

AMENDMENTS TO LB 545

(Amendments to Standing Committee amendments, AM 1056)

Introduced by Adams, 24.

1 1. Insert the following new sections:

2 Sec. 14. Section 79-1022, Reissue Revised Statutes of
3 Nebraska, as amended by section 1, Legislative Bill 548, One
4 Hundred First Legislature, First Session, 2009, is amended to read:

5 79-1022 (1) On or before June 1, 2009, on or before March
6 1, 2010, and on or before February 1 of each year thereafter,
7 the department shall determine the amounts to be distributed to
8 each local system and each district pursuant to the Tax Equity
9 and Educational Opportunities Support Act and shall certify the
10 amounts to the Director of Administrative Services, the Auditor of
11 Public Accounts, each learning community, and each district. The
12 amount to be distributed to each district that is not a member
13 of a learning community from the amount certified for a local
14 system shall be proportional based on: (a) For school fiscal years
15 prior to school fiscal year 2008-09, the weighted formula students
16 attributed to each district in the local system; and (b) for school
17 fiscal year 2008-09 and each school fiscal year thereafter, the
18 formula students attributed to each district in the local system.
19 For the first five complete school fiscal years for a learning
20 community, the amount to be distributed to each district that is
21 a member of such learning community shall be determined pursuant
22 to section 79-1015. For each school fiscal year thereafter, the

1 amount to be distributed to each district that is a member of a
2 learning community from the amount certified for the local system
3 shall be proportional based on the formula needs calculated for
4 each district in the local system. On or before June 1, 2009, on
5 or before March 1, 2010, and on or before February 1 of each year
6 thereafter, the department shall report the necessary funding level
7 to the Governor, the Appropriations Committee of the Legislature,
8 and the Education Committee of the Legislature. Certified state
9 aid amounts, including adjustments pursuant to section 79-1065.02,
10 shall be shown as budgeted non-property-tax receipts and deducted
11 prior to calculating the property tax request in the district's
12 general fund budget statement as provided to the Auditor of Public
13 Accounts pursuant to section 79-1024.

14 (2) Except as provided in subsection (8) of section
15 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
16 pursuant to subsection (1) of this section shall be distributed in
17 ten as nearly as possible equal payments on the last business day
18 of each month beginning in September of each ensuing school fiscal
19 year and ending in June of the following year, except that when a
20 school district is to receive a monthly payment of less than one
21 thousand dollars, such payment shall be one lump-sum payment on
22 the last business day of December during the ensuing school fiscal
23 year.

24 Sec. 16. Section 79-1026.01, Reissue Revised Statutes
25 of Nebraska, as amended by section 3, Legislative Bill 548, One
26 Hundred First Legislature, First Session, 2009, is amended to read:

27 79-1026.01 For school fiscal year 2008-09 and each school

1 fiscal year thereafter, on or before June 1, 2009, on or before
2 March 1, 2010, and on or before February 1 of each year thereafter,
3 the department shall determine and certify to each Class II, III,
4 IV, or V district an applicable allowable growth rate carried out
5 at least four decimal places as follows:

6 (1) The department shall establish a target budget level
7 range of general fund operating expenditure levels for each school
8 fiscal year for each school district which shall begin at twenty
9 percent less than the school district's formula need and end at the
10 school district's formula need. The beginning point of the range
11 shall be assigned a number equal to the maximum allowable growth
12 rate established in section 79-1025, and the end point of the range
13 shall be assigned a number equal to the basic allowable growth rate
14 as prescribed in such section such that the lower end of the range
15 shall be assigned the maximum allowable growth rate and the higher
16 end of the range shall be assigned the basic allowable growth rate;
17 and

18 (2) For each school fiscal year, each school district's
19 general fund operating expenditures shall be compared to its target
20 budget level along the range described in subdivision (1) of
21 this section to arrive at an applicable allowable growth rate
22 as follows: If each school district's general fund operating
23 expenditures fall below the lower end of the range, such applicable
24 allowable growth rate shall be the maximum growth rate identified
25 in section 79-1025. If each school district's general fund
26 operating expenditures are greater than the higher end of the
27 range, the school district's allowable growth rate shall be the

1 basic allowable growth rate identified in such section. If each
2 school district's general fund operating expenditures fall between
3 the lower end and the higher end of the range, the department shall
4 use a linear interpolation calculation between the end points of
5 the range to arrive at the applicable allowable growth rate for the
6 school district.

7 Sec. 17. Section 79-1027, Reissue Revised Statutes of
8 Nebraska, as amended by section 4, Legislative Bill 548, One
9 Hundred First Legislature, First Session, 2009, is amended to read:

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

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

23 On or before June 1, 2009, on or before March 1, 2010,
24 and on or before February 1 each year thereafter, the department
25 shall determine and certify each district's applicable allowable
26 reserve percentage.

27 Each district with combined necessary general fund cash

1 reserves, total requirements of depreciation funds, and necessary
2 employee benefit fund cash reserves less than the applicable
3 allowable reserve percentage specified in this section may,
4 notwithstanding the district's applicable allowable growth rate,
5 increase its necessary general fund cash reserves such that the
6 total necessary general fund cash reserves, total requirements
7 of depreciation funds, and necessary employee benefit fund
8 cash reserves do not exceed such applicable allowable reserve
9 percentage.

10 Sec. 21. Section 79-1031.01, Reissue Revised Statutes
11 of Nebraska, as amended by section 5, Legislative Bill 548, One
12 Hundred First Legislature, First Session, 2009, is amended to read:

13 79-1031.01 The Appropriations Committee of the
14 Legislature shall annually include the amount necessary to fund the
15 state aid that will be certified to school districts on or before
16 June 1, 2009, on or before March 1, 2010, and on or before February
17 1 for each school year thereafter in its recommendations to the
18 Legislature to carry out the requirements of the Tax Equity and
19 Educational Opportunities Support Act.

20 2. On page 45, line 1, after the last comma insert "on
21 or before March 1, 2010,".

22 3. Amend the repealer, renumber the remaining sections,
23 and correct internal references accordingly.