

## ENGROSSED LEGISLATIVE BILL 91

Introduced by DeKay, 40; Brandt, 32; Clouse, 37.

A BILL FOR AN ACT relating to public power; to amend section 70-650.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the conveyance of electric distribution systems by public power districts or public power and irrigation districts to cities or villages; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

**Section 1.** Section 70-650.01, Reissue Revised Statutes of Nebraska, is amended to read:

70-650.01 Except as provided in sections 70-1101 to 70-1106, whenever any public power district or public power and irrigation district shall have acquired, by purchase, lease, or otherwise, any electric distribution system, or any part or parts thereof, situated within or partly within any city or village, and such district shall have fully paid and redeemed, or have accumulated reserves sufficient for the redemption of, all of the bonds or other obligations of the district evidencing the indebtedness incurred as the cost of construction or the purchase price of its lines, works, and system, then and in that event, whenever any such city or village shall so request, such district shall convey all of its right, title, and interest in and to its electric distribution system, as distinguished from its generating plants and transmission lines, to such city or village within the territorial limits of which such system is located. The request of such city or village shall be exercised by a resolution duly adopted by its governing body. Such resolution shall not become effective until thirty days' notice of the adoption thereof shall have been given by the governing body by publication once each week for three successive weeks in some legal newspaper published and of general circulation in such city or village, or if no such newspaper is published therein, then by posting in five or more public places therein. If, within

thirty days after the last publication of such notice or posting thereof, a referendum petition signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held therein shall be filed with the municipal clerk, such resolution shall not become effective until it has been approved by a vote of the electors of such municipality at any general or special municipal election. If a majority of the voters voting on the issue vote against such resolution, the resolution shall not become effective. If no such petitions are filed, the resolution shall become effective at the expiration of such thirty-day period. In the absence of an agreement between any city or village and the public power district or public power and irrigation district, the city or village may at any time determine what shall be included in the term distribution system by a declaratory judgment in which the public power district or public power and irrigation district owning the distribution system shall be joined. This section shall not: (1) Prevent the refinancing or changing of the form of the outstanding indebtedness of the district existing on May 4, 1945, where the amount of the outstanding bonds or other evidences of indebtedness representing the cost of existing facilities shall not be increased nor the time of payment extended by any obligations for which the revenue received through the electric distribution systems is pledged, or (2) prevent the issuance of other and different series of bonds of the district representing the cost of acquisition or construction of additional electric facilities, or the pledging of the revenue of such additional facilities for the payment of such other or further series of bonds, or to prevent the board of directors of such district, by a duly adopted resolution, from making reasonable determinations of the amount of the revenue of the district attributable to such additional facilities.

**Sec. 2.** Original section 70-650.01, Reissue Revised Statutes of Nebraska, is repealed.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 91 was passed by the One Hundred Ninth Legislature of Nebraska at its First Session on the ..... day of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**