

AMENDMENTS TO LB 633

Introduced by Education

1           1. Strike original section 1 and insert the following new  
2 section:

3           Section 1. Section 79-10,110, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5           79-10,110 (1) After making a determination that an  
6 actual or potential environmental hazard or accessibility barrier  
7 exists, that a life safety code violation exists, or that  
8 expenditures are needed for indoor air quality or mold abatement  
9 and prevention within the school buildings or grounds under its  
10 control, a school board may make and deliver to the county clerk  
11 of such county in which any part of the school district is  
12 situated, not later than the date provided in section 13-508,  
13 an itemized estimate of the amounts necessary to be expended  
14 for the abatement of such environmental hazard, for accessibility  
15 barrier elimination, or for modifications for life safety code  
16 violations, indoor air quality, or mold abatement and prevention  
17 in such school buildings or grounds. The board shall designate the  
18 particular environmental hazard abatement project, accessibility  
19 barrier elimination project, or modification for life safety code  
20 violations, indoor air quality, or mold abatement and prevention  
21 for which the tax levy provided for by this section will be  
22 expended, the period of years, which shall not exceed ten years,  
23 for which the tax will be levied for such project, and the

1 estimated amount of the levy for each year of the period based on  
2 the taxable valuation of the district at the time of issuance.

3 (2) After a public hearing, a school board may undertake  
4 any qualified capital purpose in any qualified zone academy under  
5 its control and may levy a tax as provided in this section to repay  
6 a qualified zone academy bond issued for such undertaking. The  
7 board shall designate: (a) The particular qualified capital purpose  
8 for which the qualified zone academy bond was issued and for which  
9 the tax levy provided for by this section will be expended; (b)  
10 the period of years for which the tax will be levied to repay such  
11 qualified zone academy bond, not exceeding the ~~maximum~~ maturity  
12 term for such qualified zone academy bond established pursuant  
13 to federal law or, for any such bond issued prior to May 20,  
14 2009, fifteen years; and (c) the estimated amount of the levy for  
15 each year of the period based on the taxable valuation of the  
16 district at the time of issuance. The hearing required by this  
17 subsection shall be held only after notice of such hearing has been  
18 published for three consecutive weeks prior to the hearing in a  
19 legal newspaper published or of general circulation in the school  
20 district.

21 (3) After a public hearing, a school board may undertake  
22 ~~construction of a new public school facility or the acquisition~~  
23 ~~of land on which such a facility is to be constructed or any~~  
24 ~~expansion, rehabilitation, modernization, renovation, or repair of~~  
25 ~~any existing school facilities under its control~~ any American  
26 Recovery and Reinvestment Act of 2009 purpose and may levy a  
27 tax to repay any American Recovery and Reinvestment Act of 2009

1 bond issued for such undertaking. The board shall designate:  
2 (a) The ~~particular project or projects~~ American Recovery and  
3 Reinvestment Act of 2009 purpose for which the American Recovery  
4 and Reinvestment Act of 2009 bond will be issued and for which  
5 the tax levy provided by this section will be expended; (b) the  
6 period of years for which the tax will be levied to repay such  
7 American Recovery and Reinvestment Act of 2009 bond, not exceeding  
8 the ~~maximum~~ maturity term for the type of American Recovery and  
9 Reinvestment Act of 2009 bond established pursuant to federal law  
10 ~~for the type of bond as permitted by the federal American Recovery~~  
11 ~~and Reinvestment Act of 2009~~ or, if no such term is established,  
12 thirty years; and (c) the estimated amount of the levy for each  
13 year of such period based on the taxable valuation of the district  
14 at the time of issuance. Prior to the public hearing, the school  
15 board shall prepare an itemized estimate of the amounts necessary  
16 to be expended for the ~~project or projects~~. American Recovery and  
17 Reinvestment Act of 2009 purpose. The hearing required by this  
18 subsection shall be held only after notice of such hearing has been  
19 published for three consecutive weeks prior to the hearing in a  
20 legal newspaper published or of general circulation in the school  
21 district. ~~The bond to be issued under this subsection may consist~~  
22 ~~of any type or form of bond permitted by the federal American~~  
23 ~~Recovery and Reinvestment Act of 2009 except qualified zone academy~~  
24 ~~bonds, the use of which is authorized pursuant to subsection (2) of~~  
25 ~~this section.~~  
26 (4) The board may designate more than one project  
27 under subsection (1) of this section, more than one qualified

