

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 387

Introduced by Gay, 14.

Read first time January 16, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-1007.18,
2 79-1008.02, 79-1022, 79-10,120, 79-10,126, 79-2104, and
3 79-2111, Reissue Revised Statutes of Nebraska, and
4 section 77-3442, Revised Statutes Cumulative Supplement,
5 2008; to eliminate certain taxing authority of learning
6 communities; to change state aid calculations; to
7 harmonize provisions; to repeal the original sections;
8 and to outright repeal sections 79-1015, 79-1073,
9 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of
10 Nebraska.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3442, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 77-3442 (1) Property tax levies for the support of local
4 governments for fiscal years beginning on or after July 1, 1998,
5 shall be limited to the amounts set forth in this section except as
6 provided in section 77-3444.

7 (2) (a) Except as provided in subdivision ~~(2)(e)~~ (2)(c)
8 of this section, school districts and multiple-district school
9 systems, ~~except learning communities and school districts that are~~
10 ~~members of learning communities,~~ may levy a maximum levy of one
11 dollar and five cents per one hundred dollars of taxable valuation
12 of property subject to the levy.

13 ~~(b) For each fiscal year, learning communities may levy~~
14 ~~a maximum levy for the general fund budgets of member school~~
15 ~~districts of ninety-five cents per one hundred dollars of taxable~~
16 ~~valuation of property subject to the levy. The proceeds from the~~
17 ~~levy pursuant to this subdivision shall be distributed pursuant to~~
18 ~~section 79-1073.~~

19 ~~(c) Except as provided in subdivision (2)(e) of this~~
20 ~~section, for each fiscal year, school districts that are members~~
21 ~~of learning communities may levy for purposes of such districts'~~
22 ~~general fund budget and special building funds a maximum combined~~
23 ~~levy of the difference of one dollar and five cents on each one~~
24 ~~hundred dollars of taxable property subject to the levy minus~~
25 ~~the learning community levies pursuant to subdivisions (2)(b) and~~

1 ~~(2)(g)~~ of this section for such learning community.

2 ~~(d)~~ (b) Excluded from the limitations in ~~subdivisions~~
3 ~~(2)(a)~~ and ~~(2)(e)~~ subdivision (2)(a) of this section are amounts
4 levied to pay for sums agreed to be paid by a school district to
5 certificated employees in exchange for a voluntary termination of
6 employment and amounts levied to pay for special building funds and
7 sinking funds established for projects commenced prior to April 1,
8 1996, for construction, expansion, or alteration of school district
9 buildings. For purposes of this subsection, commenced means any
10 action taken by the school board on the record which commits
11 the board to expend district funds in planning, constructing, or
12 carrying out the project.

13 ~~(e)~~ (c) Federal aid school districts may exceed the
14 maximum levy prescribed by subdivision (2)(a) ~~or (2)(e)~~ of this
15 section only to the extent necessary to qualify to receive
16 federal aid pursuant to Title VIII of Public Law 103-382, as
17 such title existed on September 1, 2001. For purposes of this
18 subdivision, federal aid school district means any school district
19 which receives ten percent or more of the revenue for its general
20 fund budget from federal government sources pursuant to Title VIII
21 of Public Law 103-382, as such title existed on September 1, 2001.

22 ~~(f)~~ (d) For school fiscal year 2002-03 through school
23 fiscal year 2007-08, school districts and multiple-district school
24 systems may, upon a three-fourths majority vote of the school board
25 of the school district, the board of the unified system, or the

1 school board of the high school district of the multiple-district
2 school system that is not a unified system, exceed the maximum
3 levy prescribed by subdivision (2)(a) of this section in an amount
4 equal to the net difference between the amount of state aid that
5 would have been provided under the Tax Equity and Educational
6 Opportunities Support Act without the temporary aid adjustment
7 factor as defined in section 79-1003 for the ensuing school fiscal
8 year for the school district or multiple-district school system
9 and the amount provided with the temporary aid adjustment factor.
10 The State Department of Education shall certify to the school
11 districts and multiple-district school systems the amount by which
12 the maximum levy may be exceeded for the next school fiscal year
13 pursuant to this subdivision ~~(f)~~ (d) of this subsection on or
14 before February 15 for school fiscal years 2004-05 through 2007-08.

