

AMENDMENTS TO LB 392

Introduced by Education.

1           1. Strike original section 3 and insert the following new  
2 sections:

3           Section 1. Section 13-503, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           13-503 For purposes of the Nebraska Budget Act, unless  
6 the context otherwise requires:

7           (1) Governing body shall mean the governing body of  
8 any county agricultural society, elected county fair board, joint  
9 airport authority formed under the Joint Airport Authorities  
10 Act, city or county airport authority, bridge commission created  
11 pursuant to section 39-868, cemetery district, city, village,  
12 municipal county, community college, community redevelopment  
13 authority, county, drainage or levee district, educational  
14 service unit, rural or suburban fire protection district,  
15 historical society, hospital district, irrigation district,  
16 learning community, natural resources district, nonprofit county  
17 historical association or society for which a tax is levied under  
18 subsection (1) of section 23-355.01, public building commission,  
19 railroad transportation safety district, reclamation district,  
20 road improvement district, rural water district, school district,  
21 sanitary and improvement district, township, offstreet parking  
22 district, transit authority, metropolitan utilities district,  
23 Educational Service Unit Coordinating Council, and political

1 subdivision with the authority to have a property tax request, with  
2 the authority to levy a toll, or that receives state aid;

3 (2) Levying board shall mean any governing body which has  
4 the power or duty to levy a tax;

5 (3) Fiscal year shall mean the twelve-month period used  
6 by each governing body in determining and carrying on its financial  
7 and taxing affairs;

8 (4) Tax shall mean any general or special tax levied  
9 against persons, property, or business for public purposes as  
10 provided by law but shall not include any special assessment;

11 (5) Auditor shall mean the Auditor of Public Accounts;

12 (6) Cash reserve shall mean funds required for the period  
13 before revenue would become available for expenditure but shall not  
14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax  
16 money, used in the operation and functions of governing bodies.  
17 For purposes of a county, city, or village which has a lottery  
18 established under the Nebraska County and City Lottery Act, only  
19 those net proceeds which are actually received by the county, city,  
20 or village from a licensed lottery operator shall be considered  
21 public funds, and public funds shall not include amounts awarded as  
22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget  
24 statement which has been adopted or amended and adopted as provided  
25 in section 13-506. Such term shall include additions, if any, to an  
26 adopted budget statement made by a revised budget which has been  
27 adopted as provided in section 13-511;

1           (9) Special reserve fund shall mean any special fund  
2 set aside by the governing body for a particular purpose and not  
3 available for expenditure for any other purpose. Funds created  
4 for (a) the retirement of bonded indebtedness, (b) the funding  
5 of employee pension plans, (c) the purposes of the Political  
6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the  
7 Local Option Municipal Economic Development Act, (e) voter-approved  
8 sinking funds, or (f) statutorily authorized sinking funds, ~~or (g)~~  
9 ~~the distribution of property tax receipts by a learning community~~  
10 ~~to member school districts~~ shall be considered special reserve  
11 funds;

12           (10) Biennial period shall mean the two fiscal years  
13 comprising a biennium commencing in odd-numbered years used by  
14 a city in determining and carrying on its financial and taxing  
15 affairs; and

16           (11) Biennial budget shall mean a budget by a city of  
17 the primary or metropolitan class that adopts a charter provision  
18 providing for a biennial period to determine and carry on the  
19 city's financial and taxing affairs.

20           Sec. 4. Section 79-1007.21, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           79-1007.21 ~~(1)~~ (1)(a) For school fiscal year 2009-10  
23 and each school fiscal year thereafter, school districts may  
24 apply to the department for a two-year new school adjustment  
25 to accommodate recent and expected student growth, on a form  
26 prescribed by the department, on or before October 10 of the school  
27 fiscal year immediately preceding the school fiscal year for which

1 the first-year new school adjustment would be included in the  
2 calculation of state aid.

