

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 513

Introduced by Briese, 41.

Read first time January 22, 2019

Committee:

- 1 A BILL FOR AN ACT relating to bonds; to amend section 10-702, Reissue
- 2 Revised Statutes of Nebraska, and section 79-10,110.02, Revised
- 3 Statutes Cumulative Supplement, 2018; to change requirements for the
- 4 issuance of certain bonds; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 10-702, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 10-702 The question of issuing school district bonds may be
4 submitted at a special election or such question may be voted on at an
5 election held in conjunction with the statewide primary or statewide
6 general election. No bonds shall be issued until the question has been
7 submitted to the qualified electors of the district and the required
8 number of voters ~~a majority of all the qualified electors voting on the~~
9 ~~question~~ have voted in favor of issuing the same, at an election called
10 for the purpose, upon notice given by the officers of the district at
11 least twenty days prior to such election. Beginning on the effective date
12 of this act, if the property tax valuation of the school district in the
13 prior calendar year consists of seventy-five percent or more of
14 agricultural land and horticultural land as defined in section 77-1359,
15 then the question shall receive an affirmative vote in favor of issuing
16 the bonds by at least sixty percent of those voting on the question. In
17 all other school districts, the question shall receive an affirmative
18 vote in favor of issuing the bonds by at least fifty percent of those
19 voting on the question. If the election for issuing bonds is held as a
20 special election, the procedures provided in section 10-703.01 shall be
21 followed. The question of bond issues in such districts, when defeated,
22 shall not, except in case of fire or other disaster or in the case of a
23 newly created district, be resubmitted in substance for a period of six
24 months from and after the date of such election.

25 When the question of issuing bonds is to be submitted at a statewide
26 primary or statewide general election as ordered by a resolution of a
27 majority of the members of the board of education, such order shall be
28 made in writing and filed with the county clerk or election commissioner
29 not less than fifty days prior to the statewide primary or statewide
30 general election. The order calling for the school bond election shall be
31 filed with the county clerk or election commissioner in the county having

1 the greatest number of electors entitled to vote on the question. The
2 county clerk or election commissioner receiving such order shall conduct
3 the school bond election for the school district as provided in the
4 Election Act.

5 A special notice of the election shall be published by the board of
6 education in a newspaper or newspapers of general circulation within the
7 district stating the day of the election, the hours during which the
8 polls will be open, and any other information deemed necessary in
9 informing the public of the bond issue. The notice shall be made at least
10 twenty days prior to the election.

11 If the question of submitting bonds for the school district is voted
12 upon in one or more counties and the ballots have been certified across
13 county lines, the election boards in the counties where the ballots are
14 cast shall count the ballots on election day the same as all other
15 ballots are counted and seal the same in their ballots-cast container
16 along with other ballots.

17 The canvassing boards in each county shall canvass the returns in
18 the same manner as other returns are canvassed.

19 The county clerk or election commissioner in any adjoining county
20 voting on the bond issue shall certify the returns to the county clerk or
21 election commissioner of the county having the greatest number of
22 electors entitled to vote on the question of issuing bonds.

23 The county clerk or election commissioner in such county shall enter
24 the total returns from any adjoining county or counties to the total
25 votes recorded in his or her official book of votes cast and shall
26 certify the returns to the board of education for which such bond
27 election was held.

28 Sec. 2. Section 79-10,110.02, Revised Statutes Cumulative
29 Supplement, 2018, is amended to read:

30 79-10,110.02 (1) On and after April 19, 2016, the school board of
31 any school district may make a determination that an additional property

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

25 (2) The county clerk shall levy such taxes and such taxes shall be
26 collected by the county treasurer at the same time and in the same manner
27 as county taxes are collected and when collected shall be paid to the
28 treasurer of the district. A separate abatement project account shall be
29 established for each project by the school district. Taxes collected
30 pursuant to this section shall be credited to the appropriate account to
31 cover the project costs.

