

E AND R AMENDMENTS TO LB 1020

Introduced by Larson, 40, Chairman Enrollment and Review

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

3 Section 1. Sections 1 to 7 of this act shall be known and
4 may be cited as the Nebraska Coordinated School Health Act.

5 Sec. 2. (1) The Nebraska Coordinated School Health Fund
6 is created. The fund shall be under the control of and administered
7 by the State Department of Education. The fund shall be used for
8 administration of and grants pursuant to the Coordinated School
9 Health Program under section 3 of this act. The fund shall consist
10 of transfers authorized by the Legislature and any additional
11 public or private funds. Any money in the fund available for
12 investment shall be invested by the state investment officer
13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act. Interest earned shall be credited back
15 to the Nebraska Coordinated School Health Fund.

16 (2) On July 1, 2012, and July 1, 2013, or the first
17 working day thereafter, the State Treasurer shall transfer one
18 hundred thousand dollars from the Education Innovation Fund to
19 the Nebraska Coordinated School Health Fund. Any unspent money
20 from the transfer under this subsection remaining in the Nebraska
21 Coordinated School Health Fund at the end of FY2013-14 shall revert
22 to the Education Innovation Fund.

23 (3) It is the intent of the Legislature to appropriate

1 \$100,000 from the General Fund for FY2012-13 and \$100,000 from the
2 General Fund for FY2013-14 to the State Department of Education to
3 carry out the provisions of the Nebraska Coordinated School Health
4 Act.

5 Sec. 3. (1) The State Department of Education shall
6 award grants under the Coordinated School Health Program from the
7 Nebraska Coordinated School Health Fund as provided in this section
8 to any school district that applies for the grant and:

9 (a) Is seeking funding to support the establishment of a
10 school-based health center as defined in section 68-907;

11 (b) Is able to demonstrate a relationship with a
12 sponsoring facility as defined in section 68-907; and

13 (c) Is able to demonstrate long-term financial
14 sustainability of the school-based health center.

15 (2) The department shall award grants up to the amount
16 credited to the fund as follows:

17 (a) Not less than ninety percent of the money in the
18 fund shall be awarded as grants to school districts in a manner to
19 be determined by the department, with preference given to school
20 districts that meet either of the following criteria:

21 (i) Location in an area that has been designated as
22 a health profession shortage area pursuant to section 71-5665
23 or federal law or as a medically underserved area or population
24 pursuant to Nebraska or federal law; or

25 (ii) The majority of the district's students are eligible
26 for free or reduced-price lunches; and

27 (b) Up to ten percent of the fund may be used by the

1 department to administer the Coordinated School Health Program.

2 (3) To be eligible to receive a grant under the program,
3 a school district shall provide fifty percent matching funds for
4 the establishment of the school-based health center. The funds
5 may be obtained from any source available to the school district,
6 including in-kind contributions, community or foundation grants,
7 individual contributions, and local governmental agency operating
8 funds.

9 (4) Funds from a grant received under the program may
10 only be used for capital construction and startup costs for
11 school-based health centers and may not be used for ongoing
12 operations, administration, or service delivery costs.

13 (5) A school district is not eligible to receive a
14 grant under the program more than once for the same school-based
15 health center. A district may apply for and receive a grant for
16 multiple school-based health centers within the same district but
17 may receive only one such grant in any fiscal year.

18 Sec. 4. (1) The State Department of Education shall
19 establish an application process for grants under the Nebraska
20 Coordinated School Health Act and shall provide the following
21 information to potential applicants:

22 (a) Application procedures and deadlines;

23 (b) Required information;

24 (c) Criteria for selection and evaluation of
25 applications;

26 (d) Criteria for determining the amount and duration of
27 the grants;

1 (e) Reporting requirements for grant recipients; and
2 (f) Any other information the department deems necessary.
3 (2) Grant recipients shall submit a report to the
4 department upon completion of the project for which the grant
5 is awarded, summarizing the use of the grant money according to the
6 requirements established by the department under subdivision (1) (e)
7 of this section.

8 Sec. 5. If, within the five years following receipt of
9 a grant for a school-based health center project pursuant to the
10 Nebraska Coordinated School Health Act, a school district receiving
11 such grant uses the facility purchased, constructed, or remodeled
12 with grant funds for purposes other than those stated to qualify
13 for the grant, the school district shall repay the grant to the
14 Education Innovation Fund with interest at the rate prescribed in
15 section 45-104.02 accruing from the last date the facility was
16 used as a school-based health center as determined by the State
17 Department of Education or the date that the department determines
18 that the facility will not be used as a school-based health center
19 or that such facility will not be purchased, constructed, or
20 remodeled for such purpose. Interest shall continue to accrue on
21 outstanding balances until the repayment has been completed. The
22 remaining terms of repayment shall be determined by the department.