3 Such form shall require evidence (i) of recent and  
4 expected student growth, evidence (ii) that a new building or the  
5 expansion or remodeling of an existing building is being completed  
6 to provide additional student capacity to accommodate such growth  
7 and not to replace an existing building, evidence (iii) that  
8 the school fiscal year for which the district would receive the  
9 first-year adjustment will be the first full school fiscal year for  
10 which students will utilize such additional capacity, and evidence  
11 (iv) of the estimated additional student capacity to be provided by  
12 the project.

13 (b) For school fiscal year 2011-12 and each school fiscal  
14 year thereafter, school districts may apply to the department for  
15 a two-year new school adjustment for a new focus school or a new  
16 focus program, on a form prescribed by the department, on or before  
17 October 10 of the school fiscal year immediately preceding the  
18 school fiscal year for which the first-year new school adjustment  
19 would be included in the calculation of state aid. Such form shall  
20 require evidence (i) supporting an estimate of the expected average  
21 yearly enrollment in the focus school or focus program for the  
22 first two years of the new focus school or focus program and (ii)  
23 that the school fiscal year for which the district would receive  
24 the first-year adjustment will be the first full school fiscal year  
25 for which students will attend such focus school or focus program.

26 (c) On or before the immediately following December  
27 1, the department shall approve the expected average yearly

1 enrollment for new focus schools and focus programs or the  
2 estimated additional capacity for use in the adjustment, approve a  
3 modified expected average yearly enrollment for new focus schools  
4 and focus programs or the estimated additional capacity for use in  
5 the adjustment, or deny the application based on the requirements  
6 of this section, the evidence submitted on the application, and  
7 any other information provided by the department. Each approval  
8 shall include an approved expected average yearly enrollment for  
9 new focus schools and focus programs or the estimated additional  
10 student capacity for the new building, expansion, or remodeling.

11 (d) The state board shall establish procedures for appeal  
12 of decisions of the department to the state board for final  
13 determination.

14 (2) The first-year new school adjustment for each  
15 approved district shall equal the school district's basic funding  
16 per formula student multiplied by twenty percent of the approved  
17 expected average yearly enrollment for new school adjustments for  
18 focus schools and focus programs or estimated additional student  
19 capacity for all other new school adjustments. The second-year  
20 new school adjustment for each approved district shall equal the  
21 school district's basic funding per formula student multiplied by  
22 ten percent of the approved expected average yearly enrollment  
23 for new school adjustments for focus schools and focus programs  
24 or estimated additional student capacity for all other new school  
25 adjustments.

26 Sec. 5. Section 79-1041, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           79-1041 Each county treasurer of a county with territory  
2 in a learning community shall distribute any funds collected by  
3 such county treasurer from the common general fund levy and the  
4 common building fund levy of such learning community to each member  
5 school district pursuant to sections 79-1073 and 79-1073.01 at  
6 least once each month.

7           Each county treasurer shall, upon request of a majority  
8 of the members of the school board or board of education in  
9 any school district, at least once each month distribute to the  
10 district any funds collected by such county treasurer for school  
11 purposes.

12           Sec. 6. Section 79-1073, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           79-1073 On or before September 1 for each year, each  
15 learning community coordinating council shall determine the  
16 expected amounts to be distributed by the county treasurers to  
17 each member school district from general fund property tax receipts  
18 pursuant to subdivision (2)(b) of section 77-3442 and shall certify  
19 such amounts to each member school district, the county treasurer  
20 for each county containing territory in the learning community,  
21 and the State Department of Education. For the first three school  
22 fiscal years for which the learning community levies a common  
23 general fund property tax for school districts, such property  
24 tax receipts shall be divided among member school districts  
25 proportionally based on the greater of (1) the difference of the  
26 school district's formula need calculated pursuant to the Tax  
27 Equity and Educational Opportunities Support Act minus the sum

