

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 288

Introduced by Walz, 15.

Read first time January 12, 2021

Committee:

1 A BILL FOR AN ACT relating to the Tax Equity and Educational
2 Opportunities Support Act; to amend sections 79-1022, 79-1022.02,
3 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative
4 Supplement, 2020; to change the determination and certification
5 dates relating to the distribution of aid, certification of certain
6 budget limitations as prescribed, and duties of the Appropriations
7 Committee of the Legislature; to harmonize provisions; to repeal the
8 original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1022, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 79-1022 (1) On or before June 10, 2021 ~~May 1, 2020~~, and on or before
4 March 1 of each year thereafter, the department shall determine the
5 amounts to be distributed to each local system for the ensuing school
6 fiscal year pursuant to the Tax Equity and Educational Opportunities
7 Support Act and shall certify the amounts to the Director of
8 Administrative Services, the Auditor of Public Accounts, and each local
9 system. On or before June 10, 2021 ~~May 1, 2020~~, and on or before March 1
10 of each year thereafter, the department shall report the necessary
11 funding level for the ensuing school fiscal year to the Governor, the
12 Appropriations Committee of the Legislature, and the Education Committee
13 of the Legislature. The report submitted to the committees of the
14 Legislature shall be submitted electronically. Except as otherwise
15 provided in this subsection, certified state aid amounts, including
16 adjustments pursuant to section 79-1065.02, shall be shown as budgeted
17 non-property-tax receipts and deducted prior to calculating the property
18 tax request in the local system's general fund budget statement as
19 provided to the Auditor of Public Accounts pursuant to section 79-1024.

20 (2) Except as provided in this subsection, subsection (8) of section
21 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts
22 certified pursuant to subsection (1) of this section shall be distributed
23 in ten as nearly as possible equal payments on the last business day of
24 each month beginning in September of each ensuing school fiscal year and
25 ending in June of the following year, except that when a local system is
26 to receive a monthly payment of less than one thousand dollars, such
27 payment shall be one lump-sum payment on the last business day of
28 December during the ensuing school fiscal year.

29 Sec. 2. Section 79-1022.02, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 79-1022.02 Notwithstanding any other provision of law, any

1 certification of state aid pursuant to section 79-1022, certification of
2 budget authority pursuant to section 79-1023, and certification of
3 applicable allowable reserve percentages pursuant to section 79-1027
4 completed prior to the effective date of this act ~~February 13, 2020~~, for
5 school fiscal year 2021-22 ~~2020-21~~ are null and void.

6 Sec. 3. Section 79-1023, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 79-1023 (1) On or before June 10, 2021 ~~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 sections 79-1028.01, 79-1029, 79-1030, and
13 81-829.51, each school district shall have budget authority for the
14 general fund budget of expenditures equal to the greater of (a) the
15 general fund budget of expenditures for the immediately preceding school
16 fiscal year minus exclusions pursuant to subsection (1) of section
17 79-1028.01 for such school fiscal year with the difference increased by
18 the basic allowable growth rate for the school fiscal year for which
19 budget authority is being calculated, (b) the general fund budget of
20 expenditures for the immediately preceding school fiscal year minus
21 exclusions pursuant to subsection (1) of section 79-1028.01 for such
22 school fiscal year with the difference increased by an amount equal to
23 any student growth adjustment calculated for the school fiscal year for
24 which budget authority is being calculated, or (c) one hundred ten
25 percent of formula need for the school fiscal year for which budget
26 authority is being calculated minus the special education budget of
27 expenditures as filed on the school district budget statement on or
28 before September 20 for the immediately preceding school fiscal year,
29 which special education budget of expenditures is increased by the basic
30 allowable growth rate for the school fiscal year for which budget
31 authority is being calculated.

1 (3) For any school fiscal year for which the budget authority for
2 the general fund budget of expenditures for a school district is based on
3 a student growth adjustment, the budget authority for the general fund
4 budget of expenditures for such school district shall be adjusted in
5 future years to reflect any student growth adjustment corrections related
6 to such student growth adjustment.

7 Sec. 4. Section 79-1027, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 79-1027 No district shall adopt a budget, which includes total
10 requirements of depreciation funds, necessary employee benefit fund cash
11 reserves, and necessary general fund cash reserves, exceeding the
12 applicable allowable reserve percentages of total general fund budget of
13 expenditures as specified in the schedule set forth in this section.

14	Average daily	Allowable
15	membership of	reserve
16	district	percentage
17	0 - 471	45
18	471.01 - 3,044	35
19	3,044.01 - 10,000	25
20	10,000.01 and over	20

21 On or before June 10, 2021 ~~May 1, 2020~~, and on or before March 1
22 each year thereafter, the department shall determine and certify each
23 district's applicable allowable reserve percentage for the ensuing school
24 fiscal year.

25 Each district with combined necessary general fund cash reserves,
26 total requirements of depreciation funds, and necessary employee benefit
27 fund cash reserves less than the applicable allowable reserve percentage
28 specified in this section may, notwithstanding the district's applicable
29 allowable growth rate, increase its necessary general fund cash reserves
30 such that the total necessary general fund cash reserves, total
31 requirements of depreciation funds, and necessary employee benefit fund

1 cash reserves do not exceed such applicable allowable reserve percentage.

2 Sec. 5. Section 79-1031.01, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 79-1031.01 The Appropriations Committee of the Legislature shall
5 annually include the amount necessary to fund the state aid that will be
6 certified to school districts on or before June 10, 2021 ~~May 1, 2020~~, and
7 on or before March 1 of each year thereafter for each ensuing school
8 fiscal year in its recommendations to the Legislature to carry out the
9 requirements of the Tax Equity and Educational Opportunities Support Act.

10 Sec. 6. Original sections 79-1022, 79-1022.02, 79-1023, 79-1027,
11 and 79-1031.01, Revised Statutes Cumulative Supplement, 2020, are
12 repealed.

13 Sec. 7. Since an emergency exists, this act takes effect when
14 passed and approved according to law.