23 Sec. 6. The State Department of Education may adopt
24 and promulgate rules and regulations to carry out the Nebraska
25 Coordinated School Health Act.

26 Sec. 7. The Nebraska Coordinated School Health Act
27 terminates on June 30, 2014.

1 Sec. 8. Section 9-812, Revised Statutes Supplement, 2011,
2 is amended to read:

3 9-812 (1) All money received from the operation of
4 lottery games conducted pursuant to the State Lottery Act in
5 Nebraska shall be credited to the State Lottery Operation Trust
6 Fund, which fund is hereby created. All payments of the costs
7 of establishing and maintaining the lottery games shall be made
8 from the State Lottery Operation Cash Fund. In accordance with
9 legislative appropriations, money for payments for expenses of the
10 division shall be transferred from the State Lottery Operation
11 Trust Fund to the State Lottery Operation Cash Fund, which fund
12 is hereby created. All money necessary for the payment of lottery
13 prizes shall be transferred from the State Lottery Operation Trust
14 Fund to the State Lottery Prize Trust Fund, which fund is hereby
15 created. The amount used for the payment of lottery prizes shall
16 not be less than forty percent of the dollar amount of the lottery
17 tickets which have been sold.

18 (2) Beginning October 1, 2003, a portion of the dollar
19 amount of the lottery tickets which have been sold on an annualized
20 basis shall be transferred from the State Lottery Operation Trust
21 Fund to the Education Innovation Fund, the Nebraska Opportunity
22 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
23 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
24 dollar amount transferred pursuant to this subsection shall equal
25 the greater of (a) the dollar amount transferred to the funds
26 in fiscal year 2002-03 or (b) any amount which constitutes at
27 least twenty-two percent and no more than twenty-five percent of

1 the dollar amount of the lottery tickets which have been sold on
2 an annualized basis. To the extent that funds are available, the
3 Tax Commissioner and director may authorize a transfer exceeding
4 twenty-five percent of the dollar amount of the lottery tickets
5 sold on an annualized basis.

6 (3) Of the money available to be transferred to the
7 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
8 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,
9 and the Compulsive Gamblers Assistance Fund:

10 (a) The first five hundred thousand dollars shall be
11 transferred to the Compulsive Gamblers Assistance Fund to be used
12 as provided in section 71-817;

13 (b) Nineteen and three-fourths percent of the money
14 remaining after the payment of prizes and operating expenses and
15 the initial transfer to the Compulsive Gamblers Assistance Fund
16 shall be transferred to the Education Innovation Fund;

17 (c) Twenty-four and three-fourths percent of the money
18 remaining after the payment of prizes and operating expenses and
19 the initial transfer to the Compulsive Gamblers Assistance Fund
20 shall be transferred to the Nebraska Opportunity Grant Fund;

21 (d) Forty-four and one-half percent of the money
22 remaining after the payment of prizes and operating expenses and
23 the initial transfer to the Compulsive Gamblers Assistance Fund
24 shall be transferred to the Nebraska Environmental Trust Fund to be
25 used as provided in the Nebraska Environmental Trust Act;

26 (e) Ten percent of the money remaining after the payment
27 of prizes and operating expenses and the initial transfer to

1 the Compulsive Gamblers Assistance Fund shall be transferred to
2 the Nebraska State Fair Board if the most populous city within
3 the county in which the fair is located provides matching funds
4 equivalent to ten percent of the funds available for transfer. Such
5 matching funds may be obtained from the city and any other private
6 or public entity, except that no portion of such matching funds
7 shall be provided by the state. If the Nebraska State Fair ceases
8 operations, ten percent of the money remaining after the payment
9 of prizes and operating expenses and the initial transfer to the
10 Compulsive Gamblers Assistance Fund shall be transferred to the
11 General Fund; and

12 (f) One percent of the money remaining after the payment
13 of prizes and operating expenses and the initial transfer to the
14 Compulsive Gamblers Assistance Fund shall be transferred to the
15 Compulsive Gamblers Assistance Fund to be used as provided in
16 section 71-817.

17 (4) (a) The Education Innovation Fund is created. At least
18 seventy-five percent of the lottery proceeds allocated to the
19 Education Innovation Fund shall be available for disbursement.

20 (b) For fiscal year 2010-11, the Education Innovation
21 Fund shall be allocated as follows: The first one million
22 dollars shall be transferred to the Excellence in Teaching Cash
23 Fund to fund the Excellence in Teaching Act, and the amount
24 remaining in the Education Innovation Fund shall be allocated,
25 after administrative expenses, for distance education equipment and
26 incentives pursuant to sections 79-1336 and 79-1337.