15 ~~(g) For each fiscal year, learning communities may levy a~~
16 ~~maximum levy of two cents on each one hundred dollars of taxable~~
17 ~~property subject to the levy for special building funds for member~~
18 ~~school districts. The proceeds from the levy pursuant to this~~
19 ~~subdivision shall be distributed pursuant to section 79-1073.01.~~

20 ~~(h) (e)~~ (e) For each fiscal year, learning communities may
21 levy a maximum levy of five cents on each one hundred dollars of
22 taxable property subject to the levy for elementary learning center
23 facilities and for up to fifty percent of the estimated cost for
24 capital projects approved by the learning community coordinating
25 council pursuant to section 79-2111.

1 (3) Community colleges may levy a maximum levy calculated
2 pursuant to the Community College Foundation and Equalization Aid
3 Act on each one hundred dollars of taxable property subject to the
4 levy.

5 (4) (a) Natural resources districts may levy a maximum
6 levy of four and one-half cents per one hundred dollars of taxable
7 valuation of property subject to the levy.

8 (b) Natural resources districts shall also have the power
9 and authority to levy a tax equal to the dollar amount by which
10 their restricted funds budgeted to administer and implement ground
11 water management activities and integrated management activities
12 under the Nebraska Ground Water Management and Protection Act
13 exceed their restricted funds budgeted to administer and implement
14 ground water management activities and integrated management
15 activities for FY2003-04, not to exceed one cent on each one
16 hundred dollars of taxable valuation annually on all of the taxable
17 property within the district.

18 (c) In addition, natural resources districts located in
19 a river basin, subbasin, or reach that has been determined to
20 be fully appropriated pursuant to section 46-714 or designated
21 as overappropriated pursuant to section 46-713 by the Department
22 of Natural Resources shall also have the power and authority to
23 levy a tax equal to the dollar amount by which their restricted
24 funds budgeted to administer and implement ground water management
25 activities and integrated management activities under the Nebraska

1 Ground Water Management and Protection Act exceed their restricted
2 funds budgeted to administer and implement ground water management
3 activities and integrated management activities for FY2005-06, not
4 to exceed three cents on each one hundred dollars of taxable
5 valuation on all of the taxable property within the district for
6 fiscal year 2006-07 and each fiscal year thereafter through fiscal
7 year 2011-12.

8 (5) Any educational service unit authorized to levy a
9 property tax pursuant to section 79-1225 may levy a maximum levy of
10 one and one-half cents per one hundred dollars of taxable valuation
11 of property subject to the levy.

12 (6) (a) Incorporated cities and villages which are not
13 within the boundaries of a municipal county may levy a maximum levy
14 of forty-five cents per one hundred dollars of taxable valuation
15 of property subject to the levy plus an additional five cents per
16 one hundred dollars of taxable valuation to provide financing for
17 the municipality's share of revenue required under an agreement
18 or agreements executed pursuant to the Interlocal Cooperation Act
19 or the Joint Public Agency Act. The maximum levy shall include
20 amounts levied to pay for sums to support a library pursuant
21 to section 51-201, museum pursuant to section 51-501, visiting
22 community nurse, home health nurse, or home health agency pursuant
23 to section 71-1637, or statue, memorial, or monument pursuant to
24 section 80-202.

25 (b) Incorporated cities and villages which are within the

1 boundaries of a municipal county may levy a maximum levy of ninety
2 cents per one hundred dollars of taxable valuation of property
3 subject to the levy. The maximum levy shall include amounts paid
4 to a municipal county for county services, amounts levied to pay
5 for sums to support a library pursuant to section 51-201, a museum
6 pursuant to section 51-501, a visiting community nurse, home health
7 nurse, or home health agency pursuant to section 71-1637, or a
8 statue, memorial, or monument pursuant to section 80-202.

