

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 522**

Introduced by Sullivan, 41.

Read first time January 21, 2015

Committee: Education

1 A BILL FOR AN ACT relating to state aid to education; to amend sections  
2 79-309.01, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05,  
3 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15,  
4 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01,  
5 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and 84-612,  
6 Reissue Revised Statutes of Nebraska; to change and eliminate  
7 provisions relating to state aid to schools; to provide for  
8 apportionment funds and student support aid; to provide for a  
9 transfer from the Cash Reserve Fund; to harmonize provisions; to  
10 repeal the original sections; and to outright repeal sections  
11 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.  
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-309.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 79-309.01 (1)(a) Beginning in 2016, the Commissioner of Education  
4 shall annually collect data from each school district prior to February  
5 25 and determine whether at least seventy-five percent of the school  
6 districts have included a system for distributing apportionment funds  
7 attributable to income from solar or wind agreements on school lands for  
8 teacher performance pay within such districts' local collective-  
9 bargaining agreements for the ensuing school fiscal year.

10 (b)(i) If the seventy-five percent requirement has been met for the  
11 year, the Commissioner of Education shall use the separate accounting  
12 provided by the State Treasurer under subdivision (1)(b) of section  
13 79-1035 to determine the amount of the apportionment to each school  
14 district under section 79-1035 that is attributable to income from solar  
15 or wind agreements on school lands. The commissioner shall notify each  
16 school district of such amount within five days after certification of  
17 the apportionment required pursuant to subsections (4) and (5) ~~subsection~~  
18 ~~(3)~~ of section 79-1035. Each school district shall use the amount of  
19 apportionment funds specified in the notice provided by the commissioner  
20 for the purpose of teacher performance pay. Such amount shall be used as  
21 a supplement to the salary schedule as provided in local collective-  
22 bargaining agreements. For purposes of distribution of such funds only,  
23 the Legislature finds that teacher performance pay measurements,  
24 criteria, and payout amounts are mandatory topics of collective  
25 bargaining. If a school district has not included a system for  
26 distributing apportionment funds attributable to income from solar or  
27 wind agreements on school lands for teacher performance pay within its  
28 local collective-bargaining agreement, the amount of apportionment funds  
29 specified in the notice provided by the commissioner shall be returned to  
30 the State Treasurer within one month of receipt of such funds. The State  
31 Treasurer shall immediately credit any funds returned under this section

1 to the temporary school fund. Any funds returned under this section shall  
2 be redistributed from the temporary school fund in the following year and  
3 shall no longer be designated as income attributable to solar or wind  
4 agreements on school lands.

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

8 (2) If the seventy-five percent requirement has not been met in  
9 2016, 2017, or 2018, then this section shall not apply in 2019 or any  
10 year thereafter.

11 (3) For purposes of this section:

12 (a) Agreement means any lease, easement, covenant, or other such  
13 contractual arrangement; and

14 (b) Teacher performance pay means a systematic process for measuring  
15 teachers' performance and linking the measurements to changes in teacher  
16 pay. Indicators of teacher performance may include improving professional  
17 skills and knowledge, classroom performance or instructional behavior,  
18 and instructional outcomes. Teacher performance pay may include  
19 predetermined bonus amounts and payout criteria.

20 Sec. 2. Section 79-1001, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 79-1001 Sections 79-1001 to 79-1033 and section 6 of this act shall  
23 be known and may be cited as the Tax Equity and Educational Opportunities  
24 Support Act.

25 Sec. 3. Section 79-1003, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 79-1003 For purposes of the Tax Equity and Educational Opportunities  
28 Support Act:

29 (1) Adjusted general fund operating expenditures means (a) for  
30 school fiscal years 2013-14 through 2015-16, the difference of the  
31 general fund operating expenditures as calculated pursuant to subdivision

1 (22) of this section increased by the cost growth factor calculated  
2 pursuant to section 79-1007.10, minus the transportation allowance,  
3 special receipts allowance, poverty allowance, limited English  
4 proficiency allowance, distance education and telecommunications  
5 allowance, elementary site allowance, summer school allowance,  
6 instructional time allowance, teacher education allowance, and focus  
7 school and program allowance, and (b) for school fiscal year 2016-17 and  
8 each school fiscal year thereafter, the difference of the general fund  
9 operating expenditures as calculated pursuant to subdivision (22) of this  
10 section increased by the cost growth factor calculated pursuant to  
11 section 79-1007.10, minus the transportation allowance, special receipts  
12 allowance, poverty allowance, limited English proficiency allowance,  
13 distance education and telecommunications allowance, elementary site  
14 allowance, summer school allowance, and focus school and program  
15 allowance;

