

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1012

Introduced by Walz, 15; Conrad, 46.

Read first time January 05, 2024

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-10,110.02,
- 2 Revised Statutes Cumulative Supplement, 2022; to change provisions
- 3 relating to certain tax levy and bonding authority of school
- 4 districts; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-10,110.02, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 79-10,110.02 (1) On and after April 19, 2016, the school board of
4 any school district may make a determination that an additional property
5 tax levy is necessary for a specific abatement project to address an
6 actual or potential environmental hazard, accessibility barrier, life
7 safety code violation, life safety hazard, school safety infrastructure
8 concern, or mold which exists within one or more existing school
9 buildings or the school grounds of existing school buildings controlled
10 by the school district. Such determination shall not include abatement
11 projects related to the acquisition of new property, the construction of
12 a new building, the expansion of an existing building, or the remodeling
13 of an existing building for purposes other than the abatement of
14 environmental hazards, accessibility barriers, life safety code
15 violations, life safety hazards, school safety infrastructure concerns,
16 or mold. Upon such determination, the school board may, not later than
17 the date provided in section 13-508, make and deliver to the county clerk
18 of such county in which any part of the school district is situated an
19 itemized estimate of the amounts necessary to be expended for such
20 abatement project, any insurance proceeds or other anticipated funds that
21 will be received by the school district related to the abatement project,
22 the period of years for which the property tax will be levied for such
23 project, and the estimated amount of the levy for each year of the period
24 based on the taxable valuation of the district at the time of issuance.
25 The period of years for such levy shall not exceed ten years and the levy
26 for such project when combined with all other levies pursuant to this
27 section and section 79-10,110 shall not exceed three cents per one
28 hundred dollars of taxable valuation. Nothing in this section shall
29 affect levies pursuant to section 79-10,110.

30 (2) The county clerk shall levy such taxes and such taxes shall be
31 collected by the county treasurer at the same time and in the same manner

1 as county taxes are collected and when collected shall be paid to the
2 treasurer of the district. A separate abatement project account shall be
3 established for each project by the school district. Taxes collected
4 pursuant to this section shall be credited to the appropriate account to
5 cover the project costs.

6 (3) For purposes of this section:

7 (a) Abatement includes, but is not limited to, any related
8 inspection and testing, any maintenance to reduce, lessen, put an end to,
9 diminish, moderate, decrease, control, dispose of, eliminate, or remove
10 the issue causing the need for abatement, any related restoration or
11 replacement of material or property, any related architectural and
12 engineering services, and any other action to reduce or eliminate the
13 issue causing the need for abatement in existing school buildings or on
14 the school grounds of existing school buildings under the board's
15 control;

16 (b) Accessibility barrier means anything which impedes entry into,
17 exit from, or use of any building or facility by all people; and

18 (c) Environmental hazard means any contamination of the air, water,
19 or land surface or subsurface caused by any substance adversely affecting
20 human health or safety if such substance has been declared hazardous by a
21 federal or state statute, rule, or regulation.

22 (4) For the purpose of paying amounts necessary for the abatement
23 project, the board may borrow money, establish a sinking fund, and issue
24 bonds and other evidences of indebtedness of the district, which bonds
25 and other evidences of indebtedness shall be secured by and payable from
26 an irrevocable pledge by the district of amounts received in respect of
27 the tax levy provided for by this section and any other funds of the
28 district available therefor. Bonds and other evidences of indebtedness
29 issued by a district pursuant to this subsection shall not constitute a
30 general obligation of the district or be payable from any portion of its
31 general fund levy. The total principal amount of bonds for abatement

1 projects pursuant to this section shall not exceed the total amount
2 specified in the itemized estimate described in subsection (1) of this
3 section.

4 (5) A district may exceed the maximum levy of three cents per one
5 hundred dollars of taxable valuation authorized by this section in any
6 year in which (a) the taxable valuation of the district is lower than the
7 taxable valuation in the year in which the district last issued bonds
8 pursuant to this section and (b) such maximum levy is insufficient to
9 meet the combined annual principal and interest obligations for all bonds
10 issued pursuant to this section and section 79-10,110. The amount
11 generated from a district's levy in excess of three cents per one hundred
12 dollars of taxable valuation shall not exceed the combined annual
13 principal and interest obligations for such bonds minus the amount
14 generated by levying three cents per one hundred dollars of taxable
15 valuation.

16 Sec. 2. Original section 79-10,110.02, Revised Statutes Cumulative
17 Supplement, 2022, is repealed.