

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 838

Final Reading

Introduced by Sullivan, 41.

Read first time January 13, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to the Tax Equity and Educational Opportunities
2 Support Act; to amend sections 79-1022, 79-1023, 79-1027,
3 and 79-1031.01, Revised Statutes Supplement, 2013; to
4 change dates relating to distribution of aid,
5 certification of certain budget limitations as
6 prescribed, and duties of the Appropriations Committee of
7 the Legislature; to harmonize provisions; to repeal the
8 original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1022, Revised Statutes Supplement,
2 2013, is amended to read:

3 79-1022 (1) On or before ~~June 1, 2013,~~ April 10, 2014,
4 and on or before March 1 of each year thereafter for each ensuing
5 fiscal year, the department shall determine the amounts to be
6 distributed to each local system and each district for the ensuing
7 school fiscal year pursuant to the Tax Equity and Educational
8 Opportunities Support Act and shall certify the amounts to the
9 Director of Administrative Services, the Auditor of Public Accounts,
10 each learning community, and each district. The amount to be
11 distributed to each district that is not a member of a learning
12 community from the amount certified for a local system shall be
13 proportional based on the formula students attributed to each
14 district in the local system. The amount to be distributed to each
15 district that is a member of a learning community from the amount
16 certified for the local system shall be proportional based on the
17 formula needs calculated for each district in the local system. On or
18 before ~~June 1, 2013,~~ April 10, 2014, and on or before March 1 of each
19 year thereafter for each ensuing fiscal year, the department shall
20 report the necessary funding level for the ensuing school fiscal year
21 to the Governor, the Appropriations Committee of the Legislature, and
22 the Education Committee of the Legislature. The report submitted to
23 the committees of the Legislature shall be submitted electronically.
24 Except as otherwise provided in this subsection, certified state aid
25 amounts, including adjustments pursuant to section 79-1065.02, shall

1 be shown as budgeted non-property-tax receipts and deducted prior to
2 calculating the property tax request in the district's general fund
3 budget statement as provided to the Auditor of Public Accounts
4 pursuant to section 79-1024.

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

15 Sec. 2. Section 79-1023, Revised Statutes Supplement,
16 2013, is amended to read:

17 79-1023 (1) On or before ~~June 1, 2013,~~ April 10, 2014,
18 and on or before March 1 of each year thereafter, the department
19 shall determine and certify to each school district budget authority
20 for the general fund budget of expenditures for the ensuing school
21 fiscal year.

22 (2) Except as provided in sections 79-1028.01, 79-1029,
23 and 79-1030, each school district shall have budget authority for the
24 general fund budget of expenditures equal to the greater of (a) the
25 general fund budget of expenditures for the immediately preceding

1 school fiscal year minus exclusions pursuant to subsection (1) of
2 section 79-1028.01 for such school fiscal year with the difference
3 increased by the basic allowable growth rate for the school fiscal
4 year for which budget authority is being calculated, (b) the general
5 fund budget of expenditures for the immediately preceding school
6 fiscal year minus exclusions pursuant to subsection (1) of section
7 79-1028.01 for such school fiscal year with the difference increased
8 by an amount equal to any student growth adjustment calculated for
9 the school fiscal year for which budget authority is being
10 calculated, or (c) one hundred ten percent of formula need for the
11 school fiscal year for which budget authority is being calculated
12 minus the special education budget of expenditures as filed on the
13 school district budget statement on or before September 20 for the
14 immediately preceding school fiscal year, which special education
15 budget of expenditures is increased by the basic allowable growth
16 rate for the school fiscal year for which budget authority is being
17 calculated.

18 (3) For any school fiscal year for which the budget
19 authority for the general fund budget of expenditures for a school
20 district is based on a student growth adjustment, the budget
21 authority for the general fund budget of expenditures for such school
22 district shall be adjusted in future years to reflect any student
23 growth adjustment corrections related to such student growth
24 adjustment.

25 Sec. 3. Section 79-1027, Revised Statutes Supplement,

1 2013, is amended to read:

2 79-1027 No district shall adopt a budget, which includes
 3 total requirements of depreciation funds, necessary employee benefit
 4 fund cash reserves, and necessary general fund cash reserves,
 5 exceeding the applicable allowable reserve percentages of total
 6 general fund budget of expenditures as specified in the schedule set
 7 forth in this section.

8	Average daily	Allowable
9	membership of	reserve
10	district	percentage
11	0 - 471	45
12	471.01 - 3,044	35
13	3,044.01 - 10,000	25
14	10,000.01 and over	20

15 On or before ~~June 1, 2013,~~ April 10, 2014, and on or
 16 before March 1 each year thereafter, the department shall determine
 17 and certify each district's applicable allowable reserve percentage
 18 for the ensuing school fiscal year.

19 Each district with combined necessary general fund cash
 20 reserves, total requirements of depreciation funds, and necessary
 21 employee benefit fund cash reserves less than the applicable
 22 allowable reserve percentage specified in this section may,
 23 notwithstanding the district's applicable allowable growth rate,
 24 increase its necessary general fund cash reserves such that the total

1 necessary general fund cash reserves, total requirements of
2 depreciation funds, and necessary employee benefit fund cash reserves
3 do not exceed such applicable allowable reserve percentage.

4 Sec. 4. Section 79-1031.01, Revised Statutes Supplement,
5 2013, is amended to read:

6 79-1031.01 The Appropriations Committee of the
7 Legislature shall annually include the amount necessary to fund the
8 state aid that will be certified to school districts on or before
9 ~~June 1, 2013, April 10, 2014,~~ and on or before March 1 of each year
10 thereafter for each ensuing school fiscal year in its recommendations
11 to the Legislature to carry out the requirements of the Tax Equity
12 and Educational Opportunities Support Act.

13 Sec. 5. Original sections 79-1022, 79-1023, 79-1027, and
14 79-1031.01, Revised Statutes Supplement, 2013, are repealed.

15 Sec. 6. Since an emergency exists, this act takes effect
16 when passed and approved according to law.