

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 27

Introduced by Kolterman, 24.

Read first time January 10, 2019

Committee: Education

1 A BILL FOR AN ACT relating to community colleges; to amend sections
2 77-3442, 85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue
3 Revised Statutes of Nebraska; to change provisions relating to tax
4 levies as prescribed; to harmonize provisions; to repeal the
5 original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3442, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-3442 (1) Property tax levies for the support of local governments
4 for fiscal years beginning on or after July 1, 1998, shall be limited to
5 the amounts set forth in this section except as provided in section
6 77-3444.

7 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this
8 section, school districts and multiple-district school systems may levy a
9 maximum levy of one dollar and five cents per one hundred dollars of
10 taxable valuation of property subject to the levy.

11 (b) For each fiscal year prior to fiscal year 2017-18, learning
12 communities may levy a maximum levy for the general fund budgets of
13 member school districts of ninety-five cents per one hundred dollars of
14 taxable valuation of property subject to the levy. The proceeds from the
15 levy pursuant to this subdivision shall be distributed pursuant to
16 section 79-1073.

17 (c) Except as provided in subdivision (2)(e) of this section, for
18 each fiscal year prior to fiscal year 2017-18, school districts that are
19 members of learning communities may levy for purposes of such districts'
20 general fund budget and special building funds a maximum combined levy of
21 the difference of one dollar and five cents on each one hundred dollars
22 of taxable property subject to the levy minus the learning community levy
23 pursuant to subdivision (2)(b) of this section for such learning
24 community.

25 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)
26 of this section are (i) amounts levied to pay for current and future sums
27 agreed to be paid by a school district to certificated employees in
28 exchange for a voluntary termination of employment occurring prior to
29 September 1, 2017, (ii) amounts levied by a school district otherwise at
30 the maximum levy pursuant to subdivision (2)(a) of this section to pay
31 for current and future qualified voluntary termination incentives for

1 certificated teachers pursuant to subsection (3) of section 79-8,142 that
2 are not otherwise included in an exclusion pursuant to subdivision (2)(d)
3 of this section, (iii) amounts levied by a school district otherwise at
4 the maximum levy pursuant to subdivision (2)(a) of this section to pay
5 for seventy-five percent of the current and future sums agreed to be paid
6 to certificated employees in exchange for a voluntary termination of
7 employment occurring between September 1, 2017, and August 31, 2018, as a
8 result of a collective-bargaining agreement in force and effect on
9 September 1, 2017, that are not otherwise included in an exclusion
10 pursuant to subdivision (2)(d) of this section, (iv) amounts levied by a
11 school district otherwise at the maximum levy pursuant to subdivision (2)
12 (a) of this section to pay for fifty percent of the current and future
13 sums agreed to be paid to certificated employees in exchange for a
14 voluntary termination of employment occurring between September 1, 2018,
15 and August 31, 2019, as a result of a collective-bargaining agreement in
16 force and effect on September 1, 2017, that are not otherwise included in
17 an exclusion pursuant to subdivision (2)(d) of this section, (v) amounts
18 levied by a school district otherwise at the maximum levy pursuant to
19 subdivision (2)(a) of this section to pay for twenty-five percent of the
20 current and future sums agreed to be paid to certificated employees in
21 exchange for a voluntary termination of employment occurring between
22 September 1, 2019, and August 31, 2020, as a result of a collective-
23 bargaining agreement in force and effect on September 1, 2017, that are
24 not otherwise included in an exclusion pursuant to subdivision (2)(d) of
25 this section, (vi) amounts levied in compliance with sections 79-10,110
26 and 79-10,110.02, and (vii) amounts levied to pay for special building
27 funds and sinking funds established for projects commenced prior to April
28 1, 1996, for construction, expansion, or alteration of school district
29 buildings. For purposes of this subsection, 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 (e) Federal aid school districts may exceed the maximum levy
2 prescribed by subdivision (2)(a) or (2)(c) of this section only to the
3 extent necessary to qualify to receive federal aid pursuant to 20 U.S.C.
4 7701 et seq. Title VIII of Public Law 103-382, as such sections title
5 existed on January 1, 2019 ~~September 1, 2001~~. For purposes of this
6 subdivision, federal aid school district means any school district which
7 receives ten percent or more of the revenue for its general fund budget
8 from federal government sources pursuant to 20 U.S.C. 7701 et seq. Title
9 ~~VIII of Public Law 103-382~~, as such sections title existed on January 1,
10 2019 ~~September 1, 2001~~.

