

LEGISLATIVE BILL 1000

Approved by the Governor April 17, 2018

Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Public Facilities Construction and Finance Act; to amend sections 13-809, 13-2531, 72-2301, and 72-2304, Reissue Revised Statutes of Nebraska; to require submission of bond measures to an election prior to issuance of bonds; to provide a duty for certain qualified public agencies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

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

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

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

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

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

72-2301 Sections 72-2301 to 72-2308 and sections 5 and 6 of this act shall be known and may be cited as the Public Facilities Construction and Finance Act.

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

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

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

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

- (a) The name of the qualified public agency;
- (b) The purpose of the issue;
- (c) The principal amount of the issue;
- (d) The amount of annual debt service payment anticipated for the bonds, which may be stated as an approximation or estimate, and the anticipated duration for such debt service payments; and
- (e) The time and place where a copy of the form of the bond measure may be examined for a period of at least thirty days.

(3) For bonds issued prior to the effective date of this act, no No

election shall be required prior to the issuance of bonds under the Public Facilities Construction and Finance Act unless, within sixty days after the first publication of the notice of intention to issue bonds, a remonstrance petition against the issuance of bonds is filed with the clerk or secretary of the qualified public agency. Such remonstrance petition shall be signed by registered voters of the qualified public agency equal in number to at least five percent of the number of registered voters of the qualified public agency at the time the remonstrance petition is filed or at least the number of signatures listed in subsection (5) of this section for the applicable qualified public agency, whichever is less. If a remonstrance petition with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the qualified public agency at a general election or a special election called for the purpose of approving the bonds proposed to be issued. Any joint project for which bonds are issued in accordance with the procedures of the act shall not require any other approval or proceeding by the governing body or the voters of the qualified public agency.

(4) For bonds issued prior to the effective date of this act, no election shall be required for any qualified public agency not issuing bonds to participate in such joint project unless, within sixty days after the governing body of the qualified public agency adopts the measure approving the interlocal or cooperative agreement related to the joint project, a remonstrance petition is filed with the clerk or secretary of the qualified public agency. Such remonstrance petition shall be signed by registered voters of the qualified public agency equal in number to at least five percent of the number of registered voters of the qualified public agency at the time the remonstrance petition is filed or at least the number of signatures listed in subsection (5) of this section for the applicable qualified public agency, whichever is less. If a remonstrance petition with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the qualified public agency at a general election or a special election called for the purpose of approving the interlocal or cooperative agreement related to the joint project.

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

Qualified Public Agency	Number of Signatures of Registered Voters
City of the Metropolitan Class	1500
City of the Primary Class	1000
City of the First Class	750
City of the Second Class	250
Villages	50
Municipal County	1500
Class 7 County	1500
Class 6 County	1000
Class 5 County	750
Class 4 County	500
Class 3 County	250
Class 2 County	100
Class 1 County	50
Class VI School District	250
Class V School District	1500
Class IV School District	1000
Class III School District	500
Class II School District	250
Class I School District	250

Educational Service Unit	250
Community College Area	1500
Fire Protection District	500
Hospital District	500
Sanitary and Improvement District	500

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

(2) Each participating qualified public agency shall give notice of the election at least fifty days prior to the election. The question of issuing bonds may be submitted at the statewide primary or general election. The election shall be conducted in accordance with the Election Act.

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

Sec. 6. Before the issuance of bonds pursuant to the Public Facilities Construction and Finance Act, the qualified public agencies participating in the bond measure shall make a written statement of all proceedings relative to the vote upon the issuance of such bonds and the notice of the election, the manner and time of giving notice, the question submitted, and the result of the canvass of the vote on the proposition pursuant to which it is proposed to issue such bonds, together with a full statement of the taxable valuation and the total bonded indebtedness of the qualified public agencies participating in the bond measure. Such statement shall be certified to under oath.

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

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.