

AMENDMENTS TO LB 1014

Introduced by Fischer, 43.

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Unless subsection (5) of section 79-1035  
4 applies, for school fiscal year 2016-17 and each school fiscal  
5 year thereafter, each school district shall utilize the amount  
6 of apportionment funds specified in the notice provided by the  
7 Commissioner of Education pursuant to subsection (4) of section  
8 79-1035 for the purpose of teacher performance pay. For purposes  
9 of this section, teacher performance pay is a systematic process  
10 for measuring teachers' performance and linking the measurements  
11 to changes in teacher pay. Indicators of teacher performance may  
12 include, but are not limited to, improving professional skills  
13 and knowledge, classroom performance or instructional behavior,  
14 and instructional outcomes. Teacher performance pay may include  
15 predetermined bonus amounts and payout criteria. Each school  
16 district shall utilize the amount of funds specified in the notice  
17 provided by the Commissioner of Education pursuant to subsection  
18 (4) of section 79-1035 as a supplement to the salary schedule  
19 provided in local collective-bargaining agreements. For purposes of  
20 distribution of such funds only, the Legislature finds that teacher  
21 performance pay measurements, criteria, and payout amounts are  
22 mandatory topics of collective bargaining. If a school district has  
23 not included a system for teacher performance pay within its local

1 collective-bargaining agreement, the amount of funds specified in  
2 the notice provided by the Commissioner of Education pursuant to  
3 subsection (4) of section 79-1035 shall be returned to the State  
4 Treasurer within one month of receipt of such funds. The State  
5 Treasurer shall immediately credit any funds returned under this  
6 section to the temporary school fund.

7           Sec. 2. Section 79-1018.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           79-1018.01 Except as otherwise provided in this section,  
10 local system formula resources include other actual receipts  
11 available for the funding of general fund operating expenditures  
12 as determined by the department for the second school fiscal  
13 year immediately preceding the school fiscal year in which aid  
14 is to be paid. Receipts from the Community Improvements Cash Fund  
15 and receipts acquired pursuant to the Low-Level Radioactive Waste  
16 Disposal Act shall not be included. Other actual receipts include:

- 17           (1) Public power district sales tax revenue;
- 18           (2) Fines and license fees;
- 19           (3) Tuition receipts from individuals, other districts,  
20 or any other source except receipts derived from adult education,  
21 receipts derived from summer school tuition, receipts derived from  
22 early childhood education tuition, and receipts from educational  
23 entities as defined in section 79-1201.01 for providing distance  
24 education courses through the Distance Education Council until July  
25 1, 2008, and the Educational Service Unit Coordinating Council on  
26 and after July 1, 2008, to such educational entities;
- 27           (4) Transportation receipts;

1 (5) Interest on investments;

2 (6) Other miscellaneous noncategorical local receipts,  
3 not including receipts from private foundations, individuals,  
4 associations, or charitable organizations;

5 (7) Special education receipts;

6 (8) Special education receipts and non-special education  
7 receipts from the state for wards of the court and wards of the  
8 state;

9 (9) All receipts from the temporary school fund.  
10 Beginning with the calculation of aid for school fiscal year  
11 2002-03 and each school fiscal year thereafter, receipts from the  
12 temporary school fund shall only include (a) receipts pursuant  
13 to section 79-1035, to the extent that such receipts for the  
14 calculation of aid for school fiscal year 2018-19 and each school  
15 fiscal year thereafter are not returned to the temporary school  
16 fund pursuant to section 1 of this act, and (b) the receipt of  
17 funds pursuant to section 79-1036 for property leased for a public  
18 purpose as set forth in subdivision (1)(a) of section 77-202;

19 (10) Motor vehicle tax receipts received on or after  
20 January 1, 1998;

21 (11) Pro rata motor vehicle license fee receipts;

22 (12) Other miscellaneous state receipts excluding revenue  
23 from the textbook loan program authorized by section 79-734;

24 (13) Impact aid entitlements for the school fiscal year  
25 which have actually been received by the district to the extent  
26 allowed by federal law;

27 (14) All other noncategorical federal receipts;

1           (15) All receipts pursuant to the enrollment option  
2 program under sections 79-232 to 79-246;

3           (16) Receipts under the federal Medicare Catastrophic  
4 Coverage Act of 1988, as such act existed on May 8, 2001, as  
5 authorized pursuant to sections 43-2510 and 43-2511 but only to the  
6 extent of the amount the local system would have otherwise received  
7 pursuant to the Special Education Act; and

8           (17) Receipts for accelerated or differentiated  
9 curriculum programs pursuant to sections 79-1106 to 79-1108.03.

