

LEGISLATIVE BILL 624

Approved by the Governor April 27, 1983

Introduced by Wesely, 26

AN ACT relating to schools; to provide intent; to provide for certain tax assessments; to exclude certain items from budget limitations; to provide duties for school boards; and to declare an emergency.  
Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that:

(1) Exposure to materials containing asbestos has been identified by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as mesothelioma and asbestosis;

(2) Federal agencies have established that no safe level of exposure to asbestos exists as a threshold for determining the likelihood of developing illness;

(3) Substantial amounts of asbestos, particularly in sprayed form, have been used in buildings, especially during the period from 1946 to 1973;

(4) Asbestos materials may become damaged causing asbestos fibers to be dislodged into the air;

(5) Asbestos concentrations far exceeding the normal ambient air levels have been found in buildings containing friable asbestos material; and

(6) Concentrations of asbestos in friable building materials in school buildings throughout the state should be identified and, to the extent possible, abated.

Sec. 2. (1) Each local school board, after making a determination according to Environmental Protection Agency guidelines that exposed surfaces containing greater than one per cent friable asbestos exist within the school buildings under their control, may make and deliver to the county clerk of such county in which any part of the district is situated, not later than the first Monday in August, an itemized estimate of the amounts necessary to be expended for the removal and replacement of exposed building materials which contain greater than one per cent friable asbestos, as defined by the United States Environmental Protection Agency, in

their respective school buildings. Each local school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the school district.

(2) It shall be the duty of the county clerk to levy such taxes on the taxable property of the district necessary to cover the removal and replacement costs of subsection (1) of this section. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected, shall be paid to the treasurer of the proper school district and used to cover the removal and replacement costs of subsection (1) of this section.

(3) Each school district which submits an itemized estimate pursuant to subsection (1) of this section shall establish an asbestos removal fund. Taxes collected pursuant to subsection (2) of this section shall be credited to such fund to cover the costs of removing and replacing all or any part of exposed building materials containing greater than one per cent friable asbestos within such buildings. Such estimates may be presented to the county clerk and taxes levied accordingly until all exposed building materials containing greater than one per cent friable asbestos have been replaced. In no event, however, may a school board present any such estimates after August 1985.

(4) The itemized estimate submitted by a school board pursuant to subsection (1) of this section may include the actual cost of removal and replacement of exposed building materials containing greater than one per cent friable asbestos when such removal and replacement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

Sec. 3. Any tax revenue that a school district may receive pursuant to section 2 of this act shall not be considered as part of the budget statement of section 77-3423 nor shall such items be subject to the limitations imposed by section 77-3423.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.