

AMENDMENTS TO LB177

Introduced by Briese, 41.

1 1. Insert the following new sections:

2 Sec. 2. Section 13-1304, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 13-1304 Any commission established under sections 13-1301 to 13-1312
5 shall have power to:

6 (1) Sue and be sued;

7 (2) Have a seal and alter the seal;

8 (3) Acquire, hold, and dispose of personal property for its
9 corporate purposes;

10 (4) Acquire in the name of the city and county, by gift, grant,
11 bequest, purchase, or condemnation, real property or rights and easements
12 thereon necessary or convenient for its corporate purposes and use such
13 property or rights and easements so long as its corporate existence
14 continues;

15 (5) Make bylaws for the management and regulation of its affairs and
16 make rules and regulations for the use of its projects;

17 (6) With the consent of the city or the county, as the case may be,
18 use the services of agents, employees, and facilities of the city or
19 county, for which the commission may reimburse the city or the county its
20 proper proportion of the compensation or cost thereof, and use the
21 services of the city attorney as legal advisor to the commission;

22 (7) Appoint officers, agents, and employees and fix their
23 compensation, except that the county treasurer shall be the ex officio
24 treasurer of the commission;

25 (8) Design, acquire, construct, maintain, operate, improve, remodel,
26 remove, and reconstruct, so long as its corporate existence continues,
27 such projects for the use both by the city and county as are approved by

1 the city and the county and all facilities necessary or convenient in
2 connection with any such projects;

3 (9) Enter into agreements with the city or county, or both, as to
4 the operation, maintenance, repair, and use of its projects. Such
5 agreements may provide that the city or county, or both, has
6 responsibility for a certain area within any building, structure, or
7 facility, including the maintenance, repair, use, furnishing, or
8 management of such area;

9 (10) With the approval of both the city and the county, enter into
10 agreements with the United States of America, the State of Nebraska, any
11 body, board, agency, corporation, or other governmental entity of either
12 of them, or other governmental units for use by them of any projects to
13 the extent that such use is not required by the city or the county;

14 (11) Make all other contracts, leases, and instruments necessary or
15 convenient to the carrying out of the corporate purposes or powers of the
16 commission;

17 (12) Annually levy, assess, and certify to the governing body of the
18 county the amount of tax to be levied for the purposes of the commission
19 subject to section 77-3443, not to exceed one and seven-tenths cents on
20 each one hundred dollars upon the taxable valuation of all the taxable
21 property in the county. The governing body of the county shall collect
22 the tax so certified at the same time and in the same manner as other
23 county taxes are levied and collected, and the proceeds of such taxes
24 when due and as collected shall be set aside and deposited in the special
25 account or accounts in which other revenue of the commission is
26 deposited;

27 (13) Accept grants, loans, or contributions from the United States
28 of America, the State of Nebraska, any agency or instrumentality of
29 either of them, the city, the county, any other governmental unit, or any
30 private person, firm, or corporation and expend the proceeds thereof for
31 any corporate purposes;

1 (14) Subject to section 13-1306, incur ~~Incur~~ debt, issue bonds and
2 notes and provide for the rights of the holders thereof, and pledge and
3 apply to the payment of such bonds and notes the taxes and other
4 receipts, income, revenue, profits, and money of the commission;

5 (15) Enter on any lands, waters, and premises for the purpose of
6 making surveys, findings, and examinations; and

7 (16) Do all things necessary or convenient to carry out the powers
8 specially conferred on the commission by sections 13-1301 to 13-1312.

9 Sec. 3. Section 13-1306, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 13-1306 (1)(a) With the prior approval of both the city and the
12 county for which the commission was created, the commission shall have
13 the power and is hereby authorized from time to time to issue its bonds
14 for any corporate purpose in such amounts as may be required to carry out
15 and fully perform the purposes for which such commission is established.
16 Except as provided in subsection (2) of this section, no bonds shall be
17 issued by any commission on or after the effective date of this act until
18 the question has been submitted to the qualified electors of the county
19 at an election called for that purpose as provided in this subsection and
20 a majority of the qualified electors voting on the question voted in
21 favor of issuing the same.

22 (b) The county board shall give notice of the election at least
23 fifty days prior to the election. The question of issuing bonds may be
24 submitted at the statewide primary or general election. The election
25 shall be conducted in accordance with the Election Act.

