

March 11, 1982

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amendment and it is relatively lengthy and it appears on one piece of paper with my initials on the upper lefthand corner, and this apparently is the result of the crush of legislation at the end of the session. I want to thank the body for their attention today and this is the last time I will ask on this measure. It is the final amendment that I ask for. It is language worked out with bond counsels and with the League of Municipalities with respect to the applicability of limited referendum. Referendum, as you know, is that mechanism that takes things off the books. It is the way that the citizens who object to a recently passed ordinance can counteract that ordinance. One of the difficulties that the cities have is if you pass something like a contract or a promise to build a particular facility, oftentimes there are subsequent actions that take place, the letting of certain contracts, the paying of certain fees, the reallocation of money at the next budget term in the event it runs over two or three years. Now if each one of those acts is subject to referendum, you can bring to a grinding halt a project two years after it has been begun. The League of Municipalities has brought this language to me to further refine when limited referendum applies. Now it is not easy to read this language, I know that and I am sorry for that. Let me explain to you as best I can what it does. Right now the statutes say, once you have approved the first piece of the puzzle, thereafter you can never have a referendum. And it just is a blanket kind of thing, and I have asked that they draw that as narrowly as possible, as specifically as possible. If we are going to bring that right of limited referendum to an end, we should bring it to an end in only those circumstances where we are really going to be prejudicing the city and tying their hands. I asked them to go back to the drawing board rather than a simple prohibition that says once you begin any project in any form, that is the end of it, that is the last time you can referendum it. So they have come back with this language written by a bond counsel in Omaha, the Kutak, Rock, Huie firm, Dick Peterson, and it indicates that you have limited referendum rights unless there is an ordinance of necessity. An ordinance of necessity is where you have a petition by the people who ask for a paving district, sewers in their area, or the like. Once they have reacted on the basis of that petition from the public and they pass this ordinance creating a paving district, then the paving contract which might be let six months down the line is not subject to referendum. So after the ordinance by necessity has been passed, limited referendum comes to an end. Secondly, limited referendum comes to an end when you have a project for the improvement or enlargement of public ways, public property, utility systems or other capital projects, when the municipality

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