1 (3) For purposes of this section:

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

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

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

17 (4)(a) (4) For the purpose of paying amounts necessary for the
18 abatement project, the board may borrow money, establish a sinking fund,
19 and, subject to subdivision (b) of this subsection, issue bonds and other
20 evidences of indebtedness of the district, which bonds and other
21 evidences of indebtedness shall be secured by and payable from an
22 irrevocable pledge by the district of amounts received in respect of the
23 tax levy provided for by this section and any other funds of the district
24 available therefor. Bonds and other evidences of indebtedness issued by a
25 district pursuant to this subsection shall not constitute a general
26 obligation of the district or be payable from any portion of its general
27 fund levy. The total principal amount of bonds for abatement projects
28 pursuant to this section shall not exceed the total amount specified in
29 the itemized estimate described in subsection (1) of this section.

30 (b) Beginning on the effective date of this act, bonds shall not be
31 issued under this section until the question has been submitted to the

1 qualified electors of the school district and the required number of
2 voters have voted in favor of issuing the bonds, at an election called
3 for the purpose, upon notice given by the officers of the district at
4 least twenty days prior to such election. If the property tax valuation
5 of the school district in the prior calendar year consists of seventy-
6 five percent or more of agricultural land and horticultural land as
7 defined in section 77-1359, then the question shall receive an
8 affirmative vote in favor of issuing the bonds by at least sixty percent
9 of those voting on the question. In all other school districts, the
10 question shall receive an affirmative vote in favor of issuing the bonds
11 by at least fifty percent of those voting on the question.

12 (c) When the question of issuing bonds is to be submitted at a
13 statewide primary or statewide general election as ordered by a
14 resolution of a majority of the members of the school board, such order
15 shall be made in writing and filed with the election commissioner or
16 county clerk not less than fifty days prior to the statewide primary or
17 statewide general election. The order calling for the school bond
18 election shall be filed with the election commissioner or county clerk in
19 the county having the greatest number of electors entitled to vote on the
20 question. The election commissioner or county clerk receiving such order
21 shall conduct the school bond election for the school district as
22 provided in the Election Act.

23 (d) A special notice of the election shall be published by the
24 school board in a newspaper or newspapers of general circulation within
25 the district stating the day of the election, the hours during which the
26 polls will be open, and any other information deemed necessary in
27 informing the public of the bond issue. The notice shall be made at least
28 twenty days prior to the election.

29 (e) If the question of issuing bonds for the school district is
30 voted upon in one or more counties and the ballots have been certified
31 across county lines, the election boards in the counties where the

1 ballots are cast shall count the ballots on election day the same as all
2 other ballots are counted and seal the same in their ballots-cast
3 container along with other ballots. The canvassing boards in each county
4 shall canvass the returns in the same manner as other returns are
5 canvassed.

6 (f) The election commissioner or county clerk in any adjoining
7 county voting on the bond issue shall certify the returns to the election
8 commissioner or county clerk of the county having the greatest number of
9 electors entitled to vote on the question of issuing bonds. The election
10 commissioner or county clerk in such county shall enter the total returns
11 from any adjoining county or counties to the total votes recorded in his
12 or her official book of votes cast and shall certify the returns to the
13 school board for which such bond election was held.

14 (5) A district may exceed the maximum levy of three cents per one
15 hundred dollars of taxable valuation authorized by this section in any
16 year in which (a) the taxable valuation of the district is lower than the
17 taxable valuation in the year in which the district last issued bonds
18 pursuant to this section and (b) such maximum levy is insufficient to
19 meet the combined annual principal and interest obligations for all bonds
20 issued pursuant to this section and section 79-10,110. The amount
21 generated from a district's levy in excess of three cents per one hundred
22 dollars of taxable valuation shall not exceed the combined annual
23 principal and interest obligations for such bonds minus the amount
24 generated by levying three cents per one hundred dollars of taxable
25 valuation.

26 Sec. 3. Original section 10-702, Reissue Revised Statutes of
27 Nebraska, and section 79-10,110.02, Revised Statutes Cumulative
28 Supplement, 2018, are repealed.