

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 283

Final Reading

(Second)

Introduced by Haar, 21.

Read first time January 12, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 77-3442 and 79-10,110, Revised Statutes Cumulative
3 Supplement, 2010; to change provisions relating to
4 property tax levy limits; to provide school boards with
5 tax levy and bond authority relating to energy efficiency
6 projects as prescribed; and to repeal the original
7 sections.

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

1 Section 1. Section 77-3442, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

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

7 (2)(a) Except as provided in subdivision (2)(e) of this
8 section, school districts and multiple-district school systems,
9 except learning communities and school districts that are members of
10 learning communities, may levy a maximum levy of one dollar and five
11 cents per one hundred dollars of taxable valuation of property
12 subject to the levy.

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

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

1 (d) Excluded from the limitations in subdivisions (2)(a)
2 and (2)(c) of this section are amounts levied to pay for sums agreed
3 to be paid by a school district to certificated employees in exchange
4 for a voluntary termination of employment and amounts levied to pay
5 for special building funds and sinking funds established for projects
6 commenced prior to April 1, 1996, for construction, expansion, or
7 alteration of school district buildings. For purposes of this
8 subsection, commenced means any action taken by the school board on
9 the record which commits the board to expend district funds in
10 planning, constructing, or carrying out the project.

11 (e) Federal aid school districts may exceed the maximum
12 levy prescribed by subdivision (2)(a) or (2)(c) of this section only
13 to the extent necessary to qualify to receive federal aid pursuant to
14 Title VIII of Public Law 103-382, as such title existed on September
15 1, 2001. For purposes of this subdivision, federal aid school
16 district means any school district which receives ten percent or more
17 of the revenue for its general fund budget from federal government
18 sources pursuant to Title VIII of Public Law 103-382, as such title
19 existed on September 1, 2001.

20 (f) For school fiscal year 2002-03 through school fiscal
21 year 2007-08, school districts and multiple-district school systems
22 may, upon a three-fourths majority vote of the school board of the
23 school district, the board of the unified system, or the school board
24 of the high school district of the multiple-district school system
25 that is not a unified system, exceed the maximum levy prescribed by

1 subdivision (2)(a) of this section in an amount equal to the net
2 difference between the amount of state aid that would have been
3 provided under the Tax Equity and Educational Opportunities Support
4 Act without the temporary aid adjustment factor as defined in section
5 79-1003 for the ensuing school fiscal year for the school district or
6 multiple-district school system and the amount provided with the
7 temporary aid adjustment factor. The State Department of Education
8 shall certify to the school districts and multiple-district school
9 systems the amount by which the maximum levy may be exceeded for the
10 next school fiscal year pursuant to this subdivision (f) of this
11 subsection on or before February 15 for school fiscal years 2004-05
12 through 2007-08.

13 (g) For each fiscal year, learning communities may levy a
14 maximum levy of two cents on each one hundred dollars of taxable
15 property subject to the levy for special building funds for member
16 school districts. The proceeds from the levy pursuant to this
17 subdivision shall be distributed pursuant to section 79-1073.01.

18 (h) For each fiscal year, learning communities may levy a
19 maximum levy of two cents on each one hundred dollars of taxable
20 property subject to the levy for elementary learning center facility
21 leases, for remodeling of leased elementary learning center
22 facilities, and for up to fifty percent of the estimated cost for
23 focus school or program capital projects approved by the learning
24 community coordinating council pursuant to section 79-2111.

25 (i) For each fiscal year, learning communities may levy a

1 maximum levy of one cent on each one hundred dollars of taxable
2 property subject to the levy for elementary learning center
3 employees, for contracts with other entities or individuals who are
4 not employees of the learning community for elementary learning
5 center programs and services, and for pilot projects, except that no
6 more than ten percent of such levy may be used for elementary
7 learning center employees.

8 (3)(a) For fiscal years prior to fiscal year 2010-11,
9 community colleges may levy a maximum levy calculated pursuant to the
10 Community College Foundation and Equalization Aid Act on each one
11 hundred dollars of taxable property subject to the levy.

12 (b) For fiscal year 2010-11 and each fiscal year
13 thereafter, in lieu of the calculation of a maximum levy for
14 operating expenditures pursuant to the Community College Foundation
15 and Equalization Aid Act, community colleges may levy a maximum of
16 ten and one-quarter cents per one hundred dollars of taxable
17 valuation of property subject to the levy for operating expenditures
18 and may also levy the additional levies provided in subsection (2) of
19 section 85-1517.

