

LEGISLATIVE BILL 542

Approved by the Governor May 3, 1995

Introduced by Beutler, 28; Crosby, 29; Hartnett, 45; Schimek, 27; Wesely, 26; Wickersham, 49; Withem, 14

AN ACT relating to education; to amend section 79-3801, Reissue Revised Statutes of Nebraska; to change provisions relating to impact aid; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Section 1. Section 79-3801, Reissue Revised Statutes of Nebraska, is amended to read:

79-3801. Sections 79-3801 to 79-3824 and sections 2 and 3 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 2. (1) If (a) federal legislation is enacted by October 1, 1995, providing that payments under section 3(d)(2)(B) of Public Law 81-874 are not required to be refunded for school year 1990-91 and (b) federal legislation is enacted with an effective date not later than October 1, 1995, (i) providing that funds need not be restored or reimbursed to affected local education agencies from state aid distributions for school year 1990-91 and deeming Nebraska not certified for school years 1991-92 through 1994-95 or (ii) deeming Nebraska to be certified for school year 1990-91 and deeming Nebraska not certified for school years 1991-92 through 1994-95, then on or about October 15, 1995, the department shall make payments, from funds separately appropriated for such purpose, to school districts which in school year 1990-91 received less state aid under the Tax Equity and Educational Opportunities Support Act than they would have received if no federal impact aid entitlements had been included in the calculation of district formula resources pursuant to section 79-3811. Each such school district shall receive the amount by which its state aid for school year 1990-91 was less than it would have been if no impact aid entitlements had been considered in the calculation of its state aid. No payments shall be made under this section to any school district which receives federal impact aid entitlements under section 3(d)(2)(B) of Public Law 81-874 or any similar provision of the 1994 reenactment of the impact aid statutes. Payments made pursuant to this section shall not be considered as district formula resources for purposes of calculation of state aid under the Tax Equity and Educational Opportunities Support Act.

(2) If no funds are separately appropriated by the Legislature under subsection (1) of this section, since funds for the school year 1990-91 may not be otherwise subject to adjustment under Chapter 79, the department shall set aside from the amount appropriated to the Tax Equity and Educational Opportunities Fund for school year 1995-96 the amounts specified in such subsection and (a) if the federal legislation referred to in such subsection is enacted as provided therein, the department shall pay from the funds set aside the amounts specified in such subsection to the school districts specified in such subsection on or about October 15, 1995, or (b) if the federal legislation referred to in such subsection is not enacted, the funds set aside pursuant to this subsection shall be held by the department until it is finally determined, by appeal or otherwise, whether Nebraska is certified to take into consideration impact aid entitlements under Public Law 81-874 for state aid distribution for school year 1990-91. If Nebraska is so certified, such funds shall be reappropriated to the Tax Equity and Educational Opportunities Fund for distribution pursuant to the distribution formula in the Tax Equity and Educational Opportunities Support Act. If Nebraska is not so certified, the department shall pay from the funds set aside the amounts specified in subsection (1) of this section to the school districts specified in such subsection within sixty days after the final determination. Payments made pursuant to this section shall not be considered as district formula resources for purposes of calculation of state aid under the act.

Sec. 3. Nothing in the Tax Equity and Educational Opportunities Support Act shall be construed as altering, amending, or changing in any manner the duties or obligations of the department under section 79-1369, nor shall the provisions of the act be construed as relieving the department of its obligation to make appropriate aid allocation adjustments following a final determination of the amount of funds due to any school district under the provisions of or through the operation of the act.

Sec. 4. Original section 79-3801, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.