16 (2) Adjusted valuation means the assessed valuation of taxable  
17 property of each local system in the state, adjusted pursuant to the  
18 adjustment factors described in section 79-1016. Adjusted valuation means  
19 the adjusted valuation for the property tax year ending during the school  
20 fiscal year immediately preceding the school fiscal year in which the aid  
21 based upon that value is to be paid. For purposes of determining the  
22 local effort rate yield pursuant to section 79-1015.01, adjusted  
23 valuation does not include the value of any property which a court, by a  
24 final judgment from which no appeal is taken, has declared to be  
25 nontaxable or exempt from taxation;

26 (3) Allocated income tax funds means the amount of assistance paid  
27 to a local system pursuant to section 79-1005.01 as adjusted, for school  
28 fiscal years prior to school fiscal year 2016-17, by the minimum levy  
29 adjustment pursuant to section 79-1008.02;

30 (4) Average daily membership means the average daily membership for  
31 grades kindergarten through twelve attributable to the local system, as

1 provided in each district's annual statistical summary, and includes the  
2 proportionate share of students enrolled in a public school instructional  
3 program on less than a full-time basis;

4 (5) Base fiscal year means the first school fiscal year following  
5 the school fiscal year in which the reorganization or unification  
6 occurred;

7 (6) Board means the school board of each school district;

8 (7) Categorical funds means funds limited to a specific purpose by  
9 federal or state law, including, but not limited to, Title I funds, Title  
10 VI funds, federal vocational education funds, federal school lunch funds,  
11 Indian education funds, Head Start funds, and funds from the Education  
12 Innovation Fund. Categorical funds does not include funds received  
13 pursuant to section 79-1028.02 or 79-1028.04;

14 (8) Consolidate means to voluntarily reduce the number of school  
15 districts providing education to a grade group and does not include  
16 dissolution pursuant to section 79-498;

17 (9) Converted contract means an expired contract that was in effect  
18 for at least fifteen school years beginning prior to school year 2012-13  
19 for the education of students in a nonresident district in exchange for  
20 tuition from the resident district when the expiration of such contract  
21 results in the nonresident district educating students, who would have  
22 been covered by the contract if the contract were still in effect, as  
23 option students pursuant to the enrollment option program established in  
24 section 79-234;

25 (10) Converted contract option student means a student who will be  
26 an option student pursuant to the enrollment option program established  
27 in section 79-234 for the school fiscal year for which aid is being  
28 calculated and who would have been covered by a converted contract if the  
29 contract were still in effect and such school fiscal year is the first  
30 school fiscal year for which such contract is not in effect;

31 (11) Department means the State Department of Education;

1 (12) District means any Class I, II, III, IV, V, or VI school  
2 district and any, ~~beginning with the calculation of state aid for school~~  
3 ~~fiscal year 2011-12 and each school fiscal year thereafter,~~ a unified  
4 system as defined in section 79-4,108;

5 (13) Ensuing school fiscal year means the school fiscal year  
6 following the current school fiscal year;

7 (14) Equalization aid means the amount of assistance calculated to  
8 be paid to a local system pursuant to section ~~sections 79-1007.11 to~~  
9 ~~79-1007.23, 79-1007.25, 79-1008.01 to 79-1022, 79-1022.02, 79-1028.02,~~  
10 ~~and 79-1028.04;~~

11 (15) Fall membership means the total membership in kindergarten  
12 through grade twelve attributable to the local system as reported on the  
13 fall school district membership reports for each district pursuant to  
14 section 79-528;

15 (16) Fiscal year means the state fiscal year which is the period  
16 from July 1 to the following June 30;

17 (17) Formula students means:

18 (a) For state aid certified pursuant to section 79-1022, the sum of  
19 the product of fall membership from the school fiscal year immediately  
20 preceding the school fiscal year in which the aid is to be paid  
21 multiplied by the average ratio of average daily membership to fall  
22 membership for the second school fiscal year immediately preceding the  
23 school fiscal year in which the aid is to be paid and the prior two  
24 school fiscal years plus sixty percent of the qualified early childhood  
25 education fall membership plus tuitioned students from the school fiscal  
26 year immediately preceding the school fiscal year in which aid is to be  
27 paid minus the product of the number of students enrolled in kindergarten  
28 that is not full-day kindergarten from the fall membership multiplied by  
29 0.5; and

