

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 278CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Linehan, 39.

Read first time January 19, 2022

Committee: Education

1 THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA,
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2022, the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article VII, section 2, Article VII, section 4, and Article
7 XIII, section 1, and repeal Article VII, section 3:

8 ~~VII-2 The State Department of Education shall be comprised of a~~
9 ~~State Board of Education and a Commissioner of Education.~~ The State
10 Department of Education shall have general supervision and administration
11 of the school system of the state and of such other activities as the
12 Legislature may direct.

13 VII-4 The Governor ~~State Board of Education~~ shall appoint and fix
14 the compensation of a the Commissioner of Education, who shall be the
15 ~~executive officer of the State Board of Education and the~~ administrative
16 head of the State Department of Education, and who shall have such powers
17 and duties as the Legislature may direct. ~~The board shall appoint all~~
18 ~~employees of the State Department of Education on the recommendation of~~
19 ~~the Commissioner of Education.~~

20 XIII-1 The state may, to meet casual deficits, or failures in the
21 revenue, contract debts never to exceed in the aggregate one hundred
22 thousand dollars, and no greater indebtedness shall be incurred except
23 for the purpose of repelling invasion, suppressing insurrection, or

1 defending the state in war, and provision shall be made for the payment
2 of the interest annually, as it shall accrue, by a tax levied for the
3 purpose, or from other sources of revenue, which law providing for the
4 payment of such interest by such tax shall be irrepealable until such
5 debt is paid; Provided, that if the Legislature determines by a three-
6 fifths vote of the members elected thereto that (1) the need for
7 construction of highways in this state requires such action, it may
8 authorize the issuance of bonds for such construction, and for the
9 payment of the interest and the retirement of such bonds it may pledge
10 any tolls to be received from such highways or it may irrevocably pledge
11 for the term of the bonds all or a part of any state revenue closely
12 related to the use of such highways, such as motor vehicle fuel taxes or
13 motor vehicle license fees and (2) the construction of water retention
14 and impoundment structures for the purposes of water conservation and
15 management will promote the general welfare of the state, it may
16 authorize the issuance of revenue bonds for such construction, and for
17 the payment of the interest and the retirement of such bonds it may
18 pledge all or any part of any state revenue derived from the use of such
19 structures; and provided further, that the Board of Regents of the
20 University of Nebraska, the Board of Trustees of the Nebraska State
21 Colleges, and, at the direction of the Governor, the Commissioner of
22 Education ~~the State Board of Education~~ may issue revenue bonds to
23 construct, purchase, or otherwise acquire, extend, add to, remodel,
24 repair, furnish, and equip dormitories, residence halls, single or
25 multiple dwelling units, or other facilities for the housing and boarding
26 of students, single or married, and faculty or other employees, buildings
27 and structures for athletic purposes, student unions or centers, and for
28 the medical care and physical development and activities of students, and
29 buildings or other facilities for parking, which bonds shall be payable
30 solely out of revenue, fees, and other payments derived from the use of
31 the buildings and facilities constructed or acquired, including buildings

1 and facilities heretofore or hereafter constructed or acquired, and paid
2 for out of the proceeds of other issues of revenue bonds, and the
3 revenue, fees, and payments so pledged need not be appropriated by the
4 Legislature, and any such revenue bonds heretofore issued by either of
5 such boards are hereby authorized, ratified, and validated. Bonds for new
6 construction shall be first approved as the Legislature shall provide.

7 Article VII, section 3, of the Constitution of Nebraska is
8 repealed.

9 Sec. 2. The proposed amendment shall be submitted to the electors
10 in the manner prescribed by the Constitution of Nebraska, Article XVI,
11 section 1, with the following ballot language:

12 A constitutional amendment to eliminate the State Board of Education
13 and transfer the power to appoint the Commissioner of Education to the
14 Governor and the power to issue revenue bonds to the Commissioner of
15 Education at the direction of the Governor.

16 For

17 Against.