1 capital purpose under subsection (2) of this section, or more  
2 than one American Recovery and Reinvestment Act of 2009 purpose  
3 under subsection (3) of this section and levy a tax pursuant to  
4 this section for each such project, qualified capital purpose,  
5 or American Recovery and Reinvestment Act of 2009 purpose,  
6 concurrently or consecutively, as the case may be, if the aggregate  
7 levy in each year and the duration of each such levy will not  
8 exceed the limitations specified in this section. Each levy for  
9 a project, a qualified capital purpose, or an American Recovery  
10 and Reinvestment Act of 2009 purpose which is authorized by this  
11 section may be imposed for such duration as the board specifies,  
12 notwithstanding the contemporaneous existence or subsequent  
13 imposition of any other levy for another project, qualified capital  
14 purpose, or American Recovery and Reinvestment Act of 2009 purpose  
15 imposed pursuant to this section and notwithstanding the subsequent  
16 issuance by the district of bonded indebtedness payable from its  
17 general fund levy.

18 (5) The county clerk shall levy such taxes, not to  
19 exceed five and one-fifth cents per one hundred dollars of taxable  
20 valuation for Class II, III, IV, V, and VI districts, and not to  
21 exceed the limits set for Class I districts in section 79-10,124,  
22 on the taxable property of the district necessary to (a) cover the  
23 environmental hazard abatement or accessibility barrier elimination  
24 project costs or costs for modification for life safety code  
25 violations, indoor air quality, or mold abatement and prevention  
26 itemized by the board pursuant to subsection (1) of this section  
27 and (b) repay any qualified zone academy bonds or American Recovery

1 and Reinvestment Act of 2009 bonds pursuant to subsection (2) or  
2 (3) of this section. Such taxes shall be collected by the county  
3 treasurer at the same time and in the same manner as county taxes  
4 are collected and when collected shall be paid to the treasurer of  
5 the district and used to cover the project costs.

6 (6) If such board operates grades nine through twelve  
7 as part of an affiliated school system, it shall designate the  
8 fraction of the project or undertaking to be conducted for the  
9 benefit of grades nine through twelve. Such fraction shall be  
10 raised by a levy placed upon all of the taxable value of all  
11 taxable property in the affiliated school system pursuant to  
12 subsection (2) of section 79-1075. The balance of the project or  
13 undertaking to be conducted for the benefit of grades kindergarten  
14 through eight shall be raised by a levy placed upon all of the  
15 taxable value of all taxable property in the district which is  
16 governed by such board. The combined rate for both levies in the  
17 high school district, to be determined by such board, shall not  
18 exceed five and one-fifth cents on each one hundred dollars of  
19 taxable value.

20 (7) Each board which submits an itemized estimate shall  
21 establish an environmental hazard abatement and accessibility  
22 barrier elimination project account, a life safety code  
23 modification project account, an indoor air quality project  
24 account, or a mold abatement and prevention project account,  
25 each board which undertakes a qualified capital purpose shall  
26 establish a qualified capital purpose undertaking account, within  
27 the qualified capital purpose undertaking fund, and each board

1 which undertakes an American Recovery and Reinvestment Act of 2009  
2 purpose shall establish an American Recovery and Reinvestment Act  
3 of 2009 purpose undertaking account. Taxes collected pursuant to  
4 this section shall be credited to the appropriate account to cover  
5 the project or undertaking costs. Such estimates may be presented  
6 to the county clerk and taxes levied accordingly.