30 (b) For the final calculation of state aid pursuant to section  
31 79-1065, the sum of average daily membership plus sixty percent of the

1 qualified early childhood education average daily membership plus  
2 tuitioned students minus the product of the number of students enrolled  
3 in kindergarten that is not full-day kindergarten from the average daily  
4 membership multiplied by 0.5 from the school fiscal year immediately  
5 preceding the school fiscal year in which aid was paid;

6 (18) Free lunch and free milk student means a student who qualified  
7 for free lunches or free milk from the most recent data available on  
8 November 1 of the school fiscal year immediately preceding the school  
9 fiscal year in which aid is to be paid;

10 (19) Full-day kindergarten means kindergarten offered by a district  
11 for at least one thousand thirty-two instructional hours;

12 (20) General fund budget of expenditures means the total budget of  
13 disbursements and transfers for general fund purposes as certified in the  
14 budget statement adopted pursuant to the Nebraska Budget Act, except that  
15 for purposes of the limitation imposed in section 79-1023 and the  
16 calculation pursuant to subdivision (2) of section 79-1027.01, the  
17 general fund budget of expenditures does not include any special grant  
18 funds, exclusive of local matching funds, received by a district;

19 (21) General fund expenditures means all expenditures from the  
20 general fund;

21 (22) General fund operating expenditures means ~~for state aid~~  
22 ~~calculated for school fiscal years 2012-13 and each school fiscal year~~  
23 ~~thereafter~~, as reported on the annual financial report for the second  
24 school fiscal year immediately preceding the school fiscal year in which  
25 aid is to be paid, the total general fund expenditures minus (a) the  
26 amount of all receipts to the general fund, to the extent that such  
27 receipts are not included in local system formula resources, from early  
28 childhood education tuition, summer school tuition, educational entities  
29 as defined in section 79-1201.01 for providing distance education courses  
30 through the Educational Service Unit Coordinating Council to such  
31 educational entities, private foundations, individuals, associations,

1 charitable organizations, the textbook loan program authorized by section  
2 79-734, federal impact aid, and levy override elections pursuant to  
3 section 77-3444, (b) the amount of expenditures for categorical funds,  
4 tuition paid, transportation fees paid to other districts, adult  
5 education, community services, redemption of the principal portion of  
6 general fund debt service, retirement incentive plans authorized by  
7 section 79-855, and staff development assistance authorized by section  
8 79-856, (c) the amount of any transfers from the general fund to any bond  
9 fund and transfers from other funds into the general fund, (d) any legal  
10 expenses in excess of fifteen-hundredths of one percent of the formula  
11 need for the school fiscal year in which the expenses occurred, (e)  
12 expenditures to pay for sums agreed to be paid by a school district to  
13 certificated employees in exchange for a voluntary termination occurring  
14 prior to July 1, 2009, occurring on or after the last day of the 2010-11  
15 school year and prior to the first day of the 2013-14 school year, or, to  
16 the extent that a district has demonstrated to the State Board of  
17 Education pursuant to section 79-1028.01 that the agreement will result  
18 in a net savings in salary and benefit costs to the school district over  
19 a five-year period, occurring on or after the first day of the 2013-14  
20 school year, (f)(i) expenditures to pay for employer contributions  
21 pursuant to subsection (2) of section 79-958 to the School Employees  
22 Retirement System of the State of Nebraska to the extent that such  
23 expenditures exceed the employer contributions under such subsection that  
24 would have been made at a contribution rate of seven and thirty-five  
25 hundredths percent or (ii) expenditures to pay for school district  
26 contributions pursuant to subdivision (1)(c)(i) of section 79-9,113 to  
27 the retirement system established pursuant to the Class V School  
28 Employees Retirement Act to the extent that such expenditures exceed the  
29 school district contributions under such subdivision that would have been  
30 made at a contribution rate of seven and thirty-seven hundredths percent,  
31 and (g) any amounts paid by the district for lobbyist fees and expenses



1 reported to the Clerk of the Legislature pursuant to section 49-1483.

