

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 873**

Introduced by Friesen, 34.

Read first time January 07, 2022

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections  
2 85-1402, 85-1516, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue  
3 Revised Statutes of Nebraska, and section 77-3442, Revised Statutes  
4 Supplement, 2021; to change provisions relating to the levy  
5 authority for community college areas; to harmonize provisions; to  
6 repeal the original sections; and to declare an emergency.

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

1 Section 1. Section 77-3442, Revised Statutes Supplement, 2021, 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 Title VIII  
4 of Public Law 103-382, as such title existed on September 1, 2001. For  
5 purposes of this subdivision, federal aid school district means any  
6 school district which receives ten percent or more of the revenue for its  
7 general fund budget from federal government sources pursuant to Title  
8 VIII of Public Law 103-382, as such title existed on September 1, 2001.

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

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

24 (3)(a) ~~(3)~~ For fiscal years prior to fiscal year 2022-23 ~~each fiscal~~  
25 ~~year~~, community college areas may levy the levies provided in  
26 subdivisions (1)(a) ~~(2)(a)~~ through (c) of section 85-1517, in accordance  
27 with the provisions of such subdivisions. A community college area may  
28 exceed the levy provided in subdivision (1)(b) ~~(2)(b)~~ of section 85-1517  
29 by the 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.

2 (b) For fiscal year 2022-23 and each fiscal year thereafter,  
3 community college areas may levy the levy provided in subsection (2) of  
4 section 85-1517 in accordance with the provisions of such subsection. A  
5 community college area may exceed such levy by the amount necessary to  
6 retire general obligation bonds assumed by the community college area or  
7 issued pursuant to section 85-1515 according to the terms of such bonds  
8 or for any obligation pursuant to section 85-1535 entered into prior to  
9 January 1, 1997.

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

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

22 (c) In addition, natural resources districts located in a river  
23 basin, subbasin, or reach that has been determined to be fully  
24 appropriated pursuant to section 46-714 or designated as overappropriated  
25 pursuant to section 46-713 by the Department of Natural Resources shall  
26 also have the power and authority to levy a tax equal to the dollar  
27 amount by which their restricted funds budgeted to administer and  
28 implement ground water management activities and integrated management  
29 activities under the Nebraska Ground Water Management and Protection Act  
30 exceed their restricted funds budgeted to administer and implement ground  
31 water management activities and integrated management activities for

1 FY2005-06, not to exceed three cents on each one hundred dollars of  
2 taxable valuation on all of the taxable property within the district for  
3 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
4 2017-18.

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

9 (6)(a) Incorporated cities and villages which are not within the  
10 boundaries of a municipal county may levy a maximum levy of forty-five  
11 cents per one hundred dollars of taxable valuation of property subject to  
12 the levy plus an additional five cents per one hundred dollars of taxable  
13 valuation to provide financing for the municipality's share of revenue  
14 required under an agreement or agreements executed pursuant to the  
15 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
16 levy shall include amounts levied to pay for sums to support a library  
17 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
18 community nurse, home health nurse, or home health agency pursuant to  
19 section 71-1637, or statue, memorial, or monument pursuant to section  
20 80-202.

21 (b) Incorporated cities and villages which are within the boundaries  
22 of a municipal county may levy a maximum levy of ninety cents per one  
23 hundred dollars of taxable valuation of property subject to the levy. The  
24 maximum levy shall include amounts paid to a municipal county for county  
25 services, amounts levied to pay for sums to support a library pursuant to  
26 section 51-201, a museum pursuant to section 51-501, a visiting community  
27 nurse, home health nurse, or home health agency pursuant to section  
28 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

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

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

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

31 (9) Municipal counties may levy or authorize a maximum levy of one

1 dollar per one hundred dollars of taxable valuation of property subject  
2 to the levy. The municipal county may allocate levy authority to any  
3 political subdivision or entity subject to allocation under section  
4 77-3443.

5 (10) Beginning July 1, 2016, rural and suburban fire protection  
6 districts may levy a maximum levy of ten and one-half cents per one  
7 hundred dollars of taxable valuation of property subject to the levy if  
8 (a) such district is located in a county that had a levy pursuant to  
9 subsection (8) of this section in the previous year of at least forty  
10 cents per one hundred dollars of taxable valuation of property subject to  
11 the levy or (b) such district had a levy request pursuant to section  
12 77-3443 in any of the three previous years and the county board of the  
13 county in which the greatest portion of the valuation of such district is  
14 located did not authorize any levy authority to such district in such  
15 year.