11 (f) For each fiscal year, learning communities may levy a maximum
12 levy of one-half cent on each one hundred dollars of taxable property
13 subject to the levy for elementary learning center facility leases, for
14 remodeling of leased elementary learning center facilities, and for up to
15 fifty percent of the estimated cost for focus school or program capital
16 projects approved by the learning community coordinating council pursuant
17 to section 79-2111.

18 (g) For each fiscal year, learning communities may levy a maximum
19 levy of one and one-half cents on each one hundred dollars of taxable
20 property subject to the levy for early childhood education programs for
21 children in poverty, for elementary learning center employees, for
22 contracts with other entities or individuals who are not employees of the
23 learning community for elementary learning center programs and services,
24 and for pilot projects, except that no more than ten percent of such levy
25 may be used for elementary learning center employees.

26 (3) For each fiscal year, community college areas may levy as the
27 ~~levies provided in subdivisions (2)(a) through (c) of section 85-1517, in~~
28 ~~accordance with the provisions of such subdivisions.~~ A community college
29 area may exceed the amounts authorized levy provided in subdivision (2)
30 ~~(b) of section 85-1517~~ by the amount necessary to retire general
31 obligation bonds assumed by the community college area or issued pursuant

1 to section 85-1515 according to the terms of such bonds or for any
2 obligation pursuant to section 85-1535 entered into prior to January 1,
3 1997.

4 (4)(a) Natural resources districts may levy a maximum levy of four
5 and one-half cents per one hundred dollars of taxable valuation of
6 property subject to the levy.

7 (b) Natural resources districts shall also have the power and
8 authority to levy a tax equal to the dollar amount by which their
9 restricted funds budgeted to administer and implement ground water
10 management activities and integrated management activities under the
11 Nebraska Ground Water Management and Protection Act exceed their
12 restricted funds budgeted to administer and implement ground water
13 management activities and integrated management activities for FY2003-04,
14 not to exceed one cent on each one hundred dollars of taxable valuation
15 annually on all of the taxable property within the district.

16 (c) In addition, natural resources districts located in a river
17 basin, subbasin, or reach that has been determined to be fully
18 appropriated pursuant to section 46-714 or designated as overappropriated
19 pursuant to section 46-713 by the Department of Natural Resources shall
20 also have the power and authority to levy a tax equal to the dollar
21 amount by which their restricted funds budgeted to administer and
22 implement ground water management activities and integrated management
23 activities under the Nebraska Ground Water Management and Protection Act
24 exceed their restricted funds budgeted to administer and implement ground
25 water management activities and integrated management activities for
26 FY2005-06, not to exceed three cents on each one hundred dollars of
27 taxable valuation on all of the taxable property within the district for
28 fiscal year 2006-07 and each fiscal year thereafter through fiscal year
29 2017-18.

30 (5) Any educational service unit authorized to levy a property tax
31 pursuant to section 79-1225 may levy a maximum levy of one and one-half

1 cents per one hundred dollars of taxable valuation of property subject to
2 the levy.

3 (6)(a) Incorporated cities and villages which are not within the
4 boundaries of a municipal county may levy a maximum levy of forty-five
5 cents per one hundred dollars of taxable valuation of property subject to
6 the levy plus an additional five cents per one hundred dollars of taxable
7 valuation to provide financing for the municipality's share of revenue
8 required under an agreement or agreements executed pursuant to the
9 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum
10 levy shall include amounts levied to pay for sums to support a library
11 pursuant to section 51-201, museum pursuant to section 51-501, visiting
12 community nurse, home health nurse, or home health agency pursuant to
13 section 71-1637, or statue, memorial, or monument pursuant to section
14 80-202.

15 (b) Incorporated cities and villages which are within the boundaries
16 of a municipal county may levy a maximum levy of ninety cents per one
17 hundred dollars of taxable valuation of property subject to the levy. The
18 maximum levy shall include amounts paid to a municipal county for county
19 services, amounts levied to pay for sums to support a library pursuant to
20 section 51-201, a museum pursuant to section 51-501, a visiting community
21 nurse, home health nurse, or home health agency pursuant to section
22 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

23 (7) Sanitary and improvement districts which have been in existence
24 for more than five years may levy a maximum levy of forty cents per one
25 hundred dollars of taxable valuation of property subject to the levy, and
26 sanitary and improvement districts which have been in existence for five
27 years or less shall not have a maximum levy. Unconsolidated sanitary and
28 improvement districts which have been in existence for more than five
29 years and are located in a municipal county may levy a maximum of eighty-
30 five cents per hundred dollars of taxable valuation of property subject
31 to the levy.

