

AMENDMENTS TO LB 1014

Introduced by Haar, 21.

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

3           Section 1. (1)(a) Beginning in 2016, the Commissioner of  
4 Education shall annually collect data from each school district  
5 prior to February 25 and determine whether at least seventy-five  
6 percent of the school districts have included a system for  
7 distributing apportionment funds attributable to income from solar  
8 or wind energy leases on school lands for teacher performance pay  
9 within such districts' local collective-bargaining agreements for  
10 the ensuing school fiscal year.

11           (b)(i) If the seventy-five percent requirement has been  
12 met for the year, the Commissioner of Education shall use  
13 the separate accounting provided by the State Treasurer under  
14 subdivision (1)(b) of section 79-1035 to determine the amount  
15 of the apportionment to each school district under section  
16 79-1035 that is attributable to income from solar or wind energy  
17 leases on school lands. The commissioner shall notify each school  
18 district of such amount within five days after certification of  
19 the apportionment required pursuant to subsection (3) of section  
20 79-1035. Each school district shall use the amount of apportionment  
21 funds specified in the notice provided by the commissioner for  
22 the purpose of teacher performance pay. Such amount shall be  
23 used as a supplement to the salary schedule as provided in local

1 collective-bargaining agreements. For purposes of distribution of  
2 such funds only, the Legislature finds that teacher performance  
3 pay measurements, criteria, and payout amounts are mandatory topics  
4 of collective bargaining. If a school district has not included a  
5 system for distributing apportionment funds attributable to income  
6 from solar or wind energy leases on school lands for teacher  
7 performance pay within its local collective-bargaining agreement,  
8 the amount of apportionment funds specified in the notice provided  
9 by the commissioner shall be returned to the State Treasurer within  
10 one month of receipt of such funds. The State Treasurer shall  
11 immediately credit any funds returned under this section to the  
12 temporary school fund. Any funds returned under this section shall  
13 be redistributed from the temporary school fund in the following  
14 year and shall no longer be designated as income attributable to  
15 solar or wind energy leases on school lands; or

16 (ii) If the seventy-five percent requirement has not been  
17 met for the year, then subdivision (1)(b)(i) of this section shall  
18 not apply for that year.

19 (2) If the seventy-five percent requirement has not been  
20 met in 2016, 2017, or 2018, then this section shall not apply in  
21 2019 or any year thereafter.

22 (3) For purposes of this section:

23 (a) Lease means any lease, easement, covenant, or other  
24 such contractual arrangement; and

25 (b) Teacher performance pay means a systematic process  
26 for measuring teachers' performance and linking the measurements  
27 to changes in teacher pay. Indicators of teacher performance may

1 include improving professional skills and knowledge, classroom  
2 performance or instructional behavior, and instructional outcomes.  
3 Teacher performance pay may include predetermined bonus amounts and  
4 payout criteria.

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

7           79-1018.01 Except as otherwise provided in this section,  
8 local system formula resources include other actual receipts  
9 available for the funding of general fund operating expenditures  
10 as determined by the department for the second school fiscal  
11 year immediately preceding the school fiscal year in which aid  
12 is to be paid. Receipts from the Community Improvements Cash Fund  
13 and receipts acquired pursuant to the Low-Level Radioactive Waste  
14 Disposal Act shall not be included. Other actual receipts include:

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

1 not including receipts from private foundations, individuals,  
2 associations, or charitable organizations;

3 (7) Special education receipts;

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

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

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

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

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

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

25 (14) All other noncategorical federal receipts;

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

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

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

8           Sec. 3. Section 79-1028.01, Revised Statutes Supplement,  
9 2009, is amended to read:

10           79-1028.01 (1) For ~~school fiscal year 2008-09~~ and each  
11 school fiscal year, ~~thereafter~~, a school district may exceed its  
12 maximum general fund budget of expenditures minus the special  
13 education budget of expenditures by a specific dollar amount for:

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

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

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

25           (d) Expenditures of incentive payments or base fiscal  
26 year incentive payments to be received in such school fiscal year  
27 pursuant to section 79-1011;

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

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

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

20           (h) Expenditures in school fiscal years 2009-10 through  
21 2013-14 to pay for employer contributions pursuant to subsection  
22 (2) of section 79-958 to the School Retirement System of the  
23 State of Nebraska to the extent that such expenditures exceed the  
24 employer contributions under such subsection that would have been  
25 made at a contribution rate of seven and thirty-five hundredths  
26 percent; and

27           (i) Expenditures in school fiscal years 2009-10 through

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

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

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

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

20 (l) Any expenditures in school fiscal years 2016-17  
21 and 2017-18 of amounts specified in the notice provided by the  
22 Commissioner of Education pursuant to section 1 of this act for  
23 teacher performance pay.

24 ~~(3) (2)~~ The state board shall approve, deny, or modify  
25 the amount allowed for any exception to the maximum general fund  
26 budget of expenditures minus the special education budget of  
27 expenditures pursuant to this section.

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

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

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

19           (2) On or before February 25 following receipt of the  
20 exhibit from the State Treasurer pursuant to subsection (1) of this  
21 section, the Commissioner of Education shall make the apportionment  
22 of the temporary school fund to each school district as follows:  
23 From the whole amount there shall be paid to those districts in  
24 which there are school or saline lands, which lands are used for a  
25 public purpose, an amount in lieu of tax money that would be raised  
26 if such lands were taxable, to be fixed in the manner prescribed  
27 in section 79-1036; and the remainder shall be apportioned to the



1 districts according to the pro rata enumeration of children who are  
2 five through eighteen years of age in each district last returned  
3 from the school district. The calculation of apportionment for  
4 each school fiscal year shall include any corrections to the prior  
5 school fiscal year's apportionment.

6 ~~(2)~~ (3) The Commissioner of Education shall certify  
7 the amount of the apportionment of the temporary school fund as  
8 provided in subsection ~~(1)~~ (2) of this section to the Director  
9 of Administrative Services. The Director of Administrative Services  
10 shall draw a warrant on the State Treasurer in favor of the  
11 various districts for the respective amounts so certified by the  
12 Commissioner of Education.

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

15 Sec. 5. The Revisor of Statutes shall assign section 1 of  
16 this act to Chapter 79.

17 Sec. 6. Original sections 79-1018.01 and 79-1035, Reissue  
18 Revised Statutes of Nebraska, and section 79-1028.01, Revised  
19 Statutes Supplement, 2009, are repealed.