16 (11) A regional metropolitan transit authority may levy a maximum  
17 levy of ten cents per one hundred dollars of taxable valuation of  
18 property subject to the levy for each fiscal year that commences on the  
19 January 1 that follows the effective date of the conversion of the  
20 transit authority established under the Transit Authority Law into the  
21 regional metropolitan transit authority.

22 (12) Property tax levies (a) for judgments, except judgments or  
23 orders from the Commission of Industrial Relations, obtained against a  
24 political subdivision which require or obligate a political subdivision  
25 to pay such judgment, to the extent such judgment is not paid by  
26 liability insurance coverage of a political subdivision, (b) for  
27 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
28 for bonds as defined in section 10-134 approved according to law and  
29 secured by a levy on property except as provided in section 44-4317 for  
30 bonded indebtedness issued by educational service units and school  
31 districts, (d) for payments by a public airport to retire interest-free



1 loans from the Division of Aeronautics of the Department of  
2 Transportation in lieu of bonded indebtedness at a lower cost to the  
3 public airport, and (e) to pay for cancer benefits provided on or after  
4 January 1, 2022, pursuant to the Firefighter Cancer Benefits Act are not  
5 included in the levy limits established by this section.

6 (13) The limitations on tax levies provided in this section are to  
7 include all other general or special levies provided by law.  
8 Notwithstanding other provisions of law, the only exceptions to the  
9 limits in this section are those provided by or authorized by sections  
10 77-3442 to 77-3444.

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

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

17 (16) For school districts that file a binding resolution on or  
18 before May 9, 2008, with the county assessors, county clerks, and county  
19 treasurers for all counties in which the school district has territory  
20 pursuant to subsection (7) of section 79-458, if the combined levies,  
21 except levies for bonded indebtedness approved by the voters of the  
22 school district and levies for the refinancing of such bonded  
23 indebtedness, are in excess of the greater of (a) one dollar and twenty  
24 cents per one hundred dollars of taxable valuation of property subject to  
25 the levy or (b) the maximum levy authorized by a vote pursuant to section  
26 77-3444, all school district levies, except levies for bonded  
27 indebtedness approved by the voters of the school district and levies for  
28 the refinancing of such bonded indebtedness, shall be considered  
29 unauthorized levies under section 77-1606.

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

1           85-1402 For purposes of the Coordinating Commission for  
2 Postsecondary Education Act:

3           (1)(a) Capital construction project shall mean a project which  
4 utilizes tax funds designated by the Legislature and shall be: Any  
5 proposed new capital structure; any proposed addition to, renovation of,  
6 or remodeling of a capital structure; any proposed acquisition of a  
7 capital structure by gift, purchase, lease-purchase, or other means of  
8 construction or acquisition that (i) will be directly financed in whole  
9 or in part with tax funds designated by the Legislature totaling at least  
10 the minimum capital expenditure for purposes of this subdivision or (ii)  
11 is likely, as determined by the institution, to result in an incremental  
12 increase in appropriation or expenditure of tax funds designated by the  
13 Legislature of at least the minimum capital expenditure for the  
14 facility's operations and maintenance costs in any one fiscal year within  
15 a period of ten years from the date of substantial completion or  
16 acquisition of the project. No tax funds designated by the Legislature  
17 shall be appropriated or expended for any incremental increase of more  
18 than the minimum capital expenditure for the costs of the operations and  
19 utilities of any facility which is not included in the definition of  
20 capital construction project and thus is not subject to commission  
21 approval pursuant to the Coordinating Commission for Postsecondary  
22 Education Act. No institution shall include a request for funding such an  
23 increase in its budget request for tax funds designated by the  
24 Legislature nor shall any institution utilize any such funds for such an  
25 increase. The Governor shall not include in his or her budget  
26 recommendations, and the Legislature shall not appropriate, such funds  
27 for such increase.