27 (c) For fiscal year 2011-12, the Education Innovation

1 Fund shall be allocated as follows: (i) The first two hundred
2 twenty-five thousand dollars shall be transferred to the Excellence
3 in Teaching Cash Fund to fund the Attracting Excellence to Teaching
4 Program; (ii) the next three million three hundred sixty-five
5 thousand nine hundred sixty-two dollars shall be distributed
6 to school districts as grants pursuant to the Early Childhood
7 Education Grant Program; (iii) the next two million one hundred
8 seventy-five thousand six hundred seventy-three dollars shall be
9 distributed to local systems as grants for approved accelerated
10 or differentiated curriculum programs for students identified as
11 learners with high ability pursuant to section 79-1108.02; (iv)
12 the next four hundred ninety-one thousand five hundred forty-one
13 dollars shall be used by the State Department of Education for
14 the development of an integrated early childhood, elementary,
15 secondary, and postsecondary student information system; (v) the
16 next four hundred fifty thousand dollars shall fund the Center
17 for Student Leadership and Extended Learning Act; (vi) the next
18 one hundred fourteen thousand six hundred twenty-nine dollars shall
19 fund the multicultural education program created under section
20 79-720; (vii) the next one hundred twenty-three thousand four
21 hundred sixty-eight dollars shall be used by the department to
22 employ persons to investigate and prosecute alleged violations as
23 provided in section 79-868; (viii) up to the next one hundred
24 sixty thousand dollars shall be used by the department to implement
25 section 79-759; and (ix) the amount remaining shall be allocated,
26 after administrative expenses, for distance education equipment and
27 incentives pursuant to sections 79-1336 and 79-1337.

1 (d) For fiscal year 2012-13, the Education Innovation
2 Fund shall be allocated as follows: (i) The first forty-five
3 thousand dollars shall be transferred to the Excellence in Teaching
4 Cash Fund to fund the Attracting Excellence to Teaching Program;
5 (ii) the next three million three hundred sixty-five thousand
6 nine hundred sixty-two dollars shall be distributed to school
7 districts as grants pursuant to the Early Childhood Education
8 Grant Program; (iii) the next two million one hundred seventy-five
9 thousand six hundred seventy-three dollars shall be distributed to
10 local systems as grants for approved accelerated or differentiated
11 curriculum programs for students identified as learners with
12 high ability pursuant to section 79-1108.02; (iv) the next one
13 hundred eight thousand one hundred thirty-six dollars shall be
14 used by the department for the development of an integrated
15 early childhood, elementary, secondary, and postsecondary student
16 information system; (v) the next four hundred fifty thousand
17 dollars shall fund the Center for Student Leadership and Extended
18 Learning Act; (vi) the next one hundred fourteen thousand six
19 hundred twenty-nine dollars shall be used by the department to
20 fund the multicultural education program created under section
21 79-720; (vii) the next one hundred twenty-three thousand four
22 hundred sixty-eight dollars shall be used by the department to
23 employ persons to investigate and prosecute alleged violations as
24 provided in section 79-868; (viii) up to the next one hundred
25 sixty thousand dollars shall be used by the department to implement
26 section 79-759; (ix) the next twenty-seven thousand two hundred
27 dollars shall be used to fund the Interstate Compact on Educational

1 Opportunity for Military Children; and (x) the next one hundred
2 thousand dollars shall be transferred to the Nebraska Coordinated
3 School Health Fund pursuant to section 2 of this act; and (xi)
4 the amount remaining shall be allocated, after administrative
5 expenses, for distance education equipment and incentives pursuant
6 to sections 79-1336 and 79-1337.

7 (e) For fiscal year 2013-14, the Education Innovation
8 Fund shall be allocated as follows: (i) The first one million
9 dollars shall be transferred to the Excellence in Teaching Cash
10 Fund to fund the Excellence in Teaching Act; (ii) the next one
11 hundred thousand dollars shall be transferred to the Nebraska
12 Coordinated School Health Fund pursuant to section 2 of this act;
13 (iii) the next allocation shall be distributed to local systems
14 as grants for approved accelerated or differentiated curriculum
15 programs for students identified as learners with high ability
16 pursuant to section 79-1108.02 in an aggregated amount up to the
17 amount distributed in the prior fiscal year for such purposes
18 increased by the basic allowable growth rate pursuant to section
19 79-1025; ~~(iii)~~ (iv) the next allocation shall be used by the
20 State Department of Education for the integrated early childhood,
21 elementary, secondary, and postsecondary student information system
22 in an aggregated amount up to the amount used in the prior fiscal
23 year for such purposes increased by the basic allowable growth rate
24 pursuant to section 79-1025; ~~(iv)~~ (v) the next allocation shall
25 fund the Center for Student Leadership and Extended Learning Act
26 in an aggregated amount up to the amount used in the prior fiscal
27 year for such purposes increased by the basic allowable growth rate

