

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1114

Introduced by Erdman, 47.

Read first time January 23, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 13-809,
2 Reissue Revised Statutes of Nebraska, section 13-2531,
3 Revised Statutes Cumulative Supplement, 2006, and
4 sections 13-808 and 13-2530, Revised Statutes Supplement,
5 2007; to require a vote for county fairground bonds;
6 to harmonize provisions; and to repeal the original
7 sections.

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

1 Section 1. Any proposed issue of bonds that is for a
2 county fairground purpose and for which payment of principle,
3 interest and other costs incurred in the issuance is in whole or
4 in part made from or secured by the levy authority of a political
5 subdivision shall not be issued unless approved by majority vote of
6 the electors of the affected county. The question of approval of
7 such bond issue shall be submitted to the electors of the county
8 by the county board at a general election or at a special election
9 called for such purpose. For purposes of this section, levy
10 authority of a political subdivision includes the levy authority
11 of a county fair board, county agricultural society, or joint
12 public agency; and county fairground purpose includes acquiring
13 an interest in real property to comprise a portion or all of
14 a county fairground or capital construction on and renovation,
15 repair, improvement, and maintenance of a county fairground.

16 Sec. 2. Section 13-808, Revised Statutes Supplement,
17 2007, is amended to read:

18 13-808 (1) Except as provided in section 1 of this
19 act, any ~~Any~~ joint entity may issue such types of bonds as its
20 governing body may determine subject only to any agreement with
21 the holders of outstanding bonds, including bonds as to which
22 the principal and interest are payable exclusively from all or a
23 portion of the revenue from one or more projects, from one or more
24 revenue-producing contracts, including securities acquired from any
25 person, bonds issued by any qualified public agency under the

1 Public Facilities Construction and Finance Act, or leases made by
2 the joint entity with any person, including any of those public
3 agencies which are parties to the agreement creating the joint
4 entity, or from its revenue generally or which may be additionally
5 secured by a pledge of any grant, subsidy, or contribution from any
6 person or a pledge of any income or revenue, funds, or money of the
7 joint entity from any source whatsoever or a mortgage or security
8 interest in any real or personal property, commodity, product, or
9 service or interest therein.

10 (2) Any bonds issued by such joint entity shall be
11 issued on behalf of those public agencies which are parties to
12 the agreement creating such joint entity and shall be authorized
13 to be issued for the specific purpose or purposes for which
14 the joint entity has been created. Such specific purposes may
15 include, but shall not be limited to, joint projects authorized by
16 the Public Facilities Construction and Finance Act; solid waste
17 collection, management, and disposal; waste recycling; sanitary
18 sewage treatment and disposal; public safety communications;
19 correctional facilities; water treatment plants and distribution
20 systems; drainage systems; flood control projects; fire protection
21 services; ground water quality management and control; river-flow
22 enhancement; education and postsecondary education; hospital and
23 other health care services; bridges, roads, and streets; and law
24 enforcement.

25 (3) As an alternative to issuing bonds for financing

1 public safety communication projects, any joint entity may enter
2 into a financing agreement with the Nebraska Investment Finance
3 Authority for such purpose.

4 (4) Any joint entity formed for purposes of providing or
5 assisting with the provision of public safety communications may
6 enter into an agreement with any other joint entity relating to
7 (a) the operation, maintenance, or management of the property or
8 facilities of such joint entity or (b) the operation, maintenance,
9 or management of the property or facilities of such other joint
10 entity.

11 Sec. 3. Section 13-809, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

23 Sec. 4. Section 13-2530, Revised Statutes Supplement,
24 2007, is amended to read:

25 13-2530 (1) Except as provided in section 1 of this

1 act, any ~~Any~~ joint public agency may issue such types of bonds
2 as its board may determine subject only to any agreement with
3 the holders of outstanding bonds, including bonds as to which
4 the principal and interest are payable exclusively from all or
5 a portion of the revenue from one or more projects, from one
6 or more revenue-producing contracts, including securities acquired
7 from any person, bonds issued by any qualified public agency under
8 the Public Facilities Construction and Finance Act, or leases made
9 by the joint public agency with any person, including any of
10 the public agencies which are parties to the agreement creating
11 the joint public agency, or from its revenue generally or which
12 may be additionally secured by a pledge of any grant, subsidy,
13 or contribution from any person or a pledge of any income or
14 revenue, funds, or money of the joint public agency from any
15 source whatsoever or a mortgage or security interest in any real
16 or personal property, commodity, product, or service or interest
17 therein.

18 (2) Any bonds issued by such joint public agency shall
19 be issued on behalf of the joint public agency solely for the
20 specific purpose or purposes for which the joint public agency has
21 been created. Such specific purposes may include, but shall not
22 be limited to, joint projects authorized by the Public Facilities
23 Construction and Finance Act; solid waste collection, management,
24 and disposal; waste recycling; sanitary sewage treatment and
25 disposal; public safety communications; correctional facilities;

1 water treatment plants and distribution systems; drainage systems;
2 flood control projects; fire protection services; ground water
3 quality management and control; river-flow enhancement; education
4 and postsecondary education; hospital and other health care
5 services; bridges, roads, and streets; and law enforcement.

6 (3) As an alternative to issuing bonds for financing
7 public safety communication projects, any joint public agency may
8 enter into a financing agreement with the Nebraska Investment
9 Finance Authority for such purpose.

10 (4) Any joint public agency formed for purposes of
11 providing or assisting with the provision of public safety
12 communications may enter into an agreement with any other joint
13 public agency relating to (a) the operation, maintenance, or
14 management of the property or facilities of such joint public
15 agency or (b) the operation, maintenance, or management of the
16 property or facilities of such other joint public agency.

17 Sec. 5. Section 13-2531, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 13-2531 ~~Any~~ Except as provided in section 1 of this act,
20 any joint public agency may from time to time issue its bonds
21 in such principal amounts as its board determines is necessary to
22 provide sufficient funds to carry out any of the joint public
23 agency's purposes and powers, including the establishment or
24 increase of reserves, the payment of interest accrued during
25 construction of a project and for such period thereafter as the

1 board may determine, and the payment of all other costs or expenses
2 of the joint public agency incident to and necessary or convenient
3 to carry out its purposes and powers. Except as provided in
4 section 72-2304, bonds issued for purposes of the Public Facilities
5 Construction and Finance Act may be issued with no requirement for
6 a vote.

7 Sec. 6. Original section 13-809, Reissue Revised
8 Statutes of Nebraska, section 13-2531, Revised Statutes Cumulative
9 Supplement, 2006, and sections 13-808 and 13-2530, Revised Statutes
10 Supplement, 2007, are repealed.