28           (b) For purposes of this subdivision:

29           (i) Directly financed shall mean funded by:

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

1 (B) Property tax levies authorized pursuant to subdivision (1)(b) of  
2 section 85-1517 for fiscal years prior to fiscal year 2022-23 ~~2013-14~~ and  
3 subsection (2) ~~subdivision (2)(b)~~ of section 85-1517 for fiscal year  
4 2022-23 ~~2013-14~~ and each fiscal year thereafter used to establish a  
5 capital improvement and bond sinking fund as provided in section 85-1515;  
6 or

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

10 (ii) Incremental increase shall mean an increase in appropriation or  
11 expenditure of tax funds designated by the Legislature of at least the  
12 minimum capital expenditure for a facility's operations and maintenance  
13 costs, beyond any increase due to inflation, to pay for a capital  
14 structure's operations and maintenance costs that are a direct result of  
15 a capital construction project; and

16 (iii) Minimum capital expenditure shall mean:

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

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

22 The base amount for the facility's operations and maintenance costs  
23 shall be subject to any inflationary or market adjustments made by the  
24 commission pursuant to this subdivision. The commission shall adjust the  
25 base amount on a biennial basis beginning January 1, 2010. The  
26 adjustments shall be based on percentage changes in a construction cost  
27 index and any other published index relevant to operations and utilities  
28 costs, both as selected by the commission in cooperation with the public  
29 institutions. The index or indices shall reflect inflationary or market  
30 trends for the applicable operations and maintenance or construction  
31 costs;

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

3           (3) Coordination shall mean:

4           (a) Authority to adopt, and revise as needed, a comprehensive  
5 statewide plan for postsecondary education which shall include (i)  
6 definitions of the role and mission of each public postsecondary  
7 educational institution within any general assignments of role and  
8 mission as may be prescribed by the Legislature and (ii) plans for  
9 facilities which utilize tax funds designated by the Legislature;

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

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

20          (4) Education center shall mean an off-campus branch of a public  
21 institution or cooperative of either public or public and private  
22 postsecondary educational institutions which offers instructional  
23 programs to students;

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

27          (6) Program shall mean any program of instruction which leads  
28 directly to a degree, diploma, or certificate and, for purposes of  
29 section 85-1414, shall include public service programs and all off-campus  
30 instructional programs, whether or not such programs lead directly to a  
31 degree, diploma, or certificate. Program shall also include the

1 establishment of any new college, school, major division, education  
2 center, or institute but shall not include reasonable and moderate  
3 extensions of existing curricula which have a direct relationship to  
4 existing programs;

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

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

11 Sec. 3. Section 85-1516, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 85-1516 ~~For fiscal years prior to fiscal year 2022-23, each~~ Each  
14 board may issue warrants in an amount necessary to finance the operating  
15 expenses of the community college area until the proceeds of the tax levy  
16 as provided in section 85-1517 are received. The amount of such warrants  
17 plus interest shall not exceed the amount of the money to be received  
18 from the property tax levy. Whenever such warrants are issued, they shall  
19 be the general obligation of the community college area and the full  
20 faith and credit of the community college area shall be pledged to retire  
21 such warrants. In addition the board shall set aside from the proceeds of  
22 the property tax levied pursuant to sections 85-1501 to 85-1540 an amount  
23 sufficient to pay the warrants and the interest on such warrants. Such  
24 warrants shall be subject to registration as provided in sections 77-2201  
25 to 77-2215.

26 Sec. 4. Section 85-1517, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 85-1517 ~~(1) For fiscal years 2011-12 and 2012-13:~~

29 ~~(a) The board may certify to the county board of equalization of~~  
30 ~~each county within the community college area a tax levy not to exceed~~  
31 ~~ten and one-quarter cents on each one hundred dollars on the taxable~~

1 ~~valuation of all property subject to the levy within the community~~  
2 ~~college area, uniform throughout the area, for the purpose of supporting~~  
3 ~~operating expenditures of the community college area;~~

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

17 ~~(c) In addition to the levies provided in subdivisions (1)(a) and~~  
18 ~~(b) of this section, the board may also certify to the county board of~~  
19 ~~equalization of each county within the community college area a tax levy~~  
20 ~~on each one hundred dollars on the taxable valuation of all property~~  
21 ~~within the community college area, uniform throughout such area, in the~~  
22 ~~amount which will produce funds only in the amount necessary to pay for~~  
23 ~~funding accessibility barrier elimination project costs and abatement of~~  
24 ~~environmental hazards as such terms are defined in section 79-10,110.~~  
25 ~~Such tax levy shall not be so certified unless approved by an affirmative~~  
26 ~~vote of a majority of the board taken at a public meeting of the board~~  
27 ~~following notice and a hearing. The board shall give at least seven days'~~  
28 ~~notice of such public hearing and shall publish such notice once in a~~  
29 ~~newspaper of general circulation in the area to be affected by the~~  
30 ~~increase. The proceeds of such tax levy shall be deposited in the capital~~  
31 ~~improvement and bond sinking fund provided for in section 85-1515 for use~~