9 (7) Sanitary and improvement districts which have been in
10 existence for more than five years may levy a maximum levy of forty
11 cents per one hundred dollars of taxable valuation of property
12 subject to the levy, and sanitary and improvement districts which
13 have been in existence for five years or less shall not have
14 a maximum levy. Unconsolidated sanitary and improvement districts
15 which have been in existence for more than five years and are
16 located in a municipal county may levy a maximum of eighty-five
17 cents per hundred dollars of taxable valuation of property subject
18 to the levy.

19 (8) Counties may levy or authorize a maximum levy of
20 fifty cents per one hundred dollars of taxable valuation of
21 property subject to the levy, except that five cents per one
22 hundred dollars of taxable valuation of property subject to the
23 levy may only be levied to provide financing for the county's
24 share of revenue required under an agreement or agreements executed
25 pursuant to the Interlocal Cooperation Act or the Joint Public

1 Agency Act. The maximum levy shall include amounts levied to pay
2 for sums to support a library pursuant to section 51-201 or museum
3 pursuant to section 51-501. The county may allocate up to fifteen
4 cents of its authority to other political subdivisions subject
5 to allocation of property tax authority under subsection (1) of
6 section 77-3443 and not specifically covered in this section to
7 levy taxes as authorized by law which do not collectively exceed
8 fifteen cents per one hundred dollars of taxable valuation on any
9 parcel or item of taxable property. The county may allocate to
10 one or more other political subdivisions subject to allocation
11 of property tax authority by the county under subsection (1) of
12 section 77-3443 some or all of the county's five cents per one
13 hundred dollars of valuation authorized for support of an agreement
14 or agreements to be levied by the political subdivision for the
15 purpose of supporting that political subdivision's share of revenue
16 required under an agreement or agreements executed pursuant to the
17 Interlocal Cooperation Act or the Joint Public Agency Act. If an
18 allocation by a county would cause another county to exceed its
19 levy authority under this section, the second county may exceed the
20 levy authority in order to levy the amount allocated.

21 (9) Municipal counties may levy or authorize a maximum
22 levy of one dollar per one hundred dollars of taxable valuation
23 of property subject to the levy. The municipal county may allocate
24 levy authority to any political subdivision or entity subject to
25 allocation under section 77-3443.

1 (10) Property tax levies for judgments, except judgments
2 or orders from the Commission of Industrial Relations, obtained
3 against a political subdivision which require or obligate a
4 political subdivision to pay such judgment, to the extent such
5 judgment is not paid by liability insurance coverage of a
6 political subdivision, for preexisting lease-purchase contracts
7 approved prior to July 1, 1998, for bonded indebtedness approved
8 according to law and secured by a levy on property except as
9 provided in section 44-4317 for bonded indebtedness issued by
10 educational service units and school districts, and for payments by
11 a public airport to retire interest-free loans from the Department
12 of Aeronautics in lieu of bonded indebtedness at a lower cost to
13 the public airport are not included in the levy limits established
14 by this section.

15 (11) The limitations on tax levies provided in this
16 section are to include all other general or special levies
17 provided by law. Notwithstanding other provisions of law, the
18 only exceptions to the limits in this section are those provided by
19 or authorized by sections 77-3442 to 77-3444.

20 (12) Tax levies in excess of the limitations in this
21 section shall be considered unauthorized levies under section
22 77-1606 unless approved under section 77-3444.

23 (13) For purposes of sections 77-3442 to 77-3444,
24 political subdivision means a political subdivision of this state
25 and a county agricultural society.

1 (14) For school districts that file a binding resolution
2 on or before May 9, 2008, with the county assessors, county clerks,
3 and county treasurers for all counties in which the school district
4 has territory pursuant to subsection (7) of section 79-458, if the
5 combined levies, except levies for bonded indebtedness approved by
6 the voters of the school district and levies for the refinancing
7 of such bonded indebtedness, are in excess of the greater of (a)
8 one dollar and twenty cents per one hundred dollars of taxable
9 valuation of property subject to the levy or (b) the maximum
10 levy authorized by a vote pursuant to section 77-3444, all school
11 district levies, except levies for bonded indebtedness approved by
12 the voters of the school district and levies for the refinancing of
13 such bonded indebtedness, shall be considered unauthorized levies
14 under section 77-1606.

