

AMENDMENTS TO LB1106

(Amendments to Standing Committee amendments, AM2870)

Introduced by Linehan, 39.

1 1. Strike sections 23 and 24 and insert the following new sections:

2 Sec. 23. Section 79-1022, Revised Statutes Supplement, 2019, as  
3 amended by section 1, Legislative Bill 880, One Hundred Sixth  
4 Legislature, Second Session, 2020, is amended to read:

5 79-1022 (1)(a) (1) On or before August 14 ~~May 1~~, 2020, and on or  
6 before March 1 of each year thereafter, the department shall determine  
7 the amounts to be distributed to each local system for the ensuing school  
8 fiscal year pursuant to the Tax Equity and Educational Opportunities  
9 Support Act ~~and shall certify the amounts to the Director of~~  
10 ~~Administrative Services, the Auditor of Public Accounts, and each local~~  
11 ~~system.~~

12 (b) For school fiscal year 2020-21 and each school fiscal year  
13 thereafter, the amount to be distributed to each local system shall equal  
14 the sum of the equalization aid determined pursuant to section  
15 79-1008.01, net option funding determined pursuant to section 79-1009,  
16 foundation aid determined pursuant to section 16 of this act, and  
17 community achievement plan aid determined pursuant to section 79-1005.

18 (c) The department shall certify the amounts to be distributed as  
19 determined pursuant to this subsection to the Director of Administrative  
20 Services, the Auditor of Public Accounts, and each district.

21 (d) On or before August 14 ~~May 1~~, 2020, and on or before March 1 of  
22 each year thereafter, the department shall report the necessary funding  
23 level for the ensuing school fiscal year to the Governor, the  
24 Appropriations Committee of the Legislature, and the Education Committee  
25 of the Legislature. The report submitted to the committees of the  
26 Legislature shall be submitted electronically.

1           (e) Except as otherwise provided in this subsection, certified state  
2 aid amounts, including adjustments pursuant to section 79-1065.02, shall  
3 be shown as budgeted non-property-tax receipts and deducted prior to  
4 calculating the property tax request in the local system's general fund  
5 budget statement as provided to the Auditor of Public Accounts pursuant  
6 to section 79-1024.

7           (2) Except as provided in this subsection, subsection (8) of section  
8 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts  
9 certified pursuant to subsection (1) of this section shall be distributed  
10 in ten as nearly as possible equal payments on the last business day of  
11 each month beginning in September of each ensuing school fiscal year and  
12 ending in June of the following year, except that when a local system is  
13 to receive a monthly payment of less than one thousand dollars, such  
14 payment shall be one lump-sum payment on the last business day of  
15 December during the ensuing school fiscal year.

16           (3) On or before August 14, 2020, and on or before March 1 of each  
17 year thereafter, for the purpose of calculating any levy exclusion  
18 pursuant to subdivision (2)(d)(vii) of section 77-3442, the department  
19 shall provide to each school district an estimate of aid without any  
20 short-term adjustment by the Legislature. Such estimate shall equal the  
21 amount that would have been certified pursuant to this section for the  
22 immediately following school fiscal year using the components of the Tax  
23 Equity and Educational Opportunities Support Act as such act existed on  
24 August 14, 2020. For purposes of this subsection, short-term adjustment  
25 means a change passed by the Legislature with a defined period of  
26 applicability.

27           Sec. 24. Section 79-1022.02, Revised Statutes Supplement, 2019, as  
28 amended by section 2, Legislative Bill 880, One Hundred Sixth  
29 Legislature, Second Session, 2020, is amended to read:

30           79-1022.02 Notwithstanding any other provision of law, any  
31 certification of state aid pursuant to section 79-1022, certification of

1 budget authority pursuant to section 79-1023, and certification of  
2 applicable allowable reserve percentages pursuant to section 79-1027  
3 completed prior to the effective date of this act ~~February 13, 2020~~, for  
4 school fiscal year 2020-21 are null and void.

5 Sec. 25. Section 79-1023, Revised Statutes Supplement, 2019, as  
6 amended by section 3, Legislative Bill 880, One Hundred Sixth  
7 Legislature, Second Session, 2020, is amended to read:

8 79-1023 (1) On or before August 14 ~~May 1~~, 2020, and on or before  
9 March 1 of each year thereafter, the department shall determine and  
10 certify to each school district budget authority for the general fund  
11 budget of expenditures for the ensuing school fiscal year.

12 (2) Except as provided in subsection (3) of this section for school  
13 fiscal year 2020-21 and in sections 79-1028.01, 79-1029, 79-1030, and  
14 81-829.51, each school district shall have budget authority for the  
15 general fund budget of expenditures equal to the greater of (a) the  
16 general fund budget of expenditures for the immediately preceding school  
17 fiscal year minus exclusions pursuant to subsection (1) of section  
18 79-1028.01 for such school fiscal year with the difference increased by  
19 the basic allowable growth rate for the school fiscal year for which  
20 budget authority is being calculated, (b) the general fund budget of  
21 expenditures for the immediately preceding school fiscal year minus  
22 exclusions pursuant to subsection (1) of section 79-1028.01 for such  
23 school fiscal year with the difference increased by an amount equal to  
24 any student growth adjustment calculated for the school fiscal year for  
25 which budget authority is being calculated, or (c) one hundred ten  
26 percent of formula need for the school fiscal year for which budget  
27 authority is being calculated minus the special education budget of  
28 expenditures as filed on the school district budget statement on or  
29 before September 20 for the immediately preceding school fiscal year,  
30 which special education budget of expenditures is increased by the basic  
31 allowable growth rate for the school fiscal year for which budget

1 authority is being calculated.

