

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1000

Introduced by Briese, 41.

Read first time January 16, 2018

Committee:

1 A BILL FOR AN ACT relating to the Public Facilities Construction and
2 Finance Act; to amend sections 13-809, 13-2531, 72-2301, and
3 72-2304, Reissue Revised Statutes of Nebraska; to require submission
4 of bond measures to an election prior to issuance of bonds; to
5 provide procedures; to harmonize provisions; to repeal the original
6 sections; and to declare an emergency.

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

1 Section 1. Section 13-809, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-809 Any joint entity may from time to time issue its bonds in
4 such principal amounts as its governing body shall deem necessary to
5 provide sufficient funds to carry out any of the joint entity's purposes
6 and powers, including the establishment or increase of reserves, the
7 payment of interest accrued during construction of a project and for such
8 period thereafter as the governing body may determine, and the payment of
9 all other costs or expenses of the joint entity incident to and necessary
10 or convenient to carry out its purposes and powers. Bonds issued on or
11 after the effective date of this act for purposes of the Public
12 Facilities Construction and Finance Act shall be subject to a vote prior
13 to issuance as provided in the act.

14 Sec. 2. Section 13-2531, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-2531 Any joint public agency may from time to time issue its
17 bonds in such principal amounts as its board determines is necessary to
18 provide sufficient funds to carry out any of the joint public agency's
19 purposes and powers, including the establishment or increase of reserves,
20 the payment of interest accrued during construction of a project and for
21 such period thereafter as the board may determine, and the payment of all
22 other costs or expenses of the joint public agency incident to and
23 necessary or convenient to carry out its purposes and powers. Except as
24 provided in section 72-2304, bonds issued prior to the effective date of
25 this act for purposes of the Public Facilities Construction and Finance
26 Act may be issued with no requirement for a vote. Bonds issued on or
27 after the effective date of this act for purposes of the Public
28 Facilities Construction and Finance Act shall be subject to a vote prior
29 to issuance as provided in the act.

30 Sec. 3. Section 72-2301, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 72-2301 Sections 72-2301 to 72-2308 and sections 5 to 8 of this act
2 shall be known and may be cited as the Public Facilities Construction and
3 Finance Act.

4 Sec. 4. Section 72-2304, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 72-2304 (1)(a) This section applies to bonds issued prior to the
7 effective date of this act.

8 **(b)** ~~(1)~~ In addition to any other borrowing powers provided for by
9 law, a qualified public agency shall have the power to issue its
10 negotiable bonds to any joint entity as defined in section 13-803 or to
11 any joint public agency as defined in section 13-2503 in connection with
12 any joint project which is to be owned, operated, or financed by the
13 joint entity or joint public agency for the benefit of the qualified
14 public agency. The bonds may be issued only if the second largest
15 participant in the joint project has a financial contribution in the
16 joint project of at least twenty-five percent of the debt service. Such
17 bonds may be issued after the qualified public agency has conducted a
18 public hearing on the issuance of bonds. Notice of such public hearing
19 shall be given by publication in a newspaper of general circulation
20 within the territory of the qualified public agency by at least one
21 publication occurring not less than ten days prior to the time of
22 hearing. After the public hearing, the governing body of the qualified
23 public agency may proceed to adopt a bond measure authorizing bonds.

24 (2) Notice of any such bond measure shall be given by publication of
25 notice of intention to issue bonds in a newspaper of general circulation
26 within the territory of the qualified public agency at least twice after
27 the adoption of the bond measure. Such publications shall be at least
28 three weeks apart. The notice shall state:

29 (a) The name of the qualified public agency;

30 (b) The purpose of the issue;

31 (c) The principal amount of the issue;

1 (d) The amount of annual debt service payment anticipated for the
2 bonds, which may be stated as an approximation or estimate, and the
3 anticipated duration for such debt service payments; and

4 (e) The time and place where a copy of the form of the bond measure
5 may be examined for a period of at least thirty days.

6 (3) For bonds issued prior to the effective date of this act, no ~~No~~
7 election shall be required prior to the issuance of bonds under the
8 Public Facilities Construction and Finance Act unless, within sixty days
9 after the first publication of the notice of intention to issue bonds, a
10 remonstrance petition against the issuance of bonds is filed with the
11 clerk or secretary of the qualified public agency. Such remonstrance
12 petition shall be signed by registered voters of the qualified public
13 agency equal in number to at least five percent of the number of
14 registered voters of the qualified public agency at the time the
15 remonstrance petition is filed or at least the number of signatures
16 listed in subsection (5) of this section for the applicable qualified
17 public agency, whichever is less. If a remonstrance petition with the
18 necessary number of qualified signatures is timely filed, the question
19 shall be submitted to the voters of the qualified public agency at a
20 general election or a special election called for the purpose of
21 approving the bonds proposed to be issued. Any joint project for which
22 bonds are issued in accordance with the procedures of the act shall not
23 require any other approval or proceeding by the governing body or the
24 voters of the qualified public agency.