15 Sec. 2. Section 79-1007.18, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-1007.18 (1) For school fiscal year 2008-09 and each
18 school fiscal year thereafter, the department shall calculate an
19 averaging adjustment for districts if the basic funding per formula
20 student is less than the statewide average basic funding per
21 formula student and the general fund levy for the school fiscal
22 year immediately preceding the school fiscal year for which aid
23 is being calculated was at least ninety-six cents per one hundred
24 dollars of taxable valuation for aid calculated for school fiscal
25 year 2008-09 and at least one dollar per one hundred dollars of

1 taxable valuation for aid calculated for school fiscal year 2009-10
2 and each school fiscal year thereafter. ~~For school districts that~~
3 ~~are members of a learning community, the general fund levy for~~
4 ~~purposes of this section includes both the common general fund levy~~
5 ~~and the school district general fund levy authorized pursuant to~~
6 ~~subdivisions (2)(b) and (2)(c) of section 77-3442.~~ The averaging
7 adjustment for aid calculated for school fiscal year 2008-09 shall
8 equal seventy-five percent of the product of the district's formula
9 students multiplied by the percentage specified in this section for
10 such district of the difference between the statewide average basic
11 funding per formula student minus such district's basic funding per
12 formula student. The averaging adjustment for aid calculated for
13 school fiscal year 2009-10 and each school fiscal year thereafter
14 shall equal the district's formula students multiplied by the
15 percentage specified in this section for such district of the
16 difference between the statewide average basic funding per formula
17 student minus such district's basic funding per formula student.

18 (2) The percentage to be used in the calculation of an
19 averaging adjustment shall be based on the general fund levy for
20 the school fiscal year immediately preceding the school fiscal year
21 for which aid is being calculated.

22 (3) The percentages to be used in the calculation of
23 averaging adjustments for school fiscal year 2008-09 shall be as
24 follows:

25 (a) If such levy was at least ninety-six cents per one

1 hundred dollars of taxable valuation but less than ninety-seven
2 cents per one hundred dollars of taxable valuation, the percentage
3 shall be ten percent;

4 (b) If such levy was at least ninety-seven cents per one
5 hundred dollars of taxable valuation but less than ninety-eight
6 cents per one hundred dollars of taxable valuation, the percentage
7 shall be twenty percent;

8 (c) If such levy was at least ninety-eight cents per
9 one hundred dollars of taxable valuation but less than ninety-nine
10 cents per one hundred dollars of taxable valuation, the percentage
11 shall be thirty percent;

12 (d) If such levy was at least ninety-nine cents per one
13 hundred dollars of taxable valuation but less than one dollar per
14 one hundred dollars of taxable valuation, the percentage shall be
15 forty percent;

16 (e) If such levy was at least one dollar per one hundred
17 dollars of taxable valuation but less than one dollar and one cent
18 per one hundred dollars of taxable valuation, the percentage shall
19 be fifty percent;

20 (f) If such levy was at least one dollar and one cent per
21 one hundred dollars of taxable valuation but less than one dollar
22 and two cents per one hundred dollars of taxable valuation, the
23 percentage shall be sixty percent;

24 (g) If such levy was at least one dollar and two
25 cents per one hundred dollars of taxable valuation but less than

1 one dollar and three cents per one hundred dollars of taxable
2 valuation, the percentage shall be seventy percent;

3 (h) If such levy was at least one dollar and three cents
4 per one hundred dollars of taxable valuation but less than one
5 dollar and four cents per one hundred dollars of taxable valuation,
6 the percentage shall be eighty percent; and

7 (i) If such levy was at least one dollar and four cents
8 per one hundred dollars of taxable valuation, the percentage shall
9 be ninety percent.