7 (8) For purposes of this section:

8 (a) Abatement includes, but is not limited to, any  
9 inspection and testing regarding environmental hazards, any  
10 maintenance to reduce, lessen, put an end to, diminish, moderate,  
11 decrease, control, dispose of, or eliminate environmental hazards,  
12 any removal or encapsulation of environmentally hazardous material  
13 or property, any restoration or replacement of material or  
14 property, any related architectural and engineering services, and  
15 any other action to reduce or eliminate environmental hazards in  
16 the school buildings or on the school grounds under the board's  
17 control, except that abatement does not include the encapsulation  
18 of any material containing more than one percent friable asbestos;

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

22 (c) Accessibility barrier elimination includes, but is  
23 not limited to, inspection for and removal of accessibility  
24 barriers, maintenance to reduce, lessen, put an end to, diminish,  
25 control, dispose of, or eliminate accessibility barriers, related  
26 restoration or replacement of facilities or property, any related  
27 architectural and engineering services, and any other action to

1 eliminate accessibility barriers in the school buildings or grounds  
2 under the board's control;

3 (d) American Recovery and Reinvestment Act of 2009 bond  
4 means any type or form of bond permitted by the federal American  
5 Recovery and Reinvestment Act of 2009, as such act or bond may be  
6 amended and supplemented, including the federal Hiring Incentives  
7 to Restore Employment Act, as amended and supplemented, for use by  
8 schools, except qualified zone academy bonds;

9 (e) American Recovery and Reinvestment Act of 2009  
10 purpose means any construction of a new public school facility  
11 or the acquisition of land on which such a facility is to  
12 be constructed or any expansion, rehabilitation, modernization,  
13 renovation, or repair of any existing school facilities financed in  
14 whole or in part with an American Recovery and Reinvestment Act of  
15 2009 bond;

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

21 (g) Modification for indoor air quality includes, but  
22 is not limited to, any inspection and testing regarding indoor  
23 air quality, any maintenance to reduce, lessen, put an end to,  
24 diminish, moderate, decrease, control, dispose of, or eliminate  
25 indoor air quality problems, any restoration or replacement of  
26 material or related architectural and engineering services, and any  
27 other action to reduce or eliminate indoor air quality problems

1 or to enhance air quality conditions in new or existing school  
2 buildings or on school grounds under the control of a school board;

3 (h) Modification for life safety code violation includes,  
4 but is not limited to, any inspection and testing regarding life  
5 safety codes, any maintenance to reduce, lessen, put an end to,  
6 diminish, moderate, decrease, control, dispose of, or eliminate  
7 life safety hazards, any restoration or replacement of material or  
8 property, any related architectural and engineering services, and  
9 any other action to reduce or eliminate life safety hazards in new  
10 or existing school buildings or on school grounds under the control  
11 of a school board;

12 (i) Modification for mold abatement and prevention  
13 includes, but is not limited to, any inspection and testing  
14 regarding mold abatement and prevention, any maintenance to  
15 reduce, lessen, put an end to, diminish, moderate, decrease,  
16 control, dispose of, or eliminate mold problems, any restoration or  
17 replacement of material or related architectural and engineering  
18 services, and any other action to reduce or eliminate mold problems  
19 or to enhance air quality conditions in new or existing school  
20 buildings or on school grounds under the control of a school board;

21 (j) Qualified capital purpose means (i) rehabilitating or  
22 repairing the public school facility in which the qualified zone  
23 academy is established or (ii) providing equipment for use at such  
24 qualified zone academy;

25 (k) Qualified zone academy has the meaning found in (i)  
26 26 U.S.C. 1397E(d)(4), as such section existed on October 3, 2008,  
27 for qualified zone academy bonds issued on or before such date,

1 and (ii) 26 U.S.C. 54E(d)(1), as such section existed on October  
2 4, 2008, for qualified zone academy bonds issued on or after such  
3 date;

4 (l) Qualified zone academy allocation means the  
5 allocation of the qualified zone academy bond limitation by the  
6 State Department of Education to the qualified zone academies  
7 pursuant to (i) 26 U.S.C. 1397E(e)(2), as such section existed on  
8 October 3, 2008, for allocations relating to qualified zone academy  
9 bonds issued on or before such date, and (ii) 26 U.S.C. 54E(c)(2),  
10 as such section existed on October 4, 2008, for allocations  
11 relating to qualified zone academy bonds issued on or after such  
12 date; and

13 (m) Qualified zone academy bond has the meaning found in  
14 (i) 26 U.S.C. 1397E(d)(1), as such section existed on October 3,  
15 2008, for such bonds issued on or before such date, and (ii) 26  
16 U.S.C. 54E(a), as such section existed on and after October 4,  
17 2008, for such bonds issued on or after such date, as such section  
18 or bonds may be amended or supplemented.