1 (8) Counties may levy or authorize a maximum levy of fifty cents per
2 one hundred dollars of taxable valuation of property subject to the levy,
3 except that five cents per one hundred dollars of taxable valuation of
4 property subject to the levy may only be levied to provide financing for
5 the county's share of revenue required under an agreement or agreements
6 executed pursuant to the Interlocal Cooperation Act or the Joint Public
7 Agency Act. The maximum levy shall include amounts levied to pay for sums
8 to support a library pursuant to section 51-201 or museum pursuant to
9 section 51-501. The county may allocate up to fifteen cents of its
10 authority to other political subdivisions subject to allocation of
11 property tax authority under subsection (1) of section 77-3443 and not
12 specifically covered in this section to levy taxes as authorized by law
13 which do not collectively exceed fifteen cents per one hundred dollars of
14 taxable valuation on any parcel or item of taxable property. The county
15 may allocate to one or more other political subdivisions subject to
16 allocation of property tax authority by the county under subsection (1)
17 of section 77-3443 some or all of the county's five cents per one hundred
18 dollars of valuation authorized for support of an agreement or agreements
19 to be levied by the political subdivision for the purpose of supporting
20 that political subdivision's share of revenue required under an agreement
21 or agreements executed pursuant to the Interlocal Cooperation Act or the
22 Joint Public Agency Act. If an allocation by a county would cause another
23 county to exceed its levy authority under this section, the second county
24 may exceed the levy authority in order to levy the amount allocated.

25 (9) Municipal counties may levy or authorize a maximum levy of one
26 dollar per one hundred dollars of taxable valuation of property subject
27 to the levy. The municipal county may allocate levy authority to any
28 political subdivision or entity subject to allocation under section
29 77-3443.

30 (10) Beginning July 1, 2016, rural and suburban fire protection
31 districts may levy a maximum levy of ten and one-half cents per one

1 hundred dollars of taxable valuation of property subject to the levy if
2 (a) such district is located in a county that had a levy pursuant to
3 subsection (8) of this section in the previous year of at least forty
4 cents per one hundred dollars of taxable valuation of property subject to
5 the levy or (b) for any rural or suburban fire protection district that
6 had a levy request pursuant to section 77-3443 in the previous year, the
7 county board of the county in which the greatest portion of the valuation
8 of such district is located did not authorize any levy authority to such
9 district in the previous year.

10 (11) Property tax levies (a) for judgments, except judgments or
11 orders from the Commission of Industrial Relations, obtained against a
12 political subdivision which require or obligate a political subdivision
13 to pay such judgment, to the extent such judgment is not paid by
14 liability insurance coverage of a political subdivision, (b) for
15 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)
16 for bonds as defined in section 10-134 approved according to law and
17 secured by a levy on property except as provided in section 44-4317 for
18 bonded indebtedness issued by educational service units and school
19 districts, and (d) for payments by a public airport to retire interest-
20 free loans from the Division of Aeronautics of the Department of
21 Transportation in lieu of bonded indebtedness at a lower cost to the
22 public airport are not included in the levy limits established by this
23 section.

24 (12) The limitations on tax levies provided in this section are to
25 include all other general or special levies provided by law.
26 Notwithstanding other provisions of law, the only exceptions to the
27 limits in this section are those provided by or authorized by sections
28 77-3442 to 77-3444.

29 (13) Tax levies in excess of the limitations in this section shall
30 be considered unauthorized levies under section 77-1606 unless approved
31 under section 77-3444.

1 (14) For purposes of sections 77-3442 to 77-3444, political
2 subdivision means a political subdivision of this state and a county
3 agricultural society.

