

LEGISLATIVE BILL 405

Approved by the Governor March 7, 1985

Introduced by Wesely, 26; Lamb, 43

AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1984; to change a time limit relating to asbestos removal; and to repeal the original section.

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

Section 1. That section 79-4,207, Revised Statutes Supplement, 1984, be amended to read as follows:

79-4,207. (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~~ 1987.

(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. 2. That original section 79-4,207, Revised Statutes Supplement, 1984, is repealed.