19 (9) Accessibility barrier elimination project costs  
20 includes, but is not limited to, inspection, maintenance,  
21 accounting, emergency services, consultation, or any other action  
22 to reduce or eliminate accessibility barriers.

23 (10) For the purpose of paying amounts necessary for  
24 the abatement of environmental hazards, accessibility barrier  
25 elimination, ~~or~~ modifications for life safety code violations,  
26 indoor air quality, or mold abatement and prevention, a qualified  
27 capital purpose, or ~~for~~ an American Recovery and Reinvestment Act

1 of 2009 purpose, the board may borrow money, establish a sinking  
2 fund, and issue bonds and other evidences of indebtedness of the  
3 district, which bonds and other evidences of indebtedness shall  
4 be secured by and payable from an irrevocable pledge by the  
5 district of amounts received in respect of the tax levy provided  
6 for by this section and any other funds of the district available  
7 therefor. Bonds issued for a qualified capital purpose or an  
8 American Recovery and Reinvestment Act of 2009 purpose shall be  
9 limited to the type or types of bonds authorized for each purpose  
10 in subsections (2) and (3) of this section, respectively. Bonds  
11 and other evidences of indebtedness issued by a district pursuant  
12 to this subsection shall not constitute a general obligation of  
13 the district or be payable from any portion of its general fund  
14 levy. A district may exceed the maximum levy of five and one-fifth  
15 cents per one hundred dollars of taxable valuation authorized by  
16 subsections (5) and (6) of this section in any year in which (a)  
17 the taxable valuation of the district is lower than the taxable  
18 valuation in the year in which the district last issued bonds  
19 pursuant to this section and (b) such maximum levy is insufficient  
20 to meet the combined annual principal and interest obligations for  
21 all bonds issued pursuant to this section. The amount generated  
22 from a district's levy in excess of the maximum levy upon the  
23 taxable valuation of the district shall not exceed the combined  
24 annual principal and interest obligations for such bonds minus  
25 the amount generated by levying the maximum levy upon the taxable  
26 valuation of the district and minus any federal payments or  
27 subsidies associated with such bonds.

1           (11) The total principal amount of bonds for  
2 modifications to correct life safety code violations, for indoor  
3 air quality problems, for mold abatement and prevention, or for an  
4 American Recovery and Reinvestment Act of 2009 purpose which may be  
5 issued pursuant to this section shall not exceed the total amount  
6 specified in the itemized estimate described in subsections (1) and  
7 (3) of this section.

8           (12) The total principal amount of qualified zone academy  
9 bonds which may be issued pursuant to this section for qualified  
10 capital purposes with respect to a qualified zone academy shall  
11 not exceed the qualified zone academy allocation granted to the  
12 board by the department. The total amount that may be financed by  
13 qualified zone academy bonds pursuant to this section for qualified  
14 purposes with respect to a qualified zone academy shall not exceed  
15 seven and one-half million dollars statewide in a single year.  
16 In any year that the Nebraska qualified zone academy allocations  
17 exceed seven and one-half million dollars for qualified capital  
18 purposes to be financed with qualified zone academy bonds issued  
19 pursuant to this section, (a) the department shall reduce such  
20 allocations proportionally such that the statewide total for such  
21 allocations equals seven and one-half million dollars and (b) the  
22 difference between the Nebraska allocation and seven and one-half  
23 million dollars shall be available to qualified zone academies for  
24 requests that will be financed with qualified zone academy bonds  
25 issued without the benefit of this section.

26           Nothing in this section directs the State Department of  
27 Education to give any preference to allocation requests that will

1 be financed with qualified zone academy bonds issued pursuant to  
2 this section.

3 (13) The State Department of Education shall establish  
4 procedures for allocating bond authority to school boards as may be  
5 necessary pursuant to an American Recovery and Reinvestment Act of  
6 2009 bond.