

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 765

Introduced by Holdcroft, 36.

Read first time January 07, 2026

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to school district bonds; to amend section
- 2 10-702, Reissue Revised Statutes of Nebraska, and section 13-809,
- 3 Revised Statutes Cumulative Supplement, 2024; to change provisions
- 4 relating to the issuance of school district bonds and bonds issued
- 5 by a joint entity that includes a Nebraska school district or
- 6 educational service unit; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 10-702, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 10-702 (1)(a) The question of issuing school district bonds may be
4 submitted at a special election or such question may be voted on at an
5 election held in conjunction with the statewide primary or statewide
6 general election. No bonds shall be issued until:

7 (i) ~~The the~~ question has been submitted to the qualified electors of
8 the district;

9 (ii) The question has been voted upon by at least fifty and one-
10 tenth percent of the qualified electors of the district; and

11 (iii) A a majority of all the qualified electors voting on the
12 question have voted in favor of issuing the same, at an election called
13 for the purpose, upon notice given by the officers of the district at
14 least twenty days prior to such election.

15 (b) If the election for issuing bonds is held as a special election,
16 the procedures provided in section 10-703.01 shall be followed.

17 (c) The question of bond issues in such districts, when defeated,
18 shall not, except in case of fire or other disaster or in the case of a
19 newly created district, be resubmitted in substance for a period of six
20 months from and after the date of such election.

21 (2) When the question of issuing bonds is to be submitted at a
22 statewide primary or statewide general election as ordered by a
23 resolution of a majority of the members of the board of education, such
24 order shall be made in writing and filed with the county clerk or
25 election commissioner by March 1 for the statewide primary election or
26 September 1 for the statewide general election. The order calling for the
27 school bond election shall be filed with the county clerk or election
28 commissioner in the county having the greatest number of electors
29 entitled to vote on the question. The county clerk or election
30 commissioner receiving such order shall conduct the school bond election
31 for the school district as provided in the Election Act.

1 (3) A special notice of the election shall be published by the board
2 of education in a newspaper or newspapers of general circulation within
3 the district stating the day of the election, the hours during which the
4 polls will be open, and any other information deemed necessary in
5 informing the public of the bond issue. The notice shall be made at least
6 twenty days prior to the election.

7 (4) If the question of submitting bonds for the school district is
8 voted upon in one or more counties and the ballots have been certified
9 across county lines, the election boards in the counties where the
10 ballots are cast shall count the ballots on election day the same as all
11 other ballots are counted and seal the same in their ballots-cast
12 container along with other ballots.

13 (5) The canvassing boards in each county shall canvass the returns
14 in the same manner as other returns are canvassed.

15 (6) The county clerk or election commissioner in any adjoining
16 county voting on the bond issue shall certify the returns to the county
17 clerk or election commissioner of the county having the greatest number
18 of electors entitled to vote on the question of issuing bonds.

19 (7) The county clerk or election commissioner in such county shall
20 enter the total returns from any adjoining county or counties to the
21 total votes recorded in his or her official book of votes cast and shall
22 certify the returns to the board of education for which such bond
23 election was held.

24 (8) Public funds, including building funds, cash funds, and
25 discretionary funds, shall not be used in any way to establish, conduct,
26 underwrite, promote, subsidize, or in any other way support or advocate
27 for, any campaign meant to influence potential voters in a school
28 district bond election. Funds donated or raised privately, including from
29 sources such as concession sales, booster clubs, and parent-teacher
30 organizations are not considered public funds for purposes of this
31 subsection and are not subject to such prohibition.

1 (9) No employee of any school district or educational service unit
2 shall devote any paid work time to establish, conduct, underwrite,
3 promote, subsidize, or in any other way support or advocate for, any
4 campaign meant to influence potential voters in a school district bond
5 election. Such employees may provide general information to patrons
6 regarding a school district bond issue, such as subject matter, the
7 amount of the bond, and the date of the election.

8 (10) Campaign materials, including, but not limited to, fliers,
9 literature, signage, or apparel supporting or advocating for a proposed
10 school district bond shall not be distributed or posted in or on any
11 facility, grounds, or mode of conveyance connected to or associated with
12 any school district or educational service unit properties. Informational
13 materials that do not advocate for a proposed school district bond but
14 simply provide generic information about such bond are allowed.

15 **Sec. 2.** Section 13-809, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 13-809 (1) Subject to subsections (2), ~~and (3), and (4)~~ of this
18 section, any joint entity may from time to time issue its bonds in such
19 principal amounts as its governing body shall deem necessary to provide
20 sufficient funds to carry out any of the joint entity's purposes and
21 powers, including the establishment or increase of reserves, the payment
22 of interest accrued during construction of a project and for such period
23 thereafter as the governing body may determine, and the payment of all
24 other costs or expenses of the joint entity incident to and necessary or
25 convenient to carry out its purposes and powers.

26 (2) Bonds issued on or after April 18, 2018, for purposes of the
27 Public Facilities Construction and Finance Act shall be subject to a vote
28 prior to issuance as provided in such act.

29 (3)(a) For any joint entity created on or after February 14, 2024,
30 that includes a Nebraska school district or an educational service unit,
31 such joint entity shall not issue any bonds until:

1 (i) The the question of issuing such bonds has been submitted to the
2 qualified electors of each Nebraska school district or educational
3 service unit that is part of the joint entity at an election called for
4 that purpose as provided in this section;

5 (ii) The question has been voted upon by at least fifty and one-
6 tenth percent of the qualified electors of the school district or
7 educational service unit that is part of the joint entity; and

8 (iii) Within ,—within each such school district or educational
9 service unit, a majority of the qualified electors voting on the question
10 voted in favor of issuing the bonds.

11 (b) The joint entity shall give notice of the election at least
12 fifty days prior to the election. The question of issuing bonds may be
13 submitted at the statewide primary or general election. The election
14 shall be conducted in accordance with the Election Act.

15 (c) The question of bond issues, when defeated, shall not be
16 resubmitted in substance for a period of at least six months after the
17 date of such election.

18 (4)(a) Public funds, including building funds, cash funds, and
19 discretionary funds, shall not be used in any way to establish, conduct,
20 underwrite, promote, subsidize, or in any other way support or advocate
21 for, any campaign meant to influence potential voters in a bond election
22 for a joint entity which includes a school district or educational
23 service unit. Funds donated or raised privately, including from sources
24 such as concession sales, booster clubs, and parent-teacher organizations
25 are not considered public funds for purposes of this subsection and are
26 not subject to such prohibition.

27 (b) No employee of any school district or educational service unit
28 shall devote any paid work time to establish, conduct, underwrite,
29 promote, subsidize, or in any other way support or advocate for, any
30 campaign meant to influence potential voters in a bond election for a
31 joint entity that includes a school district or educational service unit.

1 Such employees may provide general information to patrons regarding a
2 bond issue, such as subject matter, the amount of the bond, and the date
3 of the election.

4 (c) Campaign materials, including, but not limited to, fliers,
5 literature, signage, or apparel supporting or advocating for a proposed
6 bond to be issued by a joint entity that includes a school district or
7 educational service unit shall not be distributed or posted in or on any
8 facility, grounds, or mode of conveyance connected to or associated with
9 any school district or educational service unit properties. Informational
10 materials that do not advocate for a proposed bond but simply provide
11 generic information about such bond are allowed.

12 **Sec. 3.** Original section 10-702, Reissue Revised Statutes of
13 Nebraska, and section 13-809, Revised Statutes Cumulative Supplement,
14 2024, are repealed.