10 (4) The percentages to be used in the calculation of
11 averaging adjustments for school fiscal year 2009-10 and each
12 school fiscal year thereafter shall be as follows:

13 (a) If such levy was at least one dollar per one hundred
14 dollars of taxable valuation but less than one dollar and one cent
15 per one hundred dollars of taxable valuation, the percentage shall
16 be fifty percent;

17 (b) If such levy was at least one dollar and one cent per
18 one hundred dollars of taxable valuation but less than one dollar
19 and two cents per one hundred dollars of taxable valuation, the
20 percentage shall be sixty percent;

21 (c) If such levy was at least one dollar and two
22 cents per one hundred dollars of taxable valuation but less than
23 one dollar and three cents per one hundred dollars of taxable
24 valuation, the percentage shall be seventy percent;

25 (d) If such levy was at least one dollar and three cents

1 per one hundred dollars of taxable valuation but less than one
2 dollar and four cents per one hundred dollars of taxable valuation,
3 the percentage shall be eighty percent; and

4 (e) If such levy was at least one dollar and four cents
5 per one hundred dollars of taxable valuation, the percentage shall
6 be ninety percent.

7 Sec. 3. Section 79-1008.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1008.02 A minimum levy adjustment shall be calculated
10 and applied to any local system that has a general fund common
11 levy for the fiscal year during which aid is certified that is
12 less than the maximum levy, for such fiscal year for such local
13 system, allowed pursuant to subdivision (2)(a) ~~or (b)~~ of section
14 77-3442 without a vote pursuant to section 77-3444 less five cents
15 for learning communities and less ten cents, for all other local
16 systems. To calculate the minimum levy adjustment, the department
17 shall subtract the local system general fund common levy for
18 such fiscal year for such local system from the maximum levy
19 allowed pursuant to subdivision (2)(a) ~~or (b)~~ of section 77-3442
20 without a vote pursuant to section 77-3444 less five cents for
21 learning communities and less ten cents for all other local systems
22 and multiply the result by the local system's adjusted valuation
23 divided by one hundred. The minimum levy adjustment shall be added
24 to the formula resources of the local system for the determination
25 of equalization aid pursuant to section 79-1008.01. If the minimum

1 levy adjustment is greater than or equal to the allocated income
2 tax funds calculated pursuant to section 79-1005.01 or 79-1005.02,
3 the local system shall not receive allocated income tax funds. If
4 the minimum levy adjustment is less than the allocated income tax
5 funds calculated pursuant to section 79-1005.01 or 79-1005.02, the
6 local system shall receive allocated income tax funds in the amount
7 of the difference between the allocated income tax funds calculated
8 pursuant to section 79-1005.01 or 79-1005.02 and the minimum levy
9 adjustment. ~~This section does not apply to the calculation of aid~~
10 ~~for a local system containing a learning community for the first~~
11 ~~school fiscal year for which aid is calculated for such local~~
12 ~~system.~~

13 Sec. 4. Section 79-1022, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-1022 (1) On or before February 1 of each year, the
16 department shall determine the amounts to be distributed to each
17 local system and each district pursuant to the Tax Equity and
18 Educational Opportunities Support Act and shall certify the amounts
19 to the Director of Administrative Services, the Auditor of Public
20 Accounts, ~~each learning community,~~ and each district. The amount to
21 be distributed to each district ~~that is not a member of a learning~~
22 ~~community~~ from the amount certified for a local system shall be
23 proportional based on: (a) For school fiscal years prior to school
24 fiscal year 2008-09, the weighted formula students attributed to
25 each district in the local system; and (b) for school fiscal

1 year 2008-09 and each school fiscal year thereafter, the formula
2 students attributed to each district in the local system. ~~For the~~
3 ~~first five complete school fiscal years for a learning community,~~
4 ~~the amount to be distributed to each district that is a member~~
5 ~~of such learning community shall be determined pursuant to section~~
6 ~~79-1015. For each school fiscal year thereafter, the amount to~~
7 ~~be distributed to each district that is a member of a learning~~
8 ~~community from the amount certified for the local system shall~~
9 ~~be proportional based on the formula needs calculated for each~~
10 ~~district in the local system.~~ On or before February 1 of each
11 year, the department shall report the necessary funding level to
12 the Governor, the Appropriations Committee of the Legislature,
13 and the Education Committee of the Legislature. Certified state
14 aid amounts, including adjustments pursuant to section 79-1065.02,
15 shall be shown as budgeted non-property-tax receipts and deducted
16 prior to calculating the property tax request in the district's
17 general fund budget statement as provided to the Auditor of Public
18 Accounts pursuant to section 79-1024.