25 (4) For bonds issued prior to the effective date of this act, no ~~No~~
26 election shall be required for any qualified public agency not issuing
27 bonds to participate in such joint project unless, within sixty days
28 after the governing body of the qualified public agency adopts the
29 measure approving the interlocal or cooperative agreement related to the
30 joint project, a remonstrance petition is filed with the clerk or
31 secretary of the qualified public agency. Such remonstrance petition

1 shall be signed by registered voters of the qualified public agency equal
2 in number to at least five percent of the number of registered voters of
3 the qualified public agency at the time the remonstrance petition is
4 filed or at least the number of signatures listed in subsection (5) of
5 this section for the applicable qualified public agency, whichever is
6 less. If a remonstrance petition with the necessary number of qualified
7 signatures is timely filed, the question shall be submitted to the voters
8 of the qualified public agency at a general election or a special
9 election called for the purpose of approving the interlocal or
10 cooperative agreement related to the joint project.

11 (5) The chart in this subsection provides the alternative number of
12 signatures of registered voters of a qualified public agency which may be
13 used to submit a remonstrance petition under subsection (3) or (4) of
14 this section. The classification of counties in section 23-1114.01
15 applies for purposes of this section.

16 Qualified Public Agency	Number of Signatures
17	of Registered Voters
18 City of the Metropolitan Class	1500
19 City of the Primary Class	1000
20 City of the First Class	750
21 City of the Second Class	250
22 Villages	50
23 Municipal County	1500
24 Class 7 County	1500
25 Class 6 County	1000
26 Class 5 County	750
27 Class 4 County	500
28 Class 3 County	250
29 Class 2 County	100
30 Class 1 County	50

1	Class VI School District	250
2	Class V School District	1500
3	Class IV School District	1000
4	Class III School District	500
5	Class II School District	250
6	Class I School District	250
7	Educational Service Unit	250
8	Community College Area	1500
9	Fire Protection District	500
10	Hospital District	500
11	Sanitary and Improvement District	500

12 Sec. 5. (1) In addition to any other borrowing powers provided for
13 by law, a qualified public agency may issue its negotiable bonds subject
14 to the terms and conditions set forth in the Public Facilities
15 Construction and Finance Act to any joint entity as defined in section
16 13-803 or to any joint public agency as defined in section 13-2503 in
17 connection with any joint project which is to be owned, operated, or
18 financed by the joint entity or joint public agency for the benefit of
19 the qualified public agency. The bonds may be issued only if the second
20 largest participant in the joint project has a financial contribution in
21 the joint project of at least twenty-five percent of the debt service. No
22 bonds shall be issued on or after the effective date of this act until
23 the question has been submitted to the qualified electors of each
24 participating qualified public agency and a majority of all the qualified
25 electors voting on the question have voted in favor of issuing the same,
26 at an election called for the purpose, upon notice given by each
27 qualified public agency at least twenty days prior to such election.

28 (2) The question of issuing bonds may be submitted at a special
29 election as provided in section 7 of this act or at an election held in
30 conjunction with the statewide primary or statewide general election as
31 provided in section 6 of this act. The question of bond issues, when

1 defeated, shall not be resubmitted in substance for a period of six
2 months from and after the date of such election.

3 Sec. 6. (1) When the question of issuing bonds pursuant to the
4 Public Facilities Construction and Finance Act is to be submitted at a
5 statewide primary or statewide general election, each qualified public
6 agency participating in the bond measure shall notify the election
7 commissioner or county clerk in writing not less than fifty days prior to
8 the statewide primary or statewide general election. The notification
9 shall be filed with the election commissioner or county clerk in the
10 county having the greatest number of electors entitled to vote on the
11 question. The election commissioner or county clerk receiving the
12 notification shall conduct the bond election for the qualified public
13 agencies as provided in the Election Act.

14 (2) Each qualified public agency participating in the bond measure
15 shall publish a special notice of the election in a newspaper of general
16 circulation within the jurisdiction of the qualified public agency
17 stating the day of the election, the hours during which the polls will be
18 open, and any other information deemed necessary in informing the public
19 of the bond issue. The notice shall be published at least twenty days
20 prior to the election.