4 (15) For school districts that file a binding resolution on or
5 before May 9, 2008, with the county assessors, county clerks, and county
6 treasurers for all counties in which the school district has territory
7 pursuant to subsection (7) of section 79-458, if the combined levies,
8 except levies for bonded indebtedness approved by the voters of the
9 school district and levies for the refinancing of such bonded
10 indebtedness, are in excess of the greater of (a) one dollar and twenty
11 cents per one hundred dollars of taxable valuation of property subject to
12 the levy or (b) the maximum levy authorized by a vote pursuant to section
13 77-3444, all school district levies, except levies for bonded
14 indebtedness approved by the voters of the school district and levies for
15 the refinancing of such bonded indebtedness, shall be considered
16 unauthorized levies under section 77-1606.

17 Sec. 2. Section 85-1402, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 85-1402 For purposes of the Coordinating Commission for
20 Postsecondary Education Act:

21 (1)(a) Capital construction project shall mean a project which
22 utilizes tax funds designated by the Legislature and shall be: Any
23 proposed new capital structure; any proposed addition to, renovation of,
24 or remodeling of a capital structure; any proposed acquisition of a
25 capital structure by gift, purchase, lease-purchase, or other means of
26 construction or acquisition that (i) will be directly financed in whole
27 or in part with tax funds designated by the Legislature totaling at least
28 the minimum capital expenditure for purposes of this subdivision or (ii)
29 is likely, as determined by the institution, to result in an incremental
30 increase in appropriation or expenditure of tax funds designated by the
31 Legislature of at least the minimum capital expenditure for the

1 facility's operations and maintenance costs in any one fiscal year within
2 a period of ten years from the date of substantial completion or
3 acquisition of the project. No tax funds designated by the Legislature
4 shall be appropriated or expended for any incremental increase of more
5 than the minimum capital expenditure for the costs of the operations and
6 utilities of any facility which is not included in the definition of
7 capital construction project and thus is not subject to commission
8 approval pursuant to the Coordinating Commission for Postsecondary
9 Education Act. No institution shall include a request for funding such an
10 increase in its budget request for tax funds designated by the
11 Legislature nor shall any institution utilize any such funds for such an
12 increase. The Governor shall not include in his or her budget
13 recommendations, and the Legislature shall not appropriate, such funds
14 for such increase.

15 (b) For purposes of this subdivision:

16 (i) Directly financed shall mean funded by:

17 (A) Appropriation of tax funds designated by the Legislature for the
18 specific capital construction project;

19 (B) Property tax levies authorized pursuant to ~~subdivision (1)(b) of~~
20 ~~section 85-1517 for the purpose of establishing for fiscal years prior to~~
21 ~~fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal~~
22 ~~year 2013-14 and each fiscal year thereafter used to establish~~ a capital
23 improvement and bond sinking fund as provided in section 85-1515; or

24 (C) That portion of tax funds designated by the Legislature and
25 appropriated by the Legislature for the general operation of the public
26 institution and utilized to fund the capital project;

27 (ii) Incremental increase shall mean an increase in appropriation or
28 expenditure of tax funds designated by the Legislature of at least the
29 minimum capital expenditure for a facility's operations and maintenance
30 costs, beyond any increase due to inflation, to pay for a capital
31 structure's operations and maintenance costs that are a direct result of

1 a capital construction project; and

2 (iii) Minimum capital expenditure shall mean:

3 (A) For purposes of subdivision (a)(i) of this subdivision, a base
4 amount of two million dollars; and

5 (B) For the facility's operations and maintenance costs pursuant to
6 subdivision (a)(ii) of this subdivision, a base amount of eighty-five
7 thousand dollars for any one fiscal year.

8 The base amount for the facility's operations and maintenance costs
9 shall be subject to any inflationary or market adjustments made by the
10 commission pursuant to this subdivision. The commission shall adjust the
11 base amount on a biennial basis beginning January 1, 2010. The
12 adjustments shall be based on percentage changes in a construction cost
13 index and any other published index relevant to operations and utilities
14 costs, both as selected by the commission in cooperation with the public
15 institutions. The index or indices shall reflect inflationary or market
16 trends for the applicable operations and maintenance or construction
17 costs;

18 (2) Commission shall mean the Coordinating Commission for
19 Postsecondary Education;

20 (3) Coordination shall mean:

21 (a) Authority to adopt, and revise as needed, a comprehensive
22 statewide plan for postsecondary education which shall include (i)
23 definitions of the role and mission of each public postsecondary
24 educational institution within any general assignments of role and
25 mission as may be prescribed by the Legislature and (ii) plans for
26 facilities which utilize tax funds designated by the Legislature;