2 (3) For school fiscal year 2020-21, except as provided in sections  
3 79-1028.01, 79-1029, 79-1030, and 81-829.51, each school district shall  
4 have budget authority for the general fund budget of expenditures equal  
5 to the lesser of (a) the budget authority for the general fund budget of  
6 expenditures calculated pursuant to subsection (2) of this section or (b)  
7 the greater of (i) the general fund expenditures for school fiscal year  
8 2018-19 minus any expenditures that qualified for an exclusion from the  
9 budget authority for the general fund budget of expenditures pursuant to  
10 subsection (1) of section 79-1028.01 for such school fiscal year with the  
11 difference increased by ten percent for school fiscal year 2020-21, (ii)  
12 the general fund expenditures for school fiscal year 2018-19 minus any  
13 expenditures that qualified for an exclusion from the budget authority  
14 for the general fund budget of expenditures pursuant to subsection (1) of  
15 section 79-1028.01 for such school fiscal year with the difference  
16 increased (A) by the basic allowable growth rate for school fiscal year  
17 2019-20 pursuant to section 79-1025 and then (B) by an amount equal to  
18 any student growth adjustment calculated for school fiscal year 2020-21,  
19 or (iii) one hundred ten percent of formula need for school fiscal year  
20 2020-21 minus the special education expenditures for school fiscal year  
21 2018-19 with such special education expenditures increased by the basic  
22 allowable growth rate for school fiscal year 2020-21 pursuant to section  
23 79-1025.

24 (4) ~~(3)~~ For any school fiscal year for which the budget authority  
25 for the general fund budget of expenditures for a school district is  
26 based on a student growth adjustment, the budget authority for the  
27 general fund budget of expenditures for such school district shall be  
28 adjusted in future years to reflect any student growth adjustment  
29 corrections related to such student growth adjustment.

30 Sec. 26. Section 79-1027, Revised Statutes Supplement, 2019, as  
31 amended by section 4, Legislative Bill 880, One Hundred Sixth

1 Legislature, Second Session, 2020, is amended to read:

2 79-1027 No district shall adopt a budget, which includes total  
3 requirements of depreciation funds, necessary employee benefit fund cash  
4 reserves, and necessary general fund cash reserves, exceeding the  
5 applicable allowable reserve percentages of total general fund budget of  
6 expenditures as specified in the schedule set forth in this section.

7	Average daily	Allowable
8	membership of	reserve
9	district	percentage
10	0 - 471	45
11	471.01 - 3,044	35
12	3,044.01 - 10,000	25
13	10,000.01 and over	20

14 On or before August 14 ~~May 1~~, 2020, and on or before March 1 each  
15 year thereafter, the department shall determine and certify each  
16 district's applicable allowable reserve percentage for the ensuing school  
17 fiscal year.

18 Each district with combined necessary general fund cash reserves,  
19 total requirements of depreciation funds, and necessary employee benefit  
20 fund cash reserves less than the applicable allowable reserve percentage  
21 specified in this section may, notwithstanding the district's applicable  
22 allowable growth rate, increase its necessary general fund cash reserves  
23 such that the total necessary general fund cash reserves, total  
24 requirements of depreciation funds, and necessary employee benefit fund  
25 cash reserves do not exceed such applicable allowable reserve percentage.

26 Sec. 28. Section 79-1031.01, Revised Statutes Supplement, 2019, as  
27 amended by section 5, Legislative Bill 880, One Hundred Sixth  
28 Legislature, Second Session, 2020, is amended to read:

29 79-1031.01 The Appropriations Committee of the Legislature shall  
30 annually include the amount necessary to fund the state aid that will be

1 certified to school districts on or before August 14 ~~May 1~~, 2020, and on  
2 or before March 1 of each year thereafter for each ensuing school fiscal  
3 year in its recommendations to the Legislature to carry out the  
4 requirements of the Tax Equity and Educational Opportunities Support Act.

5 2. On page 43, line 2, strike "April 15" and insert "August 7".

6 3. On page 54, line 14, strike "April 15" and insert "August 7".

7 4. On page 70, line 21, strike the last "and"; in line 22 after  
8 "79-1005.01," insert "and"; strike beginning with "79-1022" in line 22  
9 through the first comma in line 23; and in line 23 after the last comma  
10 insert "and sections 79-1022, 79-1022.02, 79-1023, 79-1027, and  
11 79-1031.01, Revised Statutes Supplement, 2019, as amended by sections 1,  
12 2, 3, 4, and 5, respectively, Legislative Bill 880, One Hundred Sixth  
13 Legislature, Second Session, 2020,".

14 5. Renumber the remaining sections accordingly.