21 (3) If the bond measure is voted upon in one or more counties and
22 the ballots have been certified across county lines, the election boards
23 in the counties where the ballots are cast shall count the ballots on
24 election day the same as all other ballots are counted and seal the same
25 in their ballots-cast containers along with other ballots. The canvassing
26 boards in each county shall canvass the returns in the same manner as
27 other returns are canvassed. The election commissioner or county clerk in
28 any adjoining county voting on the bond issue shall certify the returns
29 to the election commissioner or county clerk of the county having the
30 greatest number of electors entitled to vote on the bond measure.

31 (4) The election commissioner or county clerk of the county having

1 the greatest number of electors entitled to vote on the bond measure
2 shall enter the total returns from any adjoining county or counties to
3 the total votes recorded in his or her official book of votes cast and
4 shall certify the returns to the qualified public agencies for which such
5 bond election was held.

6 Sec. 7. (1) When the question of issuing bonds pursuant to the
7 Public Facilities Construction and Finance Act is to be submitted at a
8 special election, the election commissioner or county clerk of the county
9 having the greatest number of electors entitled to vote on the bond
10 measure shall designate the polling places and appoint the election
11 officials, who need not be the regular election officials, and otherwise
12 conduct the election as provided under the Election Act except as
13 otherwise specifically provided in this section. Any special election
14 held under this section shall be subject to section 32-405.

15 (2) The qualified public agencies participating in the bond measure
16 shall designate the form of ballot and reimburse the election
17 commissioner or county clerk for the expenses of conducting the election
18 as provided in sections 32-1201 to 32-1208 and at the minimum rate as
19 described in subdivision (2)(d) of section 32-1203.

20 (3) The qualified public agencies participating in the bond measure
21 shall give notice of the election at least twenty days prior to the
22 election and cause the sample ballot to be published in a newspaper of
23 general circulation within the jurisdiction of the qualified public
24 agency one time not more than ten days nor less than three days prior to
25 the election, and no notice of the election shall be required to be given
26 by the election commissioner or county clerk. The notice of election
27 shall state where ballots for early voting may be obtained.

28 (4) The ballots shall be counted by the election commissioner or
29 county clerk conducting the election and two disinterested persons
30 appointed by him or her. When the polls are closed, the receiving board
31 shall deliver the ballots to the election commissioner or county clerk

1 conducting the election who, with the two disinterested persons appointed
2 by him or her, shall proceed to count the ballots.

3 (5) Ballots for early voting shall be furnished to the election
4 commissioner or county clerk conducting the election and ready for
5 distribution by the election commissioner or county clerk not less than
6 fifteen days prior to the election.

7 (6) The election commissioner or county clerk of any other county
8 containing part of the area in the jurisdiction of the qualified public
9 agencies participating in the bond measure shall, upon request, certify
10 the registration books for those precincts in which such area is located
11 to the election commissioner or county clerk of the county having the
12 greatest number of electors entitled to vote on the bond measure and
13 shall immediately forward all requests for ballots for early voting to
14 the election commissioner or county clerk charged with issuing such
15 ballots. Not less than five days prior to the election, the qualified
16 public agencies shall certify to the election commissioner or county
17 clerk conducting the election a list of all registered voters of the
18 qualified public agencies in any other county or counties qualified to
19 vote on the bond measure.

20 (7) All ballots cast at the election shall be counted by the same
21 board. When all the ballots have been counted, the returns of such
22 election shall be turned over to the election commissioner or county
23 clerk conducting the election for the purpose of making a canvass
24 thereof.

25 (8) The two disinterested persons appointed on the counting board
26 shall receive wages at no less than the minimum rate set in section
27 48-1203 for each hour of service rendered.

28 Sec. 8. Before the issuance of bonds pursuant to the Public
29 Facilities Construction and Finance Act, the qualified public agencies
30 participating in the bond measure shall make a written statement of all
31 proceedings relative to the vote upon the issuance of such bonds and the

1 notice of the election, the manner and time of giving notice, the
2 question submitted, and the result of the canvass of the vote on the
3 proposition pursuant to which it is proposed to issue such bonds,
4 together with a full statement of the taxable valuation and the total
5 bonded indebtedness of the qualified public agencies participating in the
6 bond measure. Such statement shall be certified to under oath.

7 Sec. 9. Original sections 13-809, 13-2531, 72-2301, and 72-2304,
8 Reissue Revised Statutes of Nebraska, are repealed.

9 Sec. 10. Since an emergency exists, this act takes effect when
10 passed and approved according to law.