

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 91

Introduced by DeKay, 40; Brandt, 32; Clouse, 37.

Read first time January 10, 2025

Committee:

- 1 A BILL FOR AN ACT relating to public power; to amend section 70-650.01,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to the conveyance of electric distribution systems by public power
- 4 districts or public power and irrigation districts to cities or
- 5 villages; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 70-650.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 70-650.01 Except as provided in sections 70-1101 to 70-1106,
4 whenever any public power district or public power and irrigation
5 district shall have acquired, by purchase, lease, or otherwise, any
6 electric distribution system, or any part or parts thereof, situated
7 within or partly within any city or village, and such district shall have
8 fully paid and redeemed, or have accumulated reserves sufficient for the
9 redemption of, all of the bonds or other obligations of the district
10 evidencing the indebtedness incurred as the cost of construction or the
11 purchase price of its lines, works, and system, then and in that event,
12 whenever any such city or village shall so request, such ~~the said~~
13 district shall convey ~~without cost~~ all of its right, title, and interest
14 in and to its electric distribution system, as distinguished from its
15 generating plants and transmission lines, to such ~~the said~~ city or
16 village within the territorial limits of which such system is located.
17 The request of such city or village shall be exercised by a resolution
18 duly adopted by its governing body. Such resolution shall not become
19 effective until thirty days' notice of the adoption thereof shall have
20 been given by the governing body by publication once each week for three
21 successive weeks in some legal newspaper published and of general
22 circulation in such city or village, or if no such newspaper is published
23 therein, then by posting in five or more public places therein. If,
24 within thirty days after the last publication of such notice or posting
25 thereof, a referendum petition signed by qualified electors of such city
26 or village equal in number to at least twenty percent of the vote cast at
27 the last general municipal election held therein shall be filed with the
28 municipal clerk, such resolution shall not become effective until it has
29 been approved by a vote of the electors of such municipality at any
30 general or special municipal election. If a majority of the voters voting
31 on the issue vote against such resolution, the resolution shall not

1 become effective. If no such petitions are filed, the resolution shall
2 become effective at the expiration of such thirty-day period. In the
3 absence of an agreement between any city or village and the public power
4 ~~district or public power and irrigation district~~, the city or village may
5 at any time determine what shall be included in the term distribution
6 system by a declaratory judgment in which the public power district or
7 public power and irrigation district owning the distribution system shall
8 be joined. This section shall not: (1) Prevent the refinancing or
9 changing of the form of the outstanding indebtedness of the district
10 existing on May 4, 1945, where the amount of the outstanding bonds or
11 other evidences of indebtedness representing the cost of existing
12 facilities shall not be increased nor the time of payment extended by any
13 obligations for which the revenue received through the ~~said~~ electric
14 distribution systems is pledged, or (2) prevent the issuance of other and
15 different series of bonds of the district representing the cost of
16 acquisition or construction of additional electric facilities, or the
17 pledging of the revenue of such additional facilities for the payment of
18 such other or further series of bonds, or to prevent the board of
19 directors of such ~~the said~~ district, by a duly adopted resolution, from
20 making reasonable determinations of the amount of the revenue of the
21 district attributable to such additional facilities.

22 **Sec. 2.** Original section 70-650.01, Reissue Revised Statutes of
23 Nebraska, is repealed.