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

23 (b) Natural resources districts shall also have the power
24 and authority to levy a tax equal to the dollar amount by which their
25 restricted funds budgeted to administer and implement ground water

1 management activities and integrated management activities under the
2 Nebraska Ground Water Management and Protection Act exceed their
3 restricted funds budgeted to administer and implement ground water
4 management activities and integrated management activities for
5 FY2003-04, not to exceed one cent on each one hundred dollars of
6 taxable valuation annually on all of the taxable property within the
7 district.

8 (c) In addition, natural resources districts located in a
9 river basin, subbasin, or reach that has been determined to be fully
10 appropriated pursuant to section 46-714 or designated as
11 overappropriated pursuant to section 46-713 by the Department of
12 Natural Resources shall also have the power and authority to levy a
13 tax equal to the dollar amount by which their restricted funds
14 budgeted to administer and implement ground water management
15 activities and integrated management activities under the Nebraska
16 Ground Water Management and Protection Act exceed their restricted
17 funds budgeted to administer and implement ground water management
18 activities and integrated management activities for FY2005-06, not to
19 exceed three cents on each one hundred dollars of taxable valuation
20 on all of the taxable property within the district for fiscal year
21 2006-07 and each fiscal year thereafter through fiscal year 2011-12.

22 (5) Any educational service unit authorized to levy a
23 property tax pursuant to section 79-1225 may levy a maximum levy of
24 one and one-half cents per one hundred dollars of taxable valuation
25 of property subject to the levy.

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

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

22 (7) Sanitary and improvement districts which have been in
23 existence for more than five years may levy a maximum levy of forty
24 cents per one hundred dollars of taxable valuation of property
25 subject to the levy, and sanitary and improvement districts which

1 have been in existence for five years or less shall not have a
2 maximum levy. Unconsolidated sanitary and improvement districts which
3 have been in existence for more than five years and are located in a
4 municipal county may levy a maximum of eighty-five cents per hundred
5 dollars of taxable valuation of property subject to the levy.

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

1 political subdivision for the purpose of supporting that political
2 subdivision's share of revenue required under an agreement or
3 agreements executed pursuant to the Interlocal Cooperation Act or the
4 Joint Public Agency Act. If an allocation by a county would cause
5 another county to exceed its levy authority under this section, the
6 second county may exceed the levy authority in order to levy the
7 amount allocated. Property tax levies for costs of reassumption of
8 the assessment function pursuant to section 77-1340 or 77-1340.04 are
9 not included in the levy limits established in this subsection for
10 fiscal years 2010-11 through 2013-14.

11 (9) Municipal counties may levy or authorize a maximum
12 levy of one dollar per one hundred dollars of taxable valuation of
13 property subject to the levy. The municipal county may allocate levy
14 authority to any political subdivision or entity subject to
15 allocation under section 77-3443.

16 (10) Property tax levies (a) for judgments, except
17 judgments or orders from the Commission of Industrial Relations,
18 obtained against a political subdivision which require or obligate a
19 political subdivision to pay such judgment, to the extent such
20 judgment is not paid by liability insurance coverage of a political
21 subdivision, (b) for preexisting lease-purchase contracts approved
22 prior to July 1, 1998, (c) for ~~bonded indebtedness~~ bonds as defined
23 in section 10-134 approved according to law and secured by a levy on
24 property except as provided in section 44-4317 for bonded
25 indebtedness issued by educational service units and school

1 districts, and (d) for payments by a public airport to retire
2 interest-free loans from the Department of Aeronautics in lieu of
3 bonded indebtedness at a lower cost to the public airport are not
4 included in the levy limits established by this section.

5 (11) The limitations on tax levies provided in this
6 section are to include all other general or special levies provided
7 by law. Notwithstanding other provisions of law, the only exceptions
8 to the limits in this section are those provided by or authorized by
9 sections 77-3442 to 77-3444.

10 (12) Tax levies in excess of the limitations in this
11 section shall be considered unauthorized levies under section 77-1606
12 unless approved under section 77-3444.

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

16 (14) For school districts that file a binding resolution
17 on or before May 9, 2008, with the county assessors, county clerks,
18 and county treasurers for all counties in which the school district
19 has territory pursuant to subsection (7) of section 79-458, if the
20 combined levies, except levies for bonded indebtedness approved by
21 the voters of the school district and levies for the refinancing of
22 such bonded indebtedness, are in excess of the greater of (a) one
23 dollar and twenty cents per one hundred dollars of taxable valuation
24 of property subject to the levy or (b) the maximum levy authorized by
25 a vote pursuant to section 77-3444, all school district levies,

1 except levies for bonded indebtedness approved by the voters of the
2 school district and levies for the refinancing of such bonded
3 indebtedness, shall be considered unauthorized levies under section
4 77-1606.