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

29 (d) Before the issuance of bonds pursuant to sections 13-1301 to
30 13-1312, the commission shall make a written statement of all proceedings
31 relative to the vote upon the issuance of such bonds and the notice of

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

6 (2) The commission shall have power from time to time and when
7 refunding is deemed expedient to issue bonds in amounts sufficient to
8 refund any bonds, including any premiums payable upon the redemption of
9 the bonds to be refunded and interest to their redemption date upon the
10 bonds to be refunded, by the issuance of new bonds, whether the bonds to
11 be refunded have or have not matured. It may issue bonds partly to refund
12 bonds then outstanding and partly for any other corporate purpose. The
13 refunding bonds may be exchanged for the bonds to be refunded with such
14 cash adjustment as may be agreed or may be sold and the proceeds applied
15 to the purchase, redemption, or payment of the bonds to be refunded. For
16 refunding bonds issued on or after the effective date of this act, no
17 approval by the voters under subsection (1) of this section shall be
18 required if the county treasurer certifies to the Secretary of State, on
19 a form developed by the Secretary of State, that the refunding bonds will
20 not increase property taxes or the bonded indebtedness of the commission,
21 county, or city. If the Secretary of State does not receive the
22 certification from the county treasurer within thirty days after passage
23 of the authorizing resolution or resolutions, or the Secretary of State
24 does not accept such certification, then approval by the voters shall be
25 required.

26 (3) All bonds shall be general obligations of the commission issuing
27 the same and shall be payable out of the tax and other receipts, revenue,
28 income receipts, profits, or other money of the commission.

29 (4) A commission shall have power from time to time to issue bond
30 anticipation notes referred to as notes in this section and from time to
31 time to issue renewal notes, such notes in any case to mature not later

1 than thirty months from the date of incurring the indebtedness
2 represented thereby in an amount not exceeding in the aggregate at any
3 time outstanding the amount of bonds then or theretofore authorized. Such
4 notes shall be general obligations of the commission. Payment of such
5 notes shall be made from any money or revenue which the commission may
6 have available for such purpose or from the proceeds of the sale of bonds
7 of the commission or such notes may be exchanged for a like amount of
8 such bonds.

9 (5) All such bonds and notes shall be authorized by a resolution or
10 resolutions of the board, after approval by the voters if required under
11 this section, and shall bear such date or dates, mature at such time or
12 times, bear interest at such rate or rates, be in such denominations, be
13 in such form, either coupon or registered, carry such exchange
14 privileges, be executed in such manner, be payable in such medium of
15 payment at such place or places within or without the State of Nebraska
16 and be subject to such terms of redemption and at such redemption
17 premiums, as such resolution or resolutions may provide and the
18 provisions of section 10-126, shall not be applicable to such bonds or
19 notes. The bonds and notes may be sold at public or private sale for such
20 price or prices as the commission shall determine. No proceedings for the
21 issuance of bonds or notes of a commission shall be required other than
22 those required by the provisions of sections 13-1301 to 13-1312 and the
23 provisions of all other laws and city charters, if any, relative to the
24 terms and conditions for the issuance, payment, redemption, registration,
25 sale or delivery of bonds of public bodies, corporations or political
26 subdivisions of this state shall not be applicable to bonds and notes
27 issued by commissions pursuant to sections 13-1301 to 13-1312.

28 (6) The full faith and credit of the commission shall be pledged to
29 the payment and security of the bonds and notes issued by it, whether or
30 not such pledge shall be set forth in the bonds or notes. So long as any
31 of its bonds or notes are outstanding, the commission shall have the

1 power and be obligated to levy taxes within the limitation as provided in
2 section 13-1304 to the extent required, together with any other money
3 available to the commission therefor to pay the principal of and interest
4 and premium, if any, on such bonds and notes as the same become due and
5 payable.

6 (7) All bonds and notes issued pursuant to the provisions of
7 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
8 instruments within the meaning of and for all the purposes of the Uniform
9 Commercial Code subject only to any provisions contained in such bonds
10 and notes for the registration of the principal thereof.

11 (8) A commission shall have power to purchase bonds or notes of the
12 commission out of any money available therefor. Any bonds so purchased
13 shall be canceled by the commission.

14 2. Renumber the remaining section and correct the repealer
15 accordingly.