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

1 thousand dollars, such payment shall be one lump-sum payment on
2 the last business day of December during the ensuing school fiscal
3 year.

4 Sec. 5. Section 79-10,120, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-10,120 The school board or board of education of a
7 Class II, III, IV, V, or VI school district may establish a
8 special fund for purposes of acquiring sites for school buildings
9 or teacherages, purchasing existing buildings for use as school
10 buildings or teacherages, including the sites upon which such
11 buildings are located, and the erection, alteration, equipping,
12 and furnishing of school buildings or teacherages and additions
13 to school buildings for elementary and high school grades and for
14 no other purpose. ~~For school districts that are not members of~~
15 ~~learning communities,~~ the The fund shall be established from the
16 proceeds of an annual levy, to be determined by the board, of
17 not to exceed fourteen cents on each one hundred dollars upon
18 the taxable value of all taxable property in the district which
19 shall be in addition to any other taxes authorized to be levied
20 for school purposes. Such tax shall be levied and collected as
21 are other taxes for school purposes. ~~For school districts that are~~
22 ~~members of a learning community,~~ such fund shall be established
23 ~~from the proceeds of the learning community special building funds~~
24 ~~levy directed to the school district for such purpose pursuant~~
25 ~~to subdivision (2)(g) of section 77-3442 and the proceeds of any~~

1 ~~school district special building fund levy pursuant to subdivision~~
2 ~~(2)(c) of section 77-3442.~~

3 Sec. 6. Section 79-10,126, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-10,126 A Class V school district ~~that is not a~~
6 ~~member of a learning community~~ shall establish (1) for the general
7 operation of the schools, such fund as will result from an annual
8 levy of such rate of tax upon the taxable value of all the
9 taxable property in such school district as the board of education
10 determines to be necessary for such purpose, (2) a fund resulting
11 from an annual amount of tax to be determined by the board of
12 education of not to exceed fourteen cents on each one hundred
13 dollars upon the taxable value of all the taxable property in the
14 district for the purpose of acquiring sites of school buildings
15 and the erection, alteration, equipping, and furnishing of school
16 buildings and additions to school buildings, which tax levy shall
17 be used for no other purposes, and (3) a further fund resulting
18 from an annual amount of tax to be determined by the board of
19 education to pay interest on and retiring, funding, or servicing of
20 bonded indebtedness of the district.

21 Sec. 7. Section 79-2104, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-2104 A learning community coordinating council shall
24 have the authority to:

25 ~~(1) Levy and distribute a common levy for the general~~

1 funds of member school districts pursuant to sections ~~77-3442 and~~
2 ~~79-1073;~~

3 ~~(2) Levy and distribute a common levy for the special~~
4 ~~building funds of member school districts pursuant to sections~~
5 ~~77-3442 and 79-1073.01;~~

6 ~~(3) (1) Levy for capital projects approved by the~~
7 ~~learning community coordinating council pursuant to sections~~
8 ~~77-3442 and 79-2111;~~

9 ~~(4) (2) Collect, analyze, and report data and~~
10 ~~information, including, but not limited to, information provided by~~
11 ~~a school district pursuant to subsection (5) of section 79-201;~~

12 ~~(5) (3) Approve focus schools and focus programs to be~~
13 ~~operated by member school districts;~~

14 ~~(6) (4) Adopt, approve, and implement a diversity plan~~
15 ~~which shall include open enrollment and may include focus schools,~~
16 ~~focus programs, magnet schools, and pathways pursuant to section~~
17 ~~79-2110;~~

