

LEGISLATIVE BILL 922

Approved by the Governor April 17, 1978

Introduced by Appropriations Committee, Warner, 25, Chmn.; S. Marsh, 29; Savage, 10; Hasebroock, 18; Rumery, 42; Cope, 36; Goodrich, 20; Bereuter, 24

AN ACT to amend sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, relating to technical community colleges; to place restrictions on new capital construction, site acquisition, and certain contracts as prescribed; to provide for an election; to provide duties; and to repeal the original sections.

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

Section 1. Except as provided for in section 7 of this act, commencing on the effective date of this act no tax levied pursuant to subsection (2) of section 79-2650 shall be used by any area which has obligations in excess of the amount to be derived under subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract in which the obligations or provisions of such agreement or contract would not be fully met out of the receipts from the mill levy permitted under subsection (2) of section 79-2650.

Sec. 2. Except as provided for in section 7 of this act, commencing on the effective date of this act the tax levied pursuant to subsection (2) of section 79-2650 may be used by any area which does not have obligations in excess of the amount to be derived under such subsection for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract, if approved by a vote of the people as prescribed in section 3 of this act. Nothing in this section shall be construed to permit obligations to be incurred beyond the time allowed for receipt of revenue from the levy under subsection (2) of section 79-2650.

Sec. 3. (1) If the board in any technical community college area shall determine that it is necessary for the proper management and operation of such area to expend tax funds in a manner requiring a vote of the people as prescribed in section 2 of this act, the

board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

(2) The resolution calling for the election and the election notice shall show the proposed purpose for which such tax funds will be expended and the amount of money sought.

(3) Notice of the election shall state the date which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in such area at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the area, notice shall be posted in at least two public places in each county in the area.

(4) If a special election is called the board shall prescribe the form of the ballot to be used.

Sec. 4. That section 79-2648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2648. Except as provided in section 7 of this act, each Each board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used first for the retirement of bonds assumed by the board, then for the retirement of bonds issued pursuant to this section, and then for the purchasing, purchasing on contract, leasing, constructing, renovating, and improving of facilities necessary to carry out the provisions of sections 79-2636 to 79-2662. Revenue bonds issued shall be subject to all applicable provisions of sections 79-1438.04 to 79-1438.12. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in a general, primary, or special election called for such purpose, upon notice given by

the members of the board at least twenty days prior to such election. No bonds issued under the provisions of sections 79-2636 to 79-2662 shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 5. That section 79-2650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board may certify to the county board of equalization of each county within the area a mill levy of not to exceed two mills, uniform throughout such area, for the purpose of supporting operating expenditures of the technical community college area.

(2) In addition to the levy provided in subsection (1) of this section, the board may, subject to the provisions of sections 1, 2, and 7 of this act, also certify to the county board of equalization of each county within the area a mill levy of not to exceed one mill, uniform throughout such area, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The power to levy such tax under this subsection shall not exist after June 30, 1980.

(3) The combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills without prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.

(4) Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Sec. 6. Except as provided for in section 7 of this act, each technical community college area shall fully retire all outstanding assumed general obligation debts prior to using any bond issue pursuant to section 79-2648 or a tax levied pursuant to subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) the consideration necessary for entering into any lease-purchase agreement or other contract.

Sec. 7. Sections 1, 2, and 6 of this act shall not apply to any technical community college area which meets one or more of the following conditions:

(1) Actual construction contracts have been let prior to the effective date of this act;

(2) Land has been acquired prior to the effective date of this act for the specific purpose of constructing a new campus;

(3) The total project cost for a new structure or addition to an existing structure does not exceed one hundred thousand dollars; or

(4) Project construction is for miscellaneous renovation and deferred maintenance projects, handicapped access, and life safety improvements made to existing structures or grounds.

Sec. 8. The Technical Community College Board of Governors for each technical community college area shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received.

Sec. 9.. That original sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, are repealed.