5 Sec. 2. Section 79-10,110, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

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

1 levied for such project, and the amount of the levy for each year of
2 the period.

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

19 (3) After a public hearing, a school board may undertake
20 construction of a new public school facility or the acquisition of
21 land on which such a facility is to be constructed or any expansion,
22 rehabilitation, modernization, renovation, or repair of any existing
23 school facilities under its control and may levy a tax to repay any
24 American Recovery and Reinvestment Act of 2009 bond. The board shall
25 designate: (a) The particular project or projects for which the bond

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

17 (4) The board may designate more than one project under
18 subsection (1) of this section, more than one qualified capital
19 purpose under subsection (2) of this section, or more than one
20 American Recovery and Reinvestment Act of 2009 purpose under
21 subsection (3) of this section and levy a tax pursuant to this
22 section for each such project, qualified capital purpose, or American
23 Recovery and Reinvestment Act of 2009 purpose, concurrently or
24 consecutively, as the case may be, if the aggregate levy in each year
25 and the duration of each such levy will not exceed the limitations

1 specified in this section. Each levy for a project, a qualified
2 capital purpose, or an American Recovery and Reinvestment Act of 2009
3 purpose which is authorized by this section may be imposed for such
4 duration as the board specifies, notwithstanding the contemporaneous
5 existence or subsequent imposition of any other levy for another
6 project, qualified capital purpose, or American Recovery and
7 Reinvestment Act of 2009 purpose imposed pursuant to this section and
8 notwithstanding the subsequent issuance by the district of bonded
9 indebtedness payable from its general fund levy.

10 (5) The county clerk shall levy such taxes, not to exceed
11 five and one-fifth cents per one hundred dollars of taxable valuation
12 for Class II, III, IV, V, and VI districts, and not to exceed the
13 limits set for Class I districts in section 79-10,124, on the taxable
14 property of the district necessary to (a) cover the environmental
15 hazard abatement or accessibility barrier elimination project costs,
16 ~~or~~ costs for modification for life safety code violations, indoor air
17 quality, or mold abatement and prevention, or energy efficiency
18 project costs itemized by the board pursuant to subsection (1) of
19 this section and (b) repay any qualified zone academy bonds or
20 American Recovery and Reinvestment Act of 2009 bonds pursuant to
21 subsection (2) or (3) of this section. Such taxes shall be collected
22 by the county treasurer at the same time and in the same manner as
23 county taxes are collected and when collected shall be paid to the
24 treasurer of the district and used to cover the project costs.

25 (6) If such board operates grades nine through twelve as

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

13 (7) Each board which submits an itemized estimate shall
14 establish an environmental hazard abatement and accessibility barrier
15 elimination project account, a life safety code modification project
16 account, an indoor air quality project account, ~~or~~ a mold abatement
17 and prevention project account, or an energy efficiency project
18 account, each board which undertakes a qualified capital purpose
19 shall establish a qualified capital purpose undertaking account,
20 within the qualified capital purpose undertaking fund, and each board
21 which undertakes an American Recovery and Reinvestment Act of 2009
22 purpose shall establish an American Recovery and Reinvestment Act of
23 2009 purpose undertaking account. Taxes collected pursuant to this
24 section shall be credited to the appropriate account to cover the
25 project or undertaking costs. Such estimates may be presented to the

1 county clerk and taxes levied accordingly.

2 (8) For purposes of this section:

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

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

17 (c) Accessibility barrier elimination includes, but is
18 not limited to, inspection for and removal of accessibility barriers,
19 maintenance to reduce, lessen, put an end to, diminish, control,
20 dispose of, or eliminate accessibility barriers, related restoration
21 or replacement of facilities or property, any related architectural
22 and engineering services, and any other action to eliminate
23 accessibility barriers in the school buildings or grounds under the
24 board's control;

25 (d) American Recovery and Reinvestment Act of 2009 bond

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

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

12 (f) Energy efficiency project includes any inspection and
13 testing regarding energy usage, any maintenance to reduce, lessen,
14 diminish, moderate, decrease, or control energy usage, any
15 restoration or replacement of material or related architectural and
16 engineering services, and any other action to reduce energy usage in
17 new or existing school buildings or on school grounds under the
18 control of a school board;

