

LEGISLATIVE BILL 38

Approved by the Governor April 6, 1988

Introduced by Warner, 25; L. Johnson, 15

AN ACT relating to colleges; to amend sections 79-2650, 79-2650.07, and 85-324, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tax levies by technical community college area boards; to authorize additional expenditures for Cushing Coliseum at Kearney State College; to repeal the original sections; and to declare an emergency.

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

Section 1. 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 tax levy of not to exceed nine cents on each one hundred dollars on the actual valuation of all property within the area, uniform throughout such area, for the purpose of supporting operating expenditures of the technical community college area. ~~The power to levy such tax under this subsection shall not exist after June 30, 1990.~~

(2) In addition to the levy provided in subsection (1) of this section, the board may also certify to the county board of equalization of each county within the area a tax levy of not to exceed one and eight-tenths cents on each one hundred dollars on the actual valuation of all property within the area, uniform throughout such area, for the purpose of establishing a capital improvement fund and bond sinking fund as provided in section 79-2648. ~~The power to levy such tax under this subsection shall not exist after June 30, 1990.~~

(3) Except as provided by subsection (4) of this section, the levy provided in subsection (1) of this section shall not exceed nine cents on each one hundred dollars on the actual valuation of all property within the area without prior approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section

79-2650.03.

(4) The tax levy limit provided in subsection (1) of this section may be exceeded by a two-thirds vote of the area board of any area with a total population of less than one hundred and fifty thousand. The tax levy increase permitted under this subsection shall not exceed and shall be the lesser of an additional two and one-half cents on each one hundred dollars of the actual valuation of all property within the area or an amount sufficient to fund the local tax receipt portion of the total budget increase permitted under any budget increase limitation which is imposed by law and which is applicable to such area.

(5) The levy provided by subsection (2) of this section may be exceeded by that amount necessary to retire the general obligation bonds assumed by the area or issued pursuant to section 79-2648 according to the terms of such bonds.

(6) 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. 2. That section 79-2650.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650.07. Except (1) when such use has been approved at an election held pursuant to section 79-2650.03, ~~or~~ (2) for new capital construction at a campus which is part of ~~an~~ a technical community college area with a total population of less than three hundred and twenty-five thousand and which is an old military installation with buildings which are in need of replacement, which has a total cost of not more than two million dollars and for which bid letting will be accomplished by July 1, 1990, or (3) for capital construction in a technical community college area which includes a city of the primary class, which has a total cost of not more than one million eight hundred thousand dollars and for which bid letting will be accomplished by July 1, 1991, no tax levied pursuant to subsection (2) of section 79-2650 shall be used by an area for (a) new capital structures, (b) additions to existing structures, or (c) lease-purchase agreements or other new construction contracts the total cost of which to be paid from tax funds exceeds two hundred thousand dollars.

Sec. 3. That section 85-324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

85-324. There is hereby created the State College Facilities Improvement Fund. All money accruing to the fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those construction projects of the state colleges authorized pursuant to this section. No expenditure may be made from such fund without prior approval by a resolution of the board of trustees.

The board of trustees may make expenditures from the State College Facilities Improvement Fund for the following projects: (1) Renovation of the T.J. Majors Education Building at Peru State College, two million twenty-five thousand dollars; and (2) renovation of, and construction of an addition to, Cushing Coliseum at Kearney State College, eight million five hundred and ninety-eight thousand ninety-eight dollars. The board of trustees may make additional expenditures for the project listed in subdivision (2) of this section in an amount not to exceed two million two hundred and ninety-five thousand dollars from private sources and non-state-aided institutional sources. The cost for each project listed in this section shall be exclusive of sums previously expended for planning and any administrative costs and financing costs associated with any contract which the board of trustees may enter into pursuant to this section and section 85-325 to implement any of the projects listed in this section.

The board of trustees may make expenditures for the purposes stated in this section from investment income balances in the State College Facilities Improvement Fund. The board of trustees may make expenditures from such fund in amounts which, in combination with interest accrued on any construction funds and reserve funds created as part of a long-term contract entered into by the board of trustees pursuant to section 85-325, are sufficient to satisfy the financial obligations incurred in such contracts entered into by the board of trustees. Any balance existing in the State College Facilities Improvement Fund, any reserve funds, or any other funds created as part of a long-term contract entered into by the board of trustees pursuant to section 85-325 shall be transferred to the General Fund either on June 15, 1998, or when all financial obligations incurred in the contracts entered into by the board of trustees pursuant to section 85-325 are discharged, whichever occurs first.

Sec. 4. That original sections 79-2650, 79-2650.07, and 85-324, Reissue Revised Statutes of

Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.