

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 289

Introduced by Bostelman, 23.

Read first time January 11, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Municipal Cooperative Financing Act; to
- 2 amend section 18-2441, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to the powers of an agency; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2441, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-2441 The powers of an agency shall include the power:

4 (1) To plan, develop, construct, reconstruct, operate, manage,
5 dispose of, participate in, maintain, repair, extend, improve, or acquire
6 by purchase, gift, lease, or otherwise, one or more projects within or
7 outside this state and act as agent, or designate one or more other
8 persons to act as its agent, in connection with the planning,
9 acquisition, construction, operation, maintenance, repair, extension, or
10 improvement of such project, except that before any power project is
11 constructed by an agency, approval of the power project shall have been
12 obtained from the Nebraska Power Review Board under sections 70-1012 to
13 70-1016;

14 (2) To produce, acquire, sell, and distribute commodities,
15 including, without limitation, fuels necessary to the ownership, use,
16 operation, or maintenance of one or more projects;

17 (3) To enter into franchises, exchange, interchange, pooling,
18 wheeling, transmission, and other similar agreements;

19 (4) To make and execute contracts and other instruments necessary or
20 convenient to the exercise of the powers of the agency;

21 (5) To employ agents and employees;

22 (6) To contract with any person within or outside this state for the
23 sale or transmission of any service, product, or commodity supplied,
24 transmitted, conveyed, transformed, produced, or generated by any
25 project, or for any interest therein or any right to capacity thereof, on
26 such terms and for such period of time as the agency's board shall
27 determine;

28 (7) To purchase, sell, exchange, produce, generate, transmit, or
29 distribute any service, product, or commodity within and outside the
30 state in such amounts as it shall determine to be necessary and
31 appropriate to make the most effective use of its powers and to meet its

1 responsibilities, and to enter into agreements with any person with
2 respect to such purchase, sale, exchange, production, generation,
3 transmission, or distribution on such terms and for such period of time
4 as the agency's board shall determine;

5 (8) To acquire, own, hold, use, lease, as lessor or lessee, sell, or
6 otherwise dispose of, mortgage, pledge, or grant a security interest in
7 any real or personal property, commodity, product, or service or any
8 interest therein or right thereto;

9 (9) To exercise the power of eminent domain in the manner set forth
10 in Chapter 76, article 7. No real property of the state, any
11 municipality, or any political subdivision of the state, may be so
12 acquired without the consent of the state, such municipality, or such
13 subdivision;

14 (10) To incur debts, liabilities, or obligations including the
15 borrowing of money and the issuance of bonds, secured or unsecured,
16 pursuant to the Municipal Cooperative Financing Act sections 18-2401 to
17 ~~18-2485~~;

18 (11) To borrow money or accept contributions, grants, or other
19 financial assistance from a public authority and to comply with such
20 conditions and enter into such contracts, covenants, mortgages, trust
21 indentures, leases, or agreements as may be necessary, convenient, or
22 desirable;

23 (12) To fix, maintain, revise, and collect fees, rates, rents, and
24 charges for functions, services, facilities, or commodities provided by
25 the agency, and it shall be the mandatory duty of each agency to fix,
26 maintain, revise, and collect such fees, rates, rents, and charges as
27 will always be sufficient to pay all operating and maintenance expenses
28 of the agency, to pay for costs of renewals and replacements to a
29 project, to pay interest on and principal of, whether at maturity or upon
30 sinking-fund redemption, any outstanding bonds or other indebtedness of
31 the agency, and to provide, as may be required by a resolution, trust

1 indenture, security instrument, or other agreement of the agency, for any
2 reasonable reserves for any such expenses, costs, or debt service or for
3 any margins or coverages over and above debt service;

4 (13) Subject to any agreements with holders of outstanding bonds, to
5 invest any funds held in reserve or sinking funds, or any funds not
6 required for immediate disbursement, including the proceeds from the sale
7 of any bonds, in such obligations, securities, and other investments as
8 the board shall deem proper;

9 (14) To join and pay dues to organizations, membership in which is
10 deemed by the board to be beneficial to the accomplishment of the
11 agency's purposes; ~~and~~

12 (15) To own and operate, contract to operate, or lease advanced
13 metering infrastructure technology and provide advanced metering
14 infrastructure services regarding publicly owned utility systems,
15 including, without limitation, electric, water, and natural gas systems.
16 The agency shall not engage in the sale of the natural gas commodity;

17 (16) To provide services related to information technology, physical
18 security, physical infrastructure management, regulatory reporting, and
19 administration regarding publicly owned utility and municipal
20 infrastructure systems; and

21 (17) ~~(15)~~ To exercise any other powers which are deemed necessary
22 and convenient to carry out the Municipal Cooperative Financing Act
23 sections ~~18-2401 to 18-2485.~~

24 Sec. 2. Original section 18-2441, Reissue Revised Statutes of
25 Nebraska, is repealed.