10           Sec. 3. Section 79-1028.01, Revised Statutes Supplement,  
11 2009, is amended to read:

12           79-1028.01 (1) For ~~school fiscal year 2008-09~~ and each  
13 school fiscal year, ~~thereafter~~, a school district may exceed its  
14 maximum general fund budget of expenditures minus the special  
15 education budget of expenditures by a specific dollar amount for:

16           (a) Expenditures for repairs to infrastructure damaged by  
17 a natural disaster which is declared a disaster emergency pursuant  
18 to the Emergency Management Act;

19           (b) Expenditures for judgments, except judgments or  
20 orders from the Commission of Industrial Relations, obtained  
21 against a school district which require or obligate a school  
22 district to pay such judgment, to the extent such judgment is not  
23 paid by liability insurance coverage of a school district;

24           (c) Expenditures pursuant to the Retirement Incentive  
25 Plan authorized in section 79-855 or the Staff Development  
26 Assistance authorized in section 79-856;

27           (d) Expenditures of incentive payments or base fiscal

1 year incentive payments to be received in such school fiscal year  
2 pursuant to section 79-1011;

3 (e) Expenditures of amounts received from educational  
4 entities as defined in section 79-1201.01 for providing distance  
5 education courses through the Educational Service Unit Coordinating  
6 Council to such educational entities;

7 (f) Either (i) the first and second school fiscal years  
8 the district will be participating in Network Nebraska for the  
9 full school fiscal year or (ii) school fiscal year 2008-09, if  
10 the school district participated in Network Nebraska for all of  
11 school fiscal year 2007-08, for the difference of the estimated  
12 expenditures for such school fiscal year for telecommunications  
13 services, access to data transmission networks that transmit data  
14 to and from the school district, and the transmission of data on  
15 such networks as such expenditures are defined by the department  
16 for purposes of the distance education and telecommunications  
17 allowance minus the dollar amount of such expenditures for the  
18 second school fiscal year preceding the first full school fiscal  
19 year the district participates in Network Nebraska;

20 (g) Expenditures to pay another school district for the  
21 transfer of land from such other school district;

22 (h) Expenditures in school fiscal years 2009-10 through  
23 2013-14 to pay for employer contributions pursuant to subsection  
24 (2) of section 79-958 to the School Retirement System of the  
25 State of Nebraska to the extent that such expenditures exceed the  
26 employer contributions under such subsection that would have been  
27 made at a contribution rate of seven and thirty-five hundredths

1 percent; ~~and~~

2 (i) Expenditures in school fiscal years 2009-10 through  
3 2013-14 to pay for school district contributions pursuant to  
4 subdivision (1)(c)(i) of section 79-9,113 to the Class V School  
5 Employees Retirement System to the extent that such expenditures  
6 exceed the school district contributions under such subdivision  
7 that would have been made at a contribution rate of seven and  
8 thirty-seven hundredths percent;~~;~~

9 ~~(2) For school fiscal year 2009-10 and each school fiscal~~  
10 ~~year thereafter,~~ a school district may exceed its maximum general  
11 fund budget of expenditures minus the special education budget of  
12 expenditures by a specific dollar amount for ~~(a) expenditures~~

13 (j) Expenditures for sums agreed to be paid by a school  
14 district to certificated employees in exchange for a voluntary  
15 termination occurring prior to July 1, 2009;~~;~~ and ~~(b) expenditures~~

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

22 (l) Expenditures in school fiscal years 2016-17 and  
23 2017-18 of amounts specified in the notice provided by the  
24 Commissioner of Education pursuant to subsection (4) of section  
25 79-1035 for teacher performance pay.

