

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 778

Introduced by Groene, 42.

Read first time January 03, 2018

Committee:

1 A BILL FOR AN ACT relating to funding for school buildings and
2 teacherages; to amend sections 79-1082, 79-1098, 79-10,100, and
3 79-10,101, Reissue Revised Statutes of Nebraska, and sections
4 79-10,120 and 79-10,126, Revised Statutes Cumulative Supplement,
5 2016; to change voting procedures and requirements to levy certain
6 taxes related to school buildings; to limit the use of certain
7 taxes; to allow certain tax proceeds to be combined; to eliminate
8 the authority to levy certain taxes related to school buildings and
9 teacherages; to provide for a transition; to harmonize provisions;
10 and to repeal the original sections.

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

1 Section 1. Section 79-1082, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-1082 The aggregate school tax for a Class V school district,
4 including any ~~the~~ levy for the site and building fund as authorized by
5 sections 79-1098 to 79-10,101 and 79-10,120 ~~section 79-10,126~~, shall be
6 subject to the limits provided in section 77-3442.

7 Sec. 2. Section 79-1098, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-1098 Except as otherwise provided in sections 10-107 to
10 10-716.01 for the issuance of bonds, whenever ~~whenever~~ it is deemed
11 necessary (1) to erect a schoolhouse or school building or an addition or
12 additions and improvements to any existing schoolhouse or (2) to purchase
13 equipment for such schoolhouse or school buildings, in any school
14 district in this state, except a Class I district, ~~the school board may~~
15 ~~and, upon petition of not less than one-fourth of the legal voters of the~~
16 ~~school district, shall~~ submit to the people of the school district at the
17 next general election, or at a special election held for such purpose, ~~a~~
18 proposition to vote on a special annual tax for that purpose ~~of not to~~
19 exceed seventeen and five-tenths cents on each one hundred dollars of
20 ~~upon the taxable value to be levied on~~ of all the taxable property in
21 such district for a term of not to exceed ten years. ~~Such special tax may~~
22 ~~be voted at any annual or special meeting of the district by fifty-five~~
23 ~~percent of the legal voters attending such meeting.~~

24 Sec. 3. Section 79-10,100, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-10,100 The school board ~~or board of education,~~ upon being
27 satisfied that all the requirements of section ~~sections~~ 79-1098 and
28 ~~79-1099~~ have been substantially complied with and that a majority ~~fifty-~~
29 ~~five percent~~ of all votes cast at the election under such sections are in
30 favor of such tax, shall enter such proposition and all the proceedings
31 had thereon upon the records of the school district and shall certify the

1 special tax levy to the county clerk in the same manner as other tax
2 levies.

3 Sec. 4. Section 79-10,101, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-10,101 The sum levied and collected under section 79-10,100 shall
6 (1) constitute a special fund for the purposes for which it was voted,
7 (2) not be used for any other purpose ~~unless otherwise authorized by a~~
8 ~~fifty-five percent majority vote of the legal voters of the school~~
9 ~~district cast at the election under sections 79-1098 and 79-1099,~~ (3) be
10 paid over to the county treasurer of the county in which the
11 administrative office of such school district is located, (4) except as
12 provided in subsection (5) of section 79-10,120, be kept by the county
13 treasurer and treasurer of the school district separate and apart from
14 other district funds, and (5) be subject to withdrawal as provided in
15 section 79-587 or, for Class V school districts, section 79-584. Any
16 ~~portion of such sum so levied and collected, the expenditure of which is~~
17 ~~not required to effectuate the purposes for which such sum was voted, may~~
18 ~~be transferred by the school board, at any regular or special meeting by~~
19 ~~the vote of a majority of the members attending, to the general fund of~~
20 ~~the district.~~ All funds received by the district treasurer for such
21 purpose shall be immediately invested by such treasurer in United States
22 Government bonds or in such securities in which the state investment
23 officer may invest the permanent school funds during the accumulation of
24 such sinking fund.