1 pursuant to section 79-1025; ~~(v)~~ (vi) the next allocation shall be
2 used by the department to fund the multicultural education program
3 created under section 79-720 in an aggregated amount up to the
4 amount used in the prior fiscal year for such purposes increased by
5 the basic allowable growth rate pursuant to section 79-1025; ~~(vi)~~
6 (vii) the next allocation shall be used by the department to employ
7 persons to investigate and prosecute alleged violations as provided
8 in section 79-868 in an aggregated amount up to the amount used
9 in the prior fiscal year for such purposes increased by the basic
10 allowable growth rate pursuant to section 79-1025; ~~(vii)~~ (viii) up
11 to the next one hundred sixty thousand dollars shall be used by the
12 department to implement section 79-759; and ~~(viii)~~ (ix) the amount
13 remaining shall be allocated, after administrative expenses, for
14 distance education equipment and incentives pursuant to sections
15 79-1336 and 79-1337.

16 (f) For fiscal years 2014-15 and 2015-16, the Education
17 Innovation Fund shall be allocated as follows: (i) The first
18 one million dollars shall be transferred to the Excellence in
19 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii)
20 the next allocation shall be distributed to local systems as grants
21 for approved accelerated or differentiated curriculum programs
22 for students identified as learners with high ability pursuant
23 to section 79-1108.02 in an aggregated amount up to the amount
24 distributed in the prior fiscal year for such purposes increased
25 by the basic allowable growth rate pursuant to section 79-1025;
26 (iii) the next allocation shall be used by the State Department
27 of Education for the integrated early childhood, elementary,

1 secondary, and postsecondary student information system in an
2 aggregated amount up to the amount used in the prior fiscal year
3 for such purposes increased by the basic allowable growth rate
4 pursuant to section 79-1025; (iv) the next allocation shall fund
5 the Center for Student Leadership and Extended Learning Act in
6 an aggregated amount up to the amount used in the prior fiscal
7 year for such purposes increased by the basic allowable growth
8 rate pursuant to section 79-1025; (v) the next allocation shall
9 be used by the department to fund the multicultural education
10 program created under section 79-720 in an aggregated amount up
11 to the amount used in the prior fiscal year for such purposes
12 increased by the basic allowable growth rate pursuant to section
13 79-1025; (vi) the next allocation shall be used by the department
14 to employ persons to investigate and prosecute alleged violations
15 as provided in section 79-868 in an aggregated amount up to the
16 amount used in the prior fiscal year for such purposes increased
17 by the basic allowable growth rate pursuant to section 79-1025; and
18 (vii) the amount remaining shall be allocated, after administrative
19 expenses, for distance education equipment and incentives pursuant
20 to sections 79-1336 and 79-1337.

21 (g) For fiscal year 2016-17 and each fiscal year
22 thereafter, the Education Innovation Fund shall be allocated,
23 after administrative expenses, for education purposes as provided
24 by the Legislature.

25 (5) Any money in the State Lottery Operation Trust
26 Fund, the State Lottery Operation Cash Fund, the State Lottery
27 Prize Trust Fund, or the Education Innovation Fund available

1 for investment shall be invested by the state investment officer
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska
3 State Funds Investment Act.

4 (6) Unclaimed prize money on a winning lottery ticket
5 shall be retained for a period of time prescribed by rules and
6 regulations. If no claim is made within such period, the prize
7 money shall be used at the discretion of the Tax Commissioner for
8 any of the purposes prescribed in this section.

9 Sec. 9. Section 9-836.01, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

11 9-836.01 The division may endorse and sell for profit
12 tangible personal property related to the lottery. Any money
13 received as profit by the division pursuant to this section
14 shall be remitted to the State Treasurer for credit to the State
15 Lottery Operation Trust Fund to be distributed to the Education
16 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska
17 Environmental Trust Fund, ~~and~~ the Compulsive Gamblers Assistance
18 Fund, and the Nebraska Coordinated School Health Fund pursuant to
19 the requirements of section 9-812.

20 Sec. 10. Original section 9-836.01, Revised Statutes
21 Cumulative Supplement, 2010, and section 9-812, Revised Statutes
22 Supplement, 2011, are repealed.

23 Sec. 11. Since an emergency exists, this act takes effect
24 when passed and approved according to law.