18 ~~(7) (5) Administer the open enrollment provisions in~~
19 ~~section 79-2110 for the learning community as part of a diversity~~
20 ~~plan developed by the council to provide educational opportunities~~
21 ~~which will result in increased diversity in schools across the~~
22 ~~learning community;~~

23 ~~(8) (6) Annually conduct school fairs to provide~~
24 ~~students and parents the opportunity to explore the educational~~
25 ~~opportunities available at each school in the learning community~~

1 and develop other methods for encouraging access to such
2 information and promotional materials;

3 ~~(9)~~ (7) Develop and approve reorganization plans for
4 submission pursuant to the Learning Community Reorganization Act;

5 ~~(10)~~ (8) Establish and administer elementary learning
6 centers through achievement subcouncils pursuant to sections
7 79-2112 to 79-2114;

8 ~~(11)~~ (9) Administer the learning community funds
9 distributed to the learning community pursuant to section 79-2111;

10 ~~(12)~~ (10) Approve or disapprove poverty plans and limited
11 English proficiency plans for member school districts through
12 achievement subcouncils established under section 79-2117;

13 ~~(13)~~ (11) Establish a procedure for receiving community
14 input and complaints regarding the learning community; and

15 ~~(14)~~ (12) Establish a procedure to assist parents,
16 citizens, and member school districts in accessing an approved
17 center pursuant to the Dispute Resolution Act to resolve disputes
18 involving member school districts or the learning community. Such
19 procedure may include payment by the learning community for some
20 mediation services.

21 Sec. 8. Section 79-2111, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-2111 (1) A learning community may levy a maximum levy
24 pursuant to subdivision ~~(2)(h)~~ (2)(e) of section 77-3442 for the
25 purchase, construction, or remodeling of elementary learning center

1 facilities and up to fifty percent of the estimated costs for
2 capital projects approved pursuant to this section. The proceeds
3 from such levy shall be used for elementary learning center
4 facilities and for one-time reductions of the bonded indebtedness
5 required for approved projects up to fifty percent of the estimated
6 cost of the approved project. The funds used for reductions of
7 bonded indebtedness shall be transferred to the school district
8 for which the project was approved and shall be deposited in such
9 school district's special building fund for use on such project.

10 (2) The learning community may approve pursuant to this
11 section funding for capital projects which will include the
12 purchase, construction, or remodeling of facilities for a focus
13 school or program designed to meet the requirements of section
14 79-769. Such approval shall include an estimated cost for the
15 project and shall state the amount that will be provided by the
16 learning community for such project.

17 (3) If, within the ten years following receipt of the
18 funding for a capital project pursuant to this section, a school
19 district receiving such funding uses the facility purchased,
20 constructed, or remodeled with such funding for purposes other
21 than those stated to qualify for the funds, the school district
22 shall repay such funds to the learning community with interest at
23 the rate prescribed in section 45-104.02 accruing from the date
24 the funds were transferred to the school district's building fund
25 as of the last date the facility was used for such purpose as

1 determined by the learning community coordinating council or the
2 date that the learning community coordinating council determines
3 that the facility will not be used for such purpose or that
4 such facility will not be purchased, constructed, or remodeled
5 for such purpose. Interest shall continue to accrue on outstanding
6 balances until the repayment has been completed. The remaining
7 terms of repayment shall be determined by the learning community
8 coordinating council. The learning community coordinating council
9 may waive such repayment if the facility is used for a different
10 focus school or program for a period of time that will result in
11 the use of the facility for qualifying purposes for a total of at
12 least ten years.

13 Sec. 9. Original sections 79-1007.18, 79-1008.02,
14 79-1022, 79-10,120, 79-10,126, 79-2104, and 79-2111, Reissue
15 Revised Statutes of Nebraska, and section 77-3442, Revised Statutes
16 Cumulative Supplement, 2008, are repealed.

17 Sec. 10. The following sections are outright repealed:
18 Sections 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Reissue
19 Revised Statutes of Nebraska.