

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 351

Introduced by Morfeld, 46.

Read first time January 16, 2019

Committee: Education

- 1 A BILL FOR AN ACT relating to school finance; to amend section
2 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to
3 change provisions relating to school district levy and bonding
4 authority for certain projects; to authorize school district levy
5 and bonding authority for violence prevention and cybersecurity as
6 prescribed; to define and redefine terms; and to repeal the original
7 section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-10,110.02, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 79-10,110.02 (1) On and after April 19, 2016, the school board of
4 any school district may make a determination that an additional property
5 tax levy is necessary for a specific ~~abatement~~ project to address:

6 (a) Abatement of an actual or potential environmental hazard,
7 accessibility barrier, life safety code violation, life safety hazard, or
8 mold which exists within one or more existing school buildings or the
9 school grounds of existing school buildings controlled by the school
10 district; -

11 (b) Abatement of cybersecurity vulnerabilities; or

12 (c) Violence prevention in one or more existing school buildings or
13 on the school grounds of existing school buildings controlled by the
14 school district.

15 (2) A Such determination made pursuant to subsection (1) of this
16 section shall not include any abatement or violence prevention project
17 projects related to the acquisition of new property, the construction of
18 a new building, the expansion of an existing building, or the remodeling
19 of an existing building for purposes other than violence prevention or
20 the abatement of environmental hazards, accessibility barriers, life
21 safety code violations, life safety hazards, ~~or~~ mold, or cybersecurity
22 vulnerabilities. Upon such determination, the school board may, not later
23 than the date provided in section 13-508, make and deliver to the county
24 clerk of such county in which any part of the school district is situated
25 an itemized estimate of the amounts necessary to be expended for such
26 abatement project, any insurance proceeds or other anticipated funds that
27 will be received by the school district related to the abatement project,
28 the period of years for which the property tax will be levied for such
29 project, and the estimated amount of the levy for each year of the period
30 based on the taxable valuation of the district at the time of issuance.
31 The period of years for such levy shall not exceed ten years and the levy

1 for such project when combined with all other levies pursuant to this
2 section and section 79-10,110 shall not exceed three cents per one
3 hundred dollars of taxable valuation. Nothing in this section shall
4 affect levies pursuant to section 79-10,110.

5 (3) (2) The county clerk shall levy such taxes and such taxes shall
6 be collected by the county treasurer at the same time and in the same
7 manner as county taxes are collected and when collected shall be paid to
8 the treasurer of the district. A separate violence prevention or
9 abatement project account shall be established for each project by the
10 school district. Taxes collected pursuant to this section shall be
11 credited to the appropriate account to cover the project costs.

12 (4) (3) For purposes of this section:

13 (a) Abatement includes, but is not limited to, any related audit,
14 inspection, or and testing, any maintenance to reduce, lessen, put an end
15 to, diminish, moderate, decrease, control, dispose of, eliminate, or
16 remove the issue causing the need for abatement, any related restoration
17 or replacement of material, ~~or~~ property, software, hardware, or data, any
18 related architectural and engineering, information technology, or
19 cybersecurity services, and any other action to reduce or eliminate the
20 issue causing the need for abatement in existing school buildings or on
21 the school grounds of existing school buildings under the board's
22 control;

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

25 (c) Cybersecurity vulnerability means any potential data compromise
26 resulting from the loss, theft, disposal, abandonment, accidental
27 publication, or accidental release of personally identifiable information
28 or material in any media or format that is not publicly available,
29 including, but not limited to:

30 (i) Data created by or provided to an elementary school, middle
31 school, high school, or school district in the course of a student's

1 attendance or application for attendance at an elementary school, middle
2 school, or high school; and

3 (ii) Data created by or provided to an elementary school, middle
4 school, high school, or school district in the course of an employee's
5 employment or application for employment with the school district;

6 (d) ~~(c)~~ Environmental hazard means any contamination of the air,
7 water, or land surface or subsurface caused by any substance adversely
8 affecting human health or safety if such substance has been declared
9 hazardous by a federal or state statute, rule, or regulation; and -

10 (e) Violence prevention means necessary equipment and modifications
11 to existing school buildings or the school grounds of existing school
12 buildings designed or used to deter any act of violence from occurring or
13 to protect students, school personnel, and the public from an act of
14 violence should it occur in a school building or on the school grounds of
15 a school building.

16 (5) ~~(4)~~ For the purpose of paying amounts necessary for the violence
17 prevention or abatement project, the board may borrow money, establish a
18 sinking fund, and issue bonds and other evidences of indebtedness of the
19 district, which bonds and other evidences of indebtedness shall be
20 secured by and payable from an irrevocable pledge by the district of
21 amounts received in respect of the tax levy provided for by this section
22 and any other funds of the district available therefor. Bonds and other
23 evidences of indebtedness issued by a district pursuant to this
24 subsection shall not constitute a general obligation of the district or
25 be payable from any portion of its general fund levy. The total principal
26 amount of bonds for violence prevention and abatement projects pursuant
27 to this section shall not exceed the total amount specified in the
28 itemized estimate described in subsection (2) ~~(1)~~ of this section.

29 (6) ~~(5)~~ A district may exceed the maximum levy of three cents per
30 one hundred dollars of taxable valuation authorized by this section in
31 any year in which (a) the taxable valuation of the district is lower than

1 the taxable valuation in the year in which the district last issued bonds
2 pursuant to this section and (b) such maximum levy is insufficient to
3 meet the combined annual principal and interest obligations for all bonds
4 issued pursuant to this section and section 79-10,110. The amount
5 generated from a district's levy in excess of three cents per one hundred
6 dollars of taxable valuation shall not exceed the combined annual
7 principal and interest obligations for such bonds minus the amount
8 generated by levying three cents per one hundred dollars of taxable
9 valuation.

10 Sec. 2. Original section 79-10,110.02, Revised Statutes Cumulative
11 Supplement, 2018, is repealed.