1 ~~in funding the projects authorized pursuant to this subdivision.~~

2 ~~(1) (2) For fiscal years prior to fiscal year 2022-23 year 2013-14~~  
3 ~~and each fiscal year thereafter:~~

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

18 (b) In addition to the levies provided in subdivisions (a) and (c)  
19 of this subsection, the board may certify to the county board of  
20 equalization of each county within the community college area a tax levy  
21 not to exceed two cents on each one hundred dollars on the taxable  
22 valuation of all property within the community college area, uniform  
23 throughout such area, for the purposes of paying off bonds issued under  
24 sections 85-1520 to 85-1527 and establishing a capital improvement and  
25 bond sinking fund as provided in section 85-1515. The levy provided by  
26 this subdivision may be exceeded by that amount necessary to retire  
27 general obligation bonds assumed by the community college area or issued  
28 pursuant to section 85-1515 according to the terms of such bonds or for  
29 any obligation pursuant to section 85-1535 entered into prior to January  
30 1, 1997; and

31 (c) In addition to the levies provided in subdivisions (a) and (b)

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

18 (2) For fiscal year 2022-23 and each fiscal year thereafter, the  
19 board may certify to the county board of equalization of each county  
20 within the community college area a tax levy not to exceed two cents on  
21 each one hundred dollars on the taxable valuation of all property within  
22 the community college area, uniform throughout such area, for the  
23 purposes of paying off bonds issued under sections 85-1520 to 85-1527 and  
24 establishing a capital improvement and bond sinking fund as provided in  
25 section 85-1515. The levy provided by this subsection may be exceeded by  
26 that amount necessary to retire general obligation bonds assumed by the  
27 community college area or issued pursuant to section 85-1515 according to  
28 the terms of such bonds or for any obligation pursuant to section 85-1535  
29 entered into prior to January 1, 1997.

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



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

4 Sec. 5. 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 pursuant to subdivision (1)(b) of section 85-1517  
18 for fiscal years prior to fiscal year 2022-23 ~~2013-14~~ and subsection (2)  
19 ~~subdivision (2)(b)~~ of section 85-1517 for fiscal year 2022-23 ~~2013-14~~ and  
20 each fiscal year thereafter, or a combination thereof. Any such buildings  
21 or facilities shall be located on or adjacent to a campus or campuses  
22 controlled by such board.

23 Sec. 6. 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 under  
12 subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal  
13 year 2022-23 ~~2013-14~~ and subsection (2) ~~subdivision (2)(b)~~ of section  
14 85-1517 for fiscal year 2022-23 ~~2013-14~~ and each fiscal year thereafter,  
15 shall ever be levied to raise funds for the payment thereof or interest  
16 thereon. The bonds shall constitute limited obligations of the board  
17 issuing the same and shall be paid out of revenue from the tax levy  
18 authorized pursuant to subdivision (1)(b) of section 85-1517 for fiscal  
19 years prior to fiscal year 2022-23 ~~2013-14~~ and subsection (2) ~~subdivision~~  
20 ~~(2)(b)~~ of section 85-1517 for fiscal year 2022-23 ~~2013-14~~ and each fiscal  
21 year thereafter and out of money derived from the revenue and earnings  
22 pledged as provided in sections 85-1501 to 85-1540.

23 Sec. 7. 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 pursuant to (a) subdivision (1)(b) of section  
13 85-1517 for fiscal years prior to fiscal year 2022-23 ~~2013-14~~ and (b)  
14 subsection (2) ~~subdivision (2)(b)~~ of section 85-1517 for fiscal year  
15 2022-23 ~~2013-14~~ and each fiscal year thereafter. Any board entering into  
16 such contract for the construction and improvement of facilities from  
17 revenue to be raised pursuant to such subdivision or subsection  
18 ~~subdivisions~~ shall make annual appropriations for amounts sufficient to  
19 pay annual obligations under such contract for the duration of such  
20 contract.

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

29 Sec. 8. Original sections 85-1402, 85-1516, 85-1517, 85-1520,  
30 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, and section  
31 77-3442, Revised Statutes Supplement, 2021, are repealed.

1           Sec. 9.   Since an emergency exists, this act takes effect when  
2 passed and approved according to law.