

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 350

Introduced by Morfeld, 46.

Read first time January 16, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the Tax Equity and Educational
- 2 Opportunities Support Act; to amend section 79-1028.01, Revised
- 3 Statutes Cumulative Supplement, 2018; to provide a budget exception
- 4 for expanded learning opportunity programs; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1028.01, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 79-1028.01 (1) For each school fiscal year, a school district may
4 exceed its budget authority for the general fund budget of expenditures
5 as calculated pursuant to section 79-1023 for such school fiscal year by
6 a specific dollar amount for the following exclusions:

7 (a) Expenditures for repairs to infrastructure damaged by a natural
8 disaster which is declared a disaster emergency pursuant to the Emergency
9 Management Act;

10 (b) Expenditures for judgments, except judgments or orders from the
11 Commission of Industrial Relations, obtained against a school district
12 which require or obligate a school district to pay such judgment, to the
13 extent such judgment is not paid by liability insurance coverage of a
14 school district;

15 (c) Expenditures pursuant to the Retirement Incentive Plan
16 authorized in section 79-855 or the Staff Development Assistance
17 authorized in section 79-856;

18 (d) Expenditures of amounts received from educational entities as
19 defined in section 79-1201.01 for providing distance education courses
20 through the Educational Service Unit Coordinating Council to such
21 educational entities;

22 (e) Expenditures to pay for employer contributions pursuant to
23 subsection (2) of section 79-958 to the School Employees Retirement
24 System of the State of Nebraska to the extent that such expenditures
25 exceed the employer contributions under such subsection that would have
26 been made at a contribution rate of seven and thirty-five hundredths
27 percent;

28 (f) Expenditures to pay for school district contributions pursuant
29 to subdivision (1)(c)(i) or (1)(d)(i) of section 79-9,113 to the
30 retirement system established pursuant to the Class V School Employees
31 Retirement Act to the extent that such expenditures exceed the school

1 district contributions under such subdivision that would have been made
2 at a contribution rate of seven and thirty-seven hundredths percent;

3 (g) Expenditures for incentives agreed to be paid by a school
4 district to certificated employees in exchange for a voluntary
5 termination of employment occurring prior to July 1, 2009, occurring on
6 or after the last day of the 2010-11 school year and prior to the first
7 day of the 2013-14 school year, or, to the extent that a district
8 demonstrates to the State Board of Education pursuant to subsection (3)
9 of this section that the agreement will result in a net savings in salary
10 and benefit costs to the school district over a five-year period,
11 occurring on or after the first day of the 2013-14 school year and prior
12 to September 1, 2017;

13 (h) Expenditures by a school district with budgeted expenditures
14 otherwise equal to the budget authority for the general fund budget of
15 expenditures for such school district as calculated pursuant to section
16 79-1023 for such school fiscal year for current and future qualified
17 voluntary termination incentives for certificated teachers pursuant to
18 subsection (3) of section 79-8,142 that are not otherwise included in an
19 exclusion pursuant to this subsection;

20 (i) Expenditures by a school district with budgeted expenditures
21 otherwise equal to the budget authority for the general fund budget of
22 expenditures for such school district as calculated pursuant to section
23 79-1023 for such school fiscal year for seventy-five percent of
24 incentives agreed to be paid to certificated employees in exchange for a
25 voluntary termination of employment occurring between September 1, 2017,
26 and August 31, 2018, as a result of a collective-bargaining agreement in
27 force and effect on September 1, 2017, that are not otherwise included in
28 an exclusion pursuant to this subsection;

29 (j) Expenditures by a school district with budgeted expenditures
30 otherwise equal to the budget authority for the general fund budget of
31 expenditures for such school district as calculated pursuant to section

1 79-1023 for such school fiscal year for fifty percent of incentives
2 agreed to be paid to certificated employees in exchange for a voluntary
3 termination of employment occurring between September 1, 2018, and August
4 31, 2019, as a result of a collective-bargaining agreement in force and
5 effect on September 1, 2017, that are not otherwise included in an
6 exclusion pursuant to this subsection;

7 (k) Expenditures by a school district with budgeted expenditures
8 otherwise equal to the budget authority for the general fund budget of
9 expenditures for such school district as calculated pursuant to section
10 79-1023 for such school fiscal year for twenty-five percent of incentives
11 agreed to be paid to certificated employees in exchange for a voluntary
12 termination of employment occurring between September 1, 2019, and August
13 31, 2020, as a result of a collective-bargaining agreement in force and
14 effect on September 1, 2017, that are not otherwise included in an
15 exclusion pursuant to this subsection;

16 (l) The special education budget of expenditures;

17 (m) Expenditures of special grant funds; ~~and~~

18 (n) Expenditures of funds received as federal impact aid pursuant to
19 20 U.S.C. 7701 to 7714, as such sections existed on January 1, 2016, due
20 to a district having land within its boundaries that is federal property
21 classified as Indian lands under 20 U.S.C. 7713(7), as such section
22 existed on January 1, 2016, and funds received as impact aid due to
23 children in attendance who resided on Indian lands in accordance with 20
24 U.S.C. 7703(a)(1)(C), as such section existed on January 1, 2016; and -

25 (o) For districts with more than one thousand students, expenditures
26 up to one hundred thousand dollars, and for districts with one thousand
27 or fewer students, expenditures up to fifty thousand dollars for expanded
28 learning opportunity programs as defined in section 79-2503 or for
29 school-based or school-linked activities and programs that utilize
30 school-community partnerships to expand opportunities for students to
31 participate in educational activities outside the normal classroom.

1 (2) For each school fiscal year, a school district may exceed its
2 budget authority for the general fund budget of expenditures as
3 calculated pursuant to section 79-1023 for such school fiscal year by a
4 specific dollar amount and include such dollar amount in the budget of
5 expenditures used to calculate budget authority for the general fund
6 budget of expenditures pursuant to section 79-1023 for future years for
7 the following exclusions:

8 (a) The first school fiscal year the district will be participating
9 in Network Nebraska for the full school fiscal year, for the difference
10 of the estimated expenditures for such school fiscal year for
11 telecommunications services, access to data transmission networks that
12 transmit data to and from the school district, and the transmission of
13 data on such networks as such expenditures are defined by the department
14 for purposes of the distance education and telecommunications allowance
15 minus the dollar amount of such expenditures for the second school fiscal
16 year preceding the first full school fiscal year the district
17 participates in Network Nebraska;

18 (b) Expenditures for new elementary attendance sites in the first
19 year of operation or the first year of operation after being closed for
20 at least one school year if such elementary attendance site will most
21 likely qualify for the elementary site allowance in the immediately
22 following school fiscal year as determined by the state board;

23 (c) For the first school fiscal year for which early childhood
24 education membership is included in formula students for the calculation
25 of state aid, expenditures for early childhood education equal to the
26 amount the school district received in early childhood education grants
27 pursuant to section 79-1103 for the prior school fiscal year, increased
28 by the basic allowable growth rate; and

29 (d) For school fiscal year 2013-14, an amount not to exceed two
30 percent over the previous school year if such increase is approved by a
31 seventy-five percent majority vote of the school board of such district.

1 (3) The state board shall approve, deny, or modify the amount
2 allowed for any exclusions to the budget authority for the general fund
3 budget of expenditures pursuant to this section.

4 Sec. 2. Original section 79-1028.01, Revised Statutes Cumulative
5 Supplement, 2018, is repealed.