13-1304 Any commission established under sections 13-1301 to 13-1312
4 shall have power to:

5 (1) Sue and be sued;

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

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

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

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

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

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

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

29 (9) Enter into agreements with the city or county, or both, as to
30 the operation, maintenance, repair, and use of its projects. Such
31 agreements may provide that the city or county, or both, has

1 responsibility for a certain area within any building, structure, or
2 facility, including the maintenance, repair, use, furnishing, or
3 management of such area;

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

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

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

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

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

31 (15) Enter on any lands, waters, and premises for the purpose of

1 making surveys, findings, and examinations; and

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

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

6 13-1306 (1)(a) With the prior approval of both the city and the
7 county for which the commission was created, the commission shall have
8 the power and is hereby authorized from time to time to issue its bonds
9 for any corporate purpose in such amounts as may be required to carry out
10 and fully perform the purposes for which such commission is established.
11 No bonds shall be issued by any commission on or after the effective date
12 of this act until the question has been submitted to the qualified
13 electors of the county at an election called for that purpose as provided
14 in this subsection and a majority of the qualified electors voting on the
15 question voted in favor of issuing the same.

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

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

23 (d) Before the issuance of bonds pursuant to sections 13-1301 to
24 13-1312, the commission shall make a written statement of all proceedings
25 relative to the vote upon the issuance of such bonds and the notice of
26 the election, the manner and time of giving notice, the question
27 submitted, and the result of the canvass of the vote on the proposition
28 pursuant to which it is proposed to issue such bonds, together with a
29 full statement of the taxable valuation and the total bonded indebtedness
30 of the county. Such statement shall be certified to under oath.

31 (2) The commission shall have power from time to time and when

1 refunding is deemed expedient to issue bonds in amounts sufficient to
2 refund any bonds, including any premiums payable upon the redemption of
3 the bonds to be refunded and interest to their redemption date upon the
4 bonds to be refunded, by the issuance of new bonds, whether the bonds to
5 be refunded have or have not matured. It may issue bonds partly to refund
6 bonds then outstanding and partly for any other corporate purpose subject
7 to approval by the voters if required under subsection (1) of this
8 section. The refunding bonds may be exchanged for the bonds to be
9 refunded with such cash adjustment as may be agreed or may be sold and
10 the proceeds applied to the purchase, redemption, or payment of the bonds
11 to be refunded.

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

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

26 (5) All such bonds and notes shall be authorized by a resolution or
27 resolutions of the board, after approval by the voters if required under
28 subsection (1) of this section, and shall bear such date or dates, mature
29 at such time or times, bear interest at such rate or rates, be in such
30 denominations, be in such form, either coupon or registered, carry such
31 exchange privileges, be executed in such manner, be payable in such

1 medium of payment at such place or places within or without the State of
2 Nebraska and be subject to such terms of redemption and at such
3 redemption premiums, as such resolution or resolutions may provide and
4 the provisions of section 10-126, shall not be applicable to such bonds
5 or notes. The bonds and notes may be sold at public or private sale for
6 such price or prices as the commission shall determine. No proceedings
7 for the issuance of bonds or notes of a commission shall be required
8 other than those required by the provisions of sections 13-1301 to
9 13-1312 and the provisions of all other laws and city charters, if any,
10 relative to the terms and conditions for the issuance, payment,
11 redemption, registration, sale or delivery of bonds of public bodies,
12 corporations or political subdivisions of this state shall not be
13 applicable to bonds and notes issued by commissions pursuant to sections
14 13-1301 to 13-1312.

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

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

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

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