

LEGISLATIVE BILL 873

Approved by the Governor April 30, 1971

Introduced by Richard F. Proud, 12th District

AN ACT relating to bonds; to authorize the Nebraska Highway Bond Commission, any county, city, village, school district, drainage district, irrigation district, public power district, public power and irrigation district, metropolitan utilities district, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, vocational technical colleges, sanitary and improvement districts, rural water districts, airport authorities, hospital authorities, or any other municipal corporation or governmental subdivision of the state which has the power to issue bonds or other evidences of indebtedness to issue bonds or other evidences of indebtedness to replace mutilated, destroyed, stolen or lost bonds or other evidences of indebtedness as prescribed; and to declare an emergency.

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

Section 1. The Nebraska Highway Bond Commission, any county, city, village, school district, drainage district, irrigation district, public power district, public power and irrigation district, metropolitan utilities district, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, vocational technical colleges, sanitary and improvement districts, rural water districts, airport authorities, hospital authorities or any other municipal corporation or governmental subdivision of the state which has the power to issue bonds or other evidences of indebtedness is hereby authorized, in its discretion, to issue bonds or other evidences of indebtedness of like date, tenor, amount and maturity to replace mutilated, destroyed, stolen or lost bonds or other evidences of indebtedness previously issued, and having attached thereto the same corresponding unmatured coupons, if any, as were attached to the mutilated, destroyed, stolen or lost bonds or other evidences of indebtedness. Issuance of replacement bonds or other evidences of indebtedness of like date, tenor, amount and maturity may be made (1) in exchange and in substitution for such mutilated bond or other evidence of indebtedness, and attached unmatured

coupons, if any, upon surrender of such mutilated bond or other evidence of indebtedness, and attached unmatured coupons, if any, or (2) in lieu of and in substitution for the bond or other evidence of indebtedness, and attached unmatured coupons, destroyed, stolen, or lost. In the event such bond or other evidence of indebtedness, and attached unmatured coupons, if any, has been destroyed, stolen, or lost, the holder thereof shall first file with the issuer evidence satisfactory to it that such bond or other evidence of indebtedness, and attached unmatured coupons, has been destroyed, stolen or lost and of its ownership thereof, and shall in any event furnish the issuer with indemnity satisfactory to it and shall comply with any statutory requirements and with such other requirements as the issuer may require. A charge, not exceeding the actual cost thereof, shall be imposed upon such owner to reimburse the issuer for the expenses for issuing each such new bond or evidence of indebtedness, which cost shall be paid before the delivery of the new bond or evidence of indebtedness. Instead of issuing a substituted bond or evidence of indebtedness, or instead of delivery of any coupon for a bond or evidence of indebtedness, as the case may be, which has matured or which is about to mature, and instead of issuing a substituted bond or other evidence of indebtedness for a bond or other evidence of indebtedness which has been called for redemption, the issuer upon receiving evidence and being indemnified as hereinbefore provided in this section, at its option may pay the bond or other evidence of indebtedness or such coupon from any source lawfully available therefor, without the surrender thereof.

Sec. 2. Each replacement bond or other evidence of indebtedness shall be authorized by a resolution of the governing body of the issuer; shall be executed by the then appropriate officers thereof; and shall be presented to the Auditor of Public Accounts of the State of Nebraska for registration if the bond or other evidence of indebtedness it replaces was registered with such auditor, such auditor to register the same as a duplicate issued in substitution for the original bond or other evidence of indebtedness and to keep an appropriate record of such issuance. In like manner, each replacement bond or other evidence of indebtedness which was originally registered in the office of a county clerk shall also be registered with the county clerk of the county in which the original bond or other evidence of indebtedness was registered, such clerk to register the same as a duplicate issued in substitution for the original bond or other evidence of

indebtedness and to also make an appropriate record that a replacement bond has been issued.

Sec. 3. Upon the issuance of any replacement bond or other evidence of indebtedness the issuer shall notify the paying agent with respect thereto and such paying agent shall not make payment of any portion of the principal or interest of any such mutilated, destroyed, stolen or lost bond or other evidence of indebtedness which has been replaced and shall promptly notify the issuer of such bond or other evidence of indebtedness if and when any such bond or other evidence of indebtedness so replaced is ever presented for payment.

Sec. 4. When any of the issuing bodies described in section 1 of this act issues bonds or other evidences of indebtedness after the effective date of this act, such body may cause to be printed a sufficient number of blank bonds or other evidences of indebtedness as it shall deem necessary to provide for future requirements with respect to the issuance of replacement bonds or other evidences of indebtedness.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.