

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 416

Introduced by Friesen, 34.

Read first time January 18, 2019

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-1037, Reissue
- 2 Revised Statutes of Nebraska, and section 79-1035, Revised Statutes
- 3 Cumulative Supplement, 2018; to change the apportionment of funds
- 4 from the temporary school fund; to change the distribution of county
- 5 funds to school districts; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1035, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 79-1035 (1)(a) The State Treasurer shall, each year on or before the
4 third Monday in January, make a complete exhibit of all money belonging
5 to the permanent school fund and the temporary school fund as returned to
6 him or her from the several counties, together with the amount derived
7 from other sources, and deliver such exhibit duly certified to the
8 Commissioner of Education.

9 (b) Beginning in 2016 and each year thereafter, the exhibit required
10 in subdivision (1)(a) of this section shall include a separate
11 accounting, not to exceed an amount of ten million dollars, of the income
12 from solar and wind agreements on school lands. The amount of income from
13 solar and wind agreements on school lands shall be used to fund the
14 grants described in section 79-308. The Board of Educational Lands and
15 Funds shall provide the State Treasurer with the information necessary to
16 make the exhibit required by this subsection. Separate accounting shall
17 not be made for income from solar or wind agreements on school lands that
18 exceeds the sum of ten million dollars.

19 (2) On or before February 25 following receipt of the exhibit from
20 the State Treasurer pursuant to subsection (1) of this section, the
21 Commissioner of Education shall make the apportionment of the temporary
22 school fund to each school district as follows: From the whole amount,
23 less the amount of income from solar and wind agreements on school lands,
24 there shall be paid to those districts in which there are school or
25 saline lands, which lands are used for a public purpose, an amount in
26 lieu of tax money that would be raised if such lands were taxable, to be
27 fixed in the manner prescribed in section 79-1036; and the remainder
28 shall be apportioned to school districts proportionally based on the
29 average daily membership for each school district for the most recently
30 available complete data year as defined in section 79-1003 ~~the districts~~
31 ~~according to the pro rata enumeration of children who are five through~~

1 ~~eighteen years of age in each district last returned from the school~~
2 ~~district.~~ The calculation of apportionment for each school fiscal year
3 shall include any corrections to the prior school fiscal year's
4 apportionment.

5 (3) The Commissioner of Education shall certify the amount of the
6 apportionment of the temporary school fund as provided in subsection (2)
7 of this section to the Director of Administrative Services. The Director
8 of Administrative Services shall draw a warrant on the State Treasurer in
9 favor of the various districts for the respective amounts so certified by
10 the Commissioner of Education.

11 (4) For purposes of this section, agreement means any lease,
12 easement, covenant, or other such contractual arrangement.

13 Sec. 2. Section 79-1037, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-1037 (1) Each county treasurer shall add (a) all money received
16 by the county treasurer of his or her county on account of fines and
17 licenses, (b) the proceeds from the sale of schoolhouses, sites, or other
18 property of a school district, and (c) all unexpended balances of
19 proceeds of taxes levied by a district when the district has been taken
20 by the United States for any defense, flood control, irrigation, or war
21 project.

22 (2) The sum total referred to in subsection (1) of this section
23 shall be distributed to the school ~~several~~ districts of the county
24 proportionally based on the average daily membership for each such school
25 district for the most recently available complete data year as defined in
26 section 79-1003 ~~pro rata according to the enumeration of those children~~
27 ~~who are five through eighteen years of age for which the district is~~
28 ~~obligated to report on the census last returned by the districts.~~

29 Sec. 3. Original section 79-1037, Reissue Revised Statutes of
30 Nebraska, and section 79-1035, Revised Statutes Cumulative Supplement,
31 2018, are repealed.