27 (b) Authority to review, monitor, and approve or disapprove each
28 public postsecondary educational institution's programs and capital
29 construction projects which utilize tax funds designated by the
30 Legislature in order to provide compliance and consistency with the
31 comprehensive plan and to prevent unnecessary duplication; and

1 (c) Authority to review and modify, if needed to promote compliance
2 and consistency with the comprehensive statewide plan and prevent
3 unnecessary duplication, the budget requests of the governing boards or
4 any other governing board for any other public postsecondary educational
5 institution which may be established by the Legislature;

6 (4) Education center shall mean an off-campus branch of a public
7 institution or cooperative of either public or public and private
8 postsecondary educational institutions which offers instructional
9 programs to students;

10 (5) Governing board shall mean the Board of Regents of the
11 University of Nebraska, the Board of Trustees of the Nebraska State
12 Colleges, or the board of governors for each community college area;

13 (6) Program shall mean any program of instruction which leads
14 directly to a degree, diploma, or certificate and, for purposes of
15 section 85-1414, shall include public service programs and all off-campus
16 instructional programs, whether or not such programs lead directly to a
17 degree, diploma, or certificate. Program shall also include the
18 establishment of any new college, school, major division, education
19 center, or institute but shall not include reasonable and moderate
20 extensions of existing curricula which have a direct relationship to
21 existing programs;

22 (7) Public institution shall mean each campus of a public
23 postsecondary educational institution which is or may be established by
24 the Legislature, which is under the direction of a governing board, and
25 which is administered as a separate unit by the board; and

26 (8) Tax funds designated by the Legislature shall mean all state tax
27 revenue and all property tax revenue.

28 Sec. 3. Section 85-1517, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 ~~85-1517 (1) For fiscal years 2011-12 and 2012-13:~~

31 ~~(a) The board may certify to the county board of equalization of~~

1 ~~each county within the community college area a tax levy not to exceed~~
2 ~~ten and one-quarter cents on each one hundred dollars on the taxable~~
3 ~~valuation of all property subject to the levy within the community~~
4 ~~college area, uniform throughout the area, for the purpose of supporting~~
5 ~~operating expenditures of the community college area;~~

6 ~~(b) In addition to the levies provided in subdivisions (1)(a) and~~
7 ~~(c) of this section, the board may certify to the county board of~~
8 ~~equalization of each county within the community college area a tax levy~~
9 ~~not to exceed one cent on each one hundred dollars on the taxable~~
10 ~~valuation of all property within the community college area, uniform~~
11 ~~throughout such area, for the purposes of paying off bonds issued under~~
12 ~~sections 85-1520 to 85-1527 and establishing a capital improvement and~~
13 ~~bond sinking fund as provided in section 85-1515. The levy provided by~~
14 ~~this subdivision may be exceeded by that amount necessary to retire the~~
15 ~~general obligation bonds assumed by the community college area or issued~~
16 ~~pursuant to section 85-1515 according to the terms of such bonds or for~~
17 ~~any obligation pursuant to section 85-1535 entered into prior to January~~
18 ~~1, 1997; and~~

19 ~~(c) In addition to the levies provided in subdivisions (1)(a) and~~
20 ~~(b) of this section, the board may also certify to the county board of~~
21 ~~equalization of each county within the community college area a tax levy~~
22 ~~on each one hundred dollars on the taxable valuation of all property~~
23 ~~within the community college area, uniform throughout such area, in the~~
24 ~~amount which will produce funds only in the amount necessary to pay for~~
25 ~~funding accessibility barrier elimination project costs and abatement of~~
26 ~~environmental hazards as such terms are defined in section 79-10,110.~~
27 ~~Such tax levy shall not be so certified unless approved by an affirmative~~
28 ~~vote of a majority of the board taken at a public meeting of the board~~
29 ~~following notice and a hearing. The board shall give at least seven days'~~
30 ~~notice of such public hearing and shall publish such notice once in a~~
31 ~~newspaper of general circulation in the area to be affected by the~~

1 ~~increase. The proceeds of such tax levy shall be deposited in the capital~~
2 ~~improvement and bond sinking fund provided for in section 85-1515 for use~~
3 ~~in funding the projects authorized pursuant to this subdivision.~~

4 ~~(2) For fiscal year 2013-14 and each fiscal year thereafter:~~

5 (1) For fiscal years prior to fiscal year 2019-20:

6 (a) The board may certify to the county board of equalization of
7 each county within the community college area a tax levy not to exceed
8 the difference between eleven and one-quarter cents and the rate levied
9 for such fiscal year pursuant to subdivision (b) of this subsection on
10 each one hundred dollars on the taxable valuation of all property subject
11 to the levy within the community college area, uniform throughout the
12 area, for the purpose of supporting operating expenditures of the
13 community college area. For purposes of calculating the amount of levy
14 authority available for operating expenditures pursuant to this
15 subdivision, the rate levied pursuant to subdivision (b) of this
16 subsection shall not include amounts to retire general obligation bonds
17 assumed by the community college area or issued pursuant to section
18 85-1515 according to the terms of such bonds or for any obligation
19 pursuant to section 85-1535 entered into prior to January 1, 1997; and

20 (b) In addition to the levies provided in subdivision subdivisions
21 (a) and (c) of this subsection and subsection (3) of this section, the
22 board may certify to the county board of equalization of each county
23 within the community college area a tax levy not to exceed two cents on
24 each one hundred dollars on the taxable valuation of all property within
25 the community college area, uniform throughout such area, for the
26 purposes of paying off bonds issued under sections 85-1520 to 85-1527 and
27 establishing a capital improvement and bond sinking fund as provided in
28 section 85-1515. The levy provided by this subdivision may be exceeded by
29 that amount necessary to retire general obligation bonds assumed by the
30 community college area or issued pursuant to section 85-1515 according to
31 the terms of such bonds or for any obligation pursuant to section 85-1535

1 entered into prior to January 1, 1997. ~~and~~

2 (2) For fiscal year 2019-20 and each fiscal year thereafter, the
3 board may certify to the county board of equalization of each county
4 within the community college area a tax levy not to exceed eleven and
5 one-quarter cents on each one hundred dollars on the taxable valuation of
6 all property subject to the levy within the community college area,
7 uniform throughout the area, for the purposes of supporting operating
8 expenditures of the community college area, paying off bonds issued under
9 sections 85-1520 to 85-1527, and establishing a capital improvement and
10 bond sinking fund as provided in section 85-1515.

11 (3) ~~(c)~~ In addition to the levies provided in subsections (1) and
12 (2) subdivisions ~~(a) and (b)~~ of this section subsection, the board of a
13 community college area with a campus located on the site of a former
14 ammunition depot may certify to the county board of equalization of each
15 county within the community college area a tax levy not to exceed three-
16 quarters of one cent on each one hundred dollars on the taxable valuation
17 of all property within the community college area, uniform throughout
18 such area, to pay for funding accessibility barrier elimination project
19 costs and abatement of environmental hazards as such terms are defined in
20 section 79-10,110. Such tax levy shall not be so certified unless
21 approved by an affirmative vote of a majority of the board taken at a
22 public meeting of the board following notice and a hearing. The board
23 shall give at least seven days' notice of such public hearing and shall
24 publish such notice once in a newspaper of general circulation in the
25 area to be affected by the increase. The proceeds of such tax levy shall
26 be deposited in the capital improvement and bond sinking fund provided
27 for in section 85-1515 for use in funding accessibility barrier
28 elimination project costs and abatement of environmental hazards as such
29 terms are defined in section 79-10,110.

30 (4) ~~(3)~~ The taxes provided by this section shall be levied and
31 assessed in the same manner as other property taxes and entered on the

1 books of the county treasurer. The proceeds of the tax, as collected,
2 shall be remitted to the treasurer of the board not less frequently than
3 once each month.

4 Sec. 4. Section 85-1520, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 85-1520 Each board may construct, purchase, or otherwise acquire,
7 remodel, repair, furnish, and equip dormitories, residence halls, single-
8 dwelling units, multiple-dwelling units, or other facilities for (1) the
9 housing or boarding of single or married students, faculty, or other
10 employees of the institution under its control, (2) buildings and
11 structures for student and faculty unions or centers, and (3) the medical
12 care and other activities of the students of such institutions, on real
13 estate owned or controlled by such board or on real estate purchased,
14 leased, or otherwise acquired for such purpose and pay the cost thereof,
15 including the cost of such real estate, by issuing revenue bonds payable
16 out of the revenue from such buildings or facilities, the revenue from
17 the tax levy authorized for such purpose pursuant to subdivision (1)(b)
18 ~~of section 85-1517 for fiscal years prior to fiscal year 2013-14 and~~
19 ~~subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each~~
20 ~~fiscal year thereafter~~, or a combination thereof. Any such buildings or
21 facilities shall be located on or adjacent to a campus or campuses
22 controlled by such board.