1 of the state aid certified pursuant to section 79-1022 and the  
2 other actual receipts included in local system formula resources  
3 pursuant to section 79-1018.01 for the school fiscal year for  
4 which the distribution is being made or (2) the difference of  
5 the sum of the state aid certified for the school fiscal year  
6 immediately preceding the first school fiscal year for which the  
7 learning community levies a common general fund property tax  
8 for school districts plus the product of the school district's  
9 general fund levy for such school fiscal year multiplied by the  
10 assessed valuation for such school fiscal year minus the state aid  
11 certified pursuant to section 79-1022 for the school fiscal year  
12 for which the distribution is being made. Thereafter, such property  
13 tax receipts shall be divided among member school districts  
14 proportionally based on the difference of the school district's  
15 formula need calculated pursuant to section 79-1007.11 minus the  
16 sum of the state aid certified pursuant to section 79-1022 and the  
17 other actual receipts included in local system formula resources  
18 pursuant to section 79-1018.01 for the school fiscal year for which  
19 the distribution is being made.

20           Each time a ~~learning community coordinating council~~ the  
21 county treasurer distributes property tax receipts from the common  
22 general fund levy to member school districts, the amount to be  
23 distributed to each district shall be proportional based on the  
24 total amounts to be distributed to each member school district for  
25 the school fiscal year.

26           Sec. 7. Section 79-1073.01, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           79-1073.01 Amounts levied by learning communities for  
2 special building funds for member school districts pursuant to  
3 subdivision (2)(g) of section 77-3442 shall be distributed by the  
4 county treasurer collecting such levy proceeds to all member school  
5 districts proportionally based on the formula students used in the  
6 most recent certification of state aid pursuant to section 79-1022.

7           Any amounts distributed pursuant to this section shall be  
8 used by the member school districts for special building funds.

9           Sec. 8. Section 79-2104, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           79-2104 A learning community coordinating council shall  
12 have the authority to:

13           (1) Levy ~~and distribute~~ a common levy for the general  
14 funds of member school districts pursuant to sections 77-3442 and  
15 79-1073;

16           (2) Levy ~~and distribute~~ a common levy for the special  
17 building funds of member school districts pursuant to sections  
18 77-3442 and 79-1073.01;

19           (3) Levy for capital projects approved by the learning  
20 community coordinating council pursuant to sections 77-3442 and  
21 79-2111;

22           (4) Collect, analyze, and report data and information,  
23 including, but not limited to, information provided by a school  
24 district pursuant to subsection (5) of section 79-201;

25           (5) Approve focus schools and focus programs to be  
26 operated by member school districts;

27           (6) Adopt, approve, and implement a diversity plan which

1 shall include open enrollment and may include focus schools, focus  
2 programs, magnet schools, and pathways pursuant to section 79-2110;

3 (7) Administer the open enrollment provisions in section  
4 79-2110 for the learning community as part of a diversity plan  
5 developed by the council to provide educational opportunities which  
6 will result in increased diversity in schools across the learning  
7 community;

8 (8) Annually conduct school fairs to provide students and  
9 parents the opportunity to explore the educational opportunities  
10 available at each school in the learning community and develop  
11 other methods for encouraging access to such information and  
12 promotional materials;

13 (9) Develop and approve reorganization plans for  
14 submission pursuant to the Learning Community Reorganization Act;

15 (10) Establish and administer elementary learning centers  
16 through achievement subcouncils pursuant to sections 79-2112 to  
17 79-2114;

18 (11) Administer the learning community funds distributed  
19 to the learning community pursuant to section 79-2111;

20 (12) Approve or disapprove poverty plans and limited  
21 English proficiency plans for member school districts through  
22 achievement subcouncils established under section 79-2117;

23 (13) Establish a procedure for receiving community input  
24 and complaints regarding the learning community; and

25 (14) Establish a procedure to assist parents, citizens,  
26 and member school districts in accessing an approved center  
27 pursuant to the Dispute Resolution Act to resolve disputes

1 involving member school districts or the learning community. Such  
2 procedure may include payment by the learning community for some  
3 mediation services.

4           2. On page 12, line 20, after "sections" insert "13-503,"  
5 and after the last comma insert "79-1041, 79-1073, 79-1073.01,  
6 79-2104,".

7           3. Renumber the remaining sections accordingly.