26 ~~(3)~~ (2) The state board shall approve, deny, or modify  
27 the amount allowed for any exception to the maximum general fund

1 budget of expenditures minus the special education budget of  
2 expenditures pursuant to this section.

3           Sec. 4. Section 79-1035, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

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

12           (b) Unless subsection (5) of this section applies,  
13 beginning in 2016 and each year thereafter, the exhibit required  
14 in subdivision (1)(a) of this section shall include a separate  
15 accounting, not to exceed an amount of ten million dollars, of the  
16 income from solar and wind energy leases on school lands. The Board  
17 of Educational Lands and Funds shall provide the State Treasurer  
18 with the information necessary to make the exhibit required by this  
19 subsection. Separate accounting shall not be made for income from  
20 solar or wind energy leases on school lands that exceeds the sum of  
21 ten million dollars.

22           (2) On or before February 25 following receipt of the  
23 exhibit from the State Treasurer pursuant to subsection (1) of this  
24 section, the Commissioner of Education shall make the apportionment  
25 of the temporary school fund to each school district as follows:  
26 From the whole amount there shall be paid to those districts in  
27 which there are school or saline lands, which lands are used for a

1 public purpose, an amount in lieu of tax money that would be raised  
2 if such lands were taxable, to be fixed in the manner prescribed  
3 in section 79-1036; and the remainder shall be apportioned to the  
4 districts according to the pro rata enumeration of children who are  
5 five through eighteen years of age in each district last returned  
6 from the school district. The calculation of apportionment for  
7 each school fiscal year shall include any corrections to the prior  
8 school fiscal year's apportionment.

9 ~~(2)~~ (3) The Commissioner of Education shall certify  
10 the amount of the apportionment of the temporary school fund as  
11 provided in subsection ~~(1)~~ (2) of this section to the Director  
12 of Administrative Services. The Director of Administrative Services  
13 shall draw a warrant on the State Treasurer in favor of the  
14 various districts for the respective amounts so certified by the  
15 Commissioner of Education.

16 (4) Unless subsection (5) of this section applies,  
17 beginning with the calculation of apportionment in 2016 and for  
18 each year thereafter, the Commissioner of Education shall specify  
19 the amount of the apportionment to each district attributable to  
20 income from solar or wind energy leases on school lands that is  
21 included in the separate accounting provided in subdivision (1)(b)  
22 of this section. The Commissioner of Education shall notify each  
23 district of such amount within five days after certification of the  
24 apportionment required pursuant to subsection (3) of this section.  
25 Such amount shall be used by the district for teacher performance  
26 pay pursuant to section 1 of this act.

27 (5) The separate accounting described in subdivision



1 (1) (b) of this section and the notification from the Commissioner  
2 of Education described in subsection (4) of this section shall  
3 not commence in 2016 unless at least seventy-five percent of the  
4 school districts receiving funds under this section have included  
5 a system for teacher performance pay within their respective local  
6 collective-bargaining agreements by January 1, 2014. To determine  
7 whether the separate accounting and notification shall commence,  
8 the Commissioner of Education, on or after January 1, 2014, shall  
9 collect data from each school district to determine whether at  
10 least seventy-five percent of the school districts have included a  
11 system for teacher performance pay within their respective local  
12 collective-bargaining agreements. If the required percentage has  
13 not been met, the commissioner shall notify the State Treasurer,  
14 and the separate accounting described in subdivision (1) (b) of this  
15 section and the notification from the Commissioner of Education  
16 described in subsection (4) of this section shall not commence in  
17 2016.

18 (6) For purposes of this section, lease means any lease,  
19 easement, covenant, or other such contractual arrangement.

20 Sec. 5. Original sections 79-1018.01 and 79-1035, Reissue  
21 Revised Statutes of Nebraska, and section 79-1028.01, Revised  
22 Statutes Supplement, 2009, are repealed.