



Hundred Legislature - First Session - 2007
Introducer's Statement of Intent
LB 13

Chairperson: Ray Aguilar
Committee: Government, Military and Veterans Affairs
Date of Hearing: January 19, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 13 would adopt procedures for the creation and certification of joint entities under the Interlocal Cooperation Act, allowing for more oversight of entities created under this Act. The bill would require that the governing body of each public agency participating in the creation of the joint entity adopt a resolution determining that there is a need for this joint entity and setting forth the names of the proposed participating public agencies. Any existing joint entities would be required to complete this application and certification process.

In determining the need for the joint entity, the governing body would take into consideration the present and future needs of the public agency with respect to the materials, goods, property, and services which a joint entity may utilize or provide, the adequacy, suitability, and availability of such materials, goods, property, and services to meet the needs of the participating public agency if no joint entity is formed, and economic or other advantages or efficiencies which may be realized by cooperative action through a joint entity. The resolution must be published and, after publication, the resolution could then be adopted by the governing body.

The bill would then allow for the issuance of a certificate of creation by the Secretary of State. Upon issuance of this certificate, each participating public agency would appoint representatives for creation of the joint entity. The representatives would constitute the board in which all powers of the joint entity are vested. Each representative would serve for a term specified in the agreement, not to exceed four years and each participating public agency would at all times be entitled to appoint at least one representative. Each representative would have one vote, unless the agreement provides for allowing a representative to cast more than one vote.

LB 13 also outlines procedures for the board, including the manner of scheduling meetings, electing officers, creating an executive committee and other committees. The board would be subject to the Open Meetings Act.

Within 30 days after adoption of the resolution for creation of a joint entity, LB 13 would require that the board file with the Secretary of State a statement signed by the proposed representatives. This statement would set forth:

1. The names of all the proposed participating public agencies;
2. A certified copy of each of the resolutions of the participating public agencies determining the need for such a joint entity;
3. Proof of publication as required;
4. A brief description of the nature of the joint entity's activities; and
5. The name of the joint entity

The Secretary of State would then examine the statement to ensure that the name proposed for the joint entity is distinguishable from any other entity name registered or on file and that the statement conforms to the requirements of the Interlocal Cooperation Act, record it, and issue and record a certificate of creation. Notice of the issuance would be given to all of the proposed participating public agencies and published.

Principal Introducer:

_____ **Senator Mick Mines**