23 Sec. 5. Section 85-1521, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 85-1521 Each board may, by resolution or agreement, pledge all or
26 any part of the revenue and fees derived from the operation of the
27 dormitories, residence halls, single-dwelling units, multiple-dwelling
28 units, buildings, and other facilities for housing, boarding, medical
29 care, and other activities of students, faculty, or employees of the
30 institution under its control erected or acquired or previously erected
31 or acquired by any such board and contract as to the care, insurance,

1 management, and operation of such buildings and facilities and the
2 charges to be made and the rights of the holders of the revenue bonds.
3 When any board contracts that the operation of any building or facility
4 or part thereof shall be performed other than by the board itself, such
5 board shall at all times maintain supervision of and control over the
6 fees and charges imposed for the use of such building, facility, or part.
7 In issuing revenue bonds and pledging revenue therefor, the board may
8 pledge all or any part of the revenue and fees from buildings and
9 facilities other than the building or facility to be constructed. Bonds
10 issued under sections 85-1520 to 85-1527 shall not be an obligation of
11 the State of Nebraska, and no tax, except for the tax authorized for such
12 purpose under ~~subdivision (1)(b) of section 85-1517 for fiscal years~~
13 ~~prior to fiscal year 2013-14 and subdivision (2)(b) of section 85-1517~~
14 ~~for fiscal year 2013-14 and each fiscal year thereafter~~, shall ever be
15 levied to raise funds for the payment thereof or interest thereon. The
16 bonds shall constitute limited obligations of the board issuing the bonds
17 ~~same~~ and shall be paid out of revenue from the tax levy authorized for
18 such purpose pursuant to ~~subdivision (1)(b) of section 85-1517 for fiscal~~
19 ~~years prior to fiscal year 2013-14 and subdivision (2)(b) of section~~
20 ~~85-1517 for fiscal year 2013-14 and each fiscal year thereafter~~ and out
21 of money derived from the revenue and earnings pledged as provided in
22 sections 85-1501 to 85-1540.

23 Sec. 6. Section 85-1535, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 85-1535 (1) A board of a community college area with a population of
26 less than one hundred thousand according to the last federal decennial
27 census and a campus located on a former military base may enter into
28 contracts with any person, firm, or corporation providing for the
29 implementation of any project for the constructing and improving of
30 facilities to house applied technology educational programs necessary to
31 carry out sections 85-1501 to 85-1540 and providing for the long-term

1 payment of the cost of such project.

2 (2) In no case shall any such contract run for a period longer than
3 twenty years or shall the aggregate of existing contracts exceed four
4 million five hundred thousand dollars for each area exclusive of
5 administrative costs, credit enhancement costs, financing costs,
6 capitalized interest, and reserves dedicated to secure payment of
7 contracts.

8 (3) No contract shall be entered into pursuant to this section
9 without prior approval by a resolution of the board and the approval of
10 the Coordinating Commission for Postsecondary Education.

11 (4) The long-term payment of the cost of such project shall be paid
12 from revenue to be raised for such purpose pursuant to ~~(a) subdivision~~
13 ~~(1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14~~
14 ~~and (b) subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and~~
15 ~~each fiscal year thereafter~~. Any board entering into such contract for
16 the construction and improvement of facilities from revenue to be raised
17 pursuant to such subdivisions shall make annual appropriations for
18 amounts sufficient to pay annual obligations under such contract for the
19 duration of such contract.

20 (5) The board may also convey or lease and lease back all or any
21 part of the project and the land on which such project is situated to
22 such person, firm, or corporation as the board may contract with pursuant
23 to this section to facilitate the long-term payment of the cost of such
24 project. Any such conveyance or lease shall provide that when the cost of
25 such project has been paid, together with interest and other costs
26 thereon, such project and the land on which such project is located shall
27 become the property of the community college area.

28 Sec. 7. Original sections 77-3442, 85-1402, 85-1517, 85-1520,
29 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, are repealed.

30 Sec. 8. Since an emergency exists, this act takes effect when
31 passed and approved according to law.