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

24 ~~(g)~~-(h) Modification for indoor air quality includes, but
25 is not limited to, any inspection and testing regarding indoor air

1 quality, any maintenance to reduce, lessen, put an end to, diminish,
2 moderate, decrease, control, dispose of, or eliminate indoor air
3 quality problems, any restoration or replacement of material or
4 related architectural and engineering services, and any other action
5 to reduce or eliminate indoor air quality problems or to enhance air
6 quality conditions in new or existing school buildings or on school
7 grounds under the control of a school board;

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

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

1 ~~(j)~~—(k) Qualified capital purpose means (i)
2 rehabilitating or repairing the public school facility in which the
3 qualified zone academy is established or (ii) providing equipment for
4 use at such qualified zone academy;

5 ~~(k)~~—(l) Qualified zone academy has the meaning found in
6 (i) 26 U.S.C. 1397E(d)(4), as such section existed on October 3,
7 2008, for qualified zone academy bonds issued on or before such date,
8 and (ii) 26 U.S.C. 54E(d)(1), as such section existed on October 4,
9 2008, for qualified zone academy bonds issued on or after such date;

10 ~~(l)~~—(m) Qualified zone academy allocation means the
11 allocation of the qualified zone academy bond limitation by the State
12 Department of Education to the qualified zone academies pursuant to
13 (i) 26 U.S.C. 1397E(e)(2), as such section existed on October 3,
14 2008, for allocations relating to qualified zone academy bonds issued
15 on or before such date, and (ii) 26 U.S.C. 54E(c)(2), as such section
16 existed on October 4, 2008, for allocations relating to qualified
17 zone academy bonds issued on or after such date; and

18 ~~(m)~~—(n) Qualified zone academy bond has the meaning found
19 in (i) 26 U.S.C. 1397E(d)(1), as such section existed on October 3,
20 2008, for such bonds issued on or before such date, and (ii) 26
21 U.S.C. 54E(a), as such section existed on and after October 4, 2008,
22 for such bonds issued on or after such date, as such section or bonds
23 may be amended or supplemented.

24 (9) Accessibility barrier elimination project costs
25 includes, but is not limited to, inspection, maintenance, accounting,

1 emergency services, consultation, or any other action to reduce or
2 eliminate accessibility barriers.

3 (10) For the purpose of paying amounts necessary for the
4 abatement of environmental hazards, for accessibility barrier
5 elimination, ~~or~~ for modifications for life safety code violations,
6 indoor air quality, or mold abatement and prevention, for an energy
7 efficiency project, or for an American Recovery and Reinvestment Act
8 of 2009 purpose, the board may borrow money, establish a sinking
9 fund, and issue bonds and other evidences of indebtedness of the
10 district, which bonds and other evidences of indebtedness shall be
11 secured by and payable from an irrevocable pledge by the district of
12 amounts received in respect of the tax levy provided for by this
13 section and any other funds of the district available therefor. Bonds
14 and other evidences of indebtedness issued by a district pursuant to
15 this subsection shall not constitute a general obligation of the
16 district or be payable from any portion of its general fund levy.

17 (11) The total principal amount of bonds for
18 modifications to correct life safety code violations, for indoor air
19 quality problems, for mold abatement and prevention, for an energy
20 efficiency project, or for an American Recovery and Reinvestment Act
21 of 2009 purpose which may be issued pursuant to this section shall
22 not exceed the total amount specified in the itemized estimate
23 described in subsections (1) and (3) of this section.

24 (12) The total principal amount of qualified zone academy
25 bonds which may be issued pursuant to this section for qualified

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

17 Nothing in this section directs the State Department of
18 Education to give any preference to allocation requests that will be
19 financed with qualified zone academy bonds issued pursuant to this
20 section.

21 (13) The State Department of Education shall establish
22 procedures for allocating bond authority to school boards as may be
23 necessary pursuant to an American Recovery and Reinvestment Act of
24 2009 bond.

25 (14) Before a school board approves an energy efficiency

1 project to be funded pursuant to this section, such school board
2 shall generate an Energy Star efficiency rating on any school
3 building involved in the proposed energy efficiency project using the
4 United States Environmental Protection Agency's free online tool,
5 Portfolio Manager. If the energy efficiency project is approved and
6 funded pursuant to this section, such school board shall also
7 maintain an up-to-date Energy Star efficiency rating using Portfolio
8 Manager on such school building during the term of any bonds issued
9 for such energy efficiency project.

10 Sec. 3. Original sections 77-3442 and 79-10,110, Revised
11 Statutes Cumulative Supplement, 2010, are repealed.