25 Sec. 5. Section 79-10,120, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 79-10,120 (1) Prior to the effective date of this act, the The
28 school board or board of education of a Class II, III, IV, V, or VI
29 school district may establish a special fund for purposes of acquiring
30 sites for school buildings or teacherages, purchasing existing buildings
31 for use as school buildings or teacherages, including the sites upon

1 which such buildings are located, and the erection, alteration,
2 equipping, and furnishing of school buildings or teacherages and
3 additions to school buildings for elementary and high school grades and
4 for no other purpose. The fund shall be established from the proceeds of
5 an annual levy, to be determined by the board, of not to exceed fourteen
6 cents on each one hundred dollars upon the taxable value of all taxable
7 property in the district which shall be in addition to any other taxes
8 authorized to be levied for school purposes. Such tax shall be levied and
9 collected as are other taxes for school purposes.

10 (2) On and after the effective date of this act, the school board or
11 board of education of any school district may establish a special fund
12 pursuant to this section only for purposes of repairs and alterations of
13 school buildings or teacherages that do not add space to such school
14 building or teacherage and for purposes of equipping and furnishing
15 school buildings or teacherages. The fund shall be established from the
16 proceeds of an annual levy, to be determined by the board, not to exceed
17 fourteen cents on each one hundred dollars upon the taxable value of all
18 taxable property in the district which shall be in addition to any other
19 taxes authorized to be levied for school purposes. Such tax shall be
20 levied and collected in the same manner as other taxes for school
21 purposes.

22 (3) The school board or board of education of a Class II, III, IV,
23 V, or VI school district may continue an annual levy established pursuant
24 to subsection (1) of this section through school fiscal year 2020-21 for
25 projects commenced prior to the effective date of this act. Any annual
26 levy continued pursuant to this subsection shall not exceed the rate
27 levied for such projects for school fiscal year 2017-18. The proceeds of
28 any such annual levy shall only be used for the project for which the tax
29 was levied. For purposes of this section, commenced means any action
30 taken by the school board on the record which commits the board to expend
31 district funds in planning, constructing, or carrying out the project.

1 Levies authorized pursuant to this subsection shall not exceed the
2 limitation contained in subsection (2) of this section when combined with
3 levies authorized pursuant to such subsection.

4 (4) On or before October 1, 2018, the school board or board of
5 education of any Class II, III, IV, V, or VI school district that levied
6 a tax pursuant to this section for school fiscal year 2017-18 shall file
7 with the Auditor of Public Accounts a statement describing any projects
8 for which an annual levy may be continued pursuant to subsection (3) of
9 this section and the rate levied for school fiscal year 2017-18
10 attributable to each such project.

11 (5) The proceeds of any annual levy pursuant this section shall be
12 kept separate and apart from other school district funds, except that the
13 proceeds of an annual levy pursuant to subsections (1) or (3) of this
14 section may be combined with amounts levied and collected under sections
15 79-1098 to 79-10,101 for the same project.

16 Sec. 6. Section 79-10,126, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 79-10,126 For school fiscal year 2017-18 and each school fiscal year
19 thereafter, each Class V school district shall establish (1) for the
20 general operation of the schools, such fund as will result from an annual
21 levy of such rate of tax upon the taxable value of all the taxable
22 property in such school district as the board of education determines to
23 be necessary for such purpose, (2) funds a fund resulting from an annual
24 levies amount of tax to be determined by the board of education pursuant
25 to sections 79-1098 to 79-10,101 and 79-10,120 of not to exceed fourteen
26 cents on each one hundred dollars upon the taxable value of all the
27 taxable property in the district for the purpose of acquiring sites of
28 school buildings and the erection, alteration, equipping, and furnishing
29 of school buildings and additions to school buildings, which tax levy
30 shall be used for no other purposes, and (3) a further fund resulting
31 from an annual amount of tax to be determined by the board of education

1 to pay interest on and retiring, funding, or servicing of bonded
2 indebtedness of the district.

3 Sec. 7. Original sections 79-1082, 79-1098, 79-10,100, and
4 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120
5 and 79-10,126, Revised Statutes Cumulative Supplement, 2016, are
6 repealed.