

LEGISLATIVE BILL 15

Approved by the Governor February 18, 1981

Introduced by Intergovernmental Cooperation Committee,
Clark, 47, Chmn.; Hefner, 19; Rumery, 42

AN ACT relating to schools; to authorize payments to certain school districts by certain entities constructing and owning electric generating facilities; to state intent; to repeal section 79-1370, Revised Statutes Supplement, 1980; and to declare an emergency.

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

Section 1. All ratepayers of public power districts, public power and irrigation districts, municipalities, electric cooperatives, electric membership corporations, or other entities which construct electric generating facilities, benefit from such construction, and due to the influx of large numbers of workers and their families during certain periods of such construction, residents in areas surrounding such electric generating facility sites may sustain additional tax burdens for the education of the workers' children. It is hereby determined and declared to be the public policy of this state, in order to promote the general health, welfare, and quality of education, that any public power district, public power and irrigation district, municipality, electric cooperative, electric membership corporation, or other entity engaged in such construction may use its funds for the purpose of paying money to certain school districts as provided in this act in order to alleviate the impact resulting from such construction, and any such use of funds is hereby determined to be for a public purpose.

Sec. 2. For any school year beginning after the effective date of this act, when either parent of a student attending public schools in any school district is employed in the construction of an electric generating facility, which determination shall be made by the school district within one hundred fifty days after commencement of the school year, the public power district, public power and irrigation district, municipality, electric cooperative, electric membership corporation, or other entity constructing and owning such facility may pay to any such impacted school district, upon written request with certified supporting information from such school district, an amount which shall not exceed the amount derived by (1) taking the total receipts of such school district from the local ad valorem tax levy for the

preceding school year, less one half of any amount included therein which is provided for the payment of servicing bonded indebtedness on any school facility, plus depreciation at the annual rate of three per cent on any school facility, (2) dividing the total thereof by the average daily membership of resident students in such school district for the preceding school year, and (3) multiplying the resulting quotient by the number of children of such employees attending such school district in the current year.

Sec. 3. For each school year commencing with the 1977-78 school year, which has begun or has been completed prior to the effective date of this act, a public power district, public power and irrigation district, municipality, electric cooperative, electric membership corporation, or other entity subject to this act may pay to any impacted school district, upon written request with certified supporting information from such school district within one hundred eighty days from the effective date of this act, an amount which shall not exceed the amount calculated in accordance with the formula set forth in section 2 of this act as applied to the applicable school year.

Sec. 4. Prior to any payment to an impacted school district as provided in this act, the governing body of the public power district, public power and irrigation district, municipality, electric cooperative, electric membership corporation, or other entity constructing and owning such electric generating facility shall find and determine that such payment will promote the general health, welfare, and quality of education and will be in the best interests of the entity in its proprietary capacity and its relations with its employees, contractors, and the public generally.

Sec. 5. For the purposes of sections 77-3412 to 77-3431, combined receipts or anticipated combined receipts for a prior, current, or ensuing fiscal year shall not include any funds received or anticipated to be received in accordance with this act.

Sec. 6. That section 79-1370, Revised Statutes Supplement, 1980, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.