2 For purposes of this subdivision (22) of this section, receipts from  
3 levy override elections shall equal ninety-nine percent of the difference  
4 of the total general fund levy minus a levy of one dollar and five cents  
5 per one hundred dollars of taxable valuation multiplied by the assessed  
6 valuation for school districts that have voted pursuant to section  
7 77-3444 to override the maximum levy provided pursuant to section  
8 77-3442;

9 (23) High school district means a school district providing  
10 instruction in at least grades nine through twelve;

11 (24) Income tax liability means the amount of the reported income  
12 tax liability for resident individuals pursuant to the Nebraska Revenue  
13 Act of 1967 less all nonrefundable credits earned and refunds made;

14 (25) Income tax receipts means the amount of income tax collected  
15 pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable  
16 credits earned and refunds made;

17 (26) Limited English proficiency students means the number of  
18 students with limited English proficiency in a district from the most  
19 recent data available on November 1 of the school fiscal year preceding  
20 the school fiscal year in which aid is to be paid plus the difference of  
21 such students with limited English proficiency minus the average number  
22 of limited English proficiency students for such district, prior to such  
23 addition, for the three immediately preceding school fiscal years if such  
24 difference is greater than zero;

25 (27) Local system means: (a) For school fiscal years prior to school  
26 fiscal year 2016-17, a learning community for purposes of calculation of  
27 state aid for the second full school fiscal year after becoming a  
28 learning community and each school fiscal year thereafter through school  
29 fiscal year 2015-16, a unified system, a Class VI district and the  
30 associated Class I districts, or a Class II, III, IV, or V district and  
31 any affiliated Class I districts or portions of Class I districts; and

1 (b) for school fiscal year 2016-17 and each school fiscal year  
2 thereafter, a unified system, a Class VI district and the associated  
3 Class I districts, or a Class II, III, IV, or V district and any  
4 affiliated Class I districts or portions of Class I districts. The  
5 membership, expenditures, and resources of Class I districts that are  
6 affiliated with multiple high school districts will be attributed to  
7 local systems based on the percent of the Class I valuation that is  
8 affiliated with each high school district;

9 (28) Low-income child means a child under nineteen years of age  
10 living in a household having an annual adjusted gross income for the  
11 second calendar year preceding the beginning of the school fiscal year  
12 for which aid is being calculated equal to or less than the maximum  
13 household income that would allow a student from a family of four people  
14 to be a free lunch and free milk student during the school fiscal year  
15 immediately preceding the school fiscal year for which aid is being  
16 calculated;

17 (29) Low-income students means the number of low-income children  
18 within the district multiplied by the ratio of the formula students in  
19 the district divided by the total children under nineteen years of age  
20 residing in the district as derived from income tax information;

21 (30) Most recently available complete data year means the most  
22 recent single school fiscal year for which the annual financial report,  
23 fall school district membership report, annual statistical summary,  
24 Nebraska income tax liability by school district for the calendar year in  
25 which the majority of the school fiscal year falls, and adjusted  
26 valuation data are available;

27 (31) Poverty students means the number of low-income students or the  
28 number of students who are free lunch and free milk students in a  
29 district plus the difference of the number of low-income students or the  
30 number of students who are free lunch and free milk students in a  
31 district, whichever is greater, minus the average number of poverty

1 students for such district, prior to such addition, for the three  
2 immediately preceding school fiscal years if such difference is greater  
3 than zero;

4 (32) Qualified early childhood education average daily membership  
5 means the product of the average daily membership ~~for school fiscal year~~  
6 ~~2006-07 and each school fiscal year thereafter~~ of students who will be  
7 eligible to attend kindergarten the following school year and are  
8 enrolled in an early childhood education program approved by the  
9 department pursuant to section 79-1103 for such school district for such  
10 school year multiplied by the ratio of the actual instructional hours of  
11 the program divided by one thousand thirty-two if: (a) The program is  
12 receiving a grant pursuant to such section for the third year; (b) the  
13 program has already received grants pursuant to such section for three  
14 years; or (c) the program has been approved pursuant to subsection (5) of  
15 section 79-1103 for such school year and the two preceding school years,  
16 including any such students in portions of any of such programs receiving  
17 an expansion grant;

18 (33) Qualified early childhood education fall membership means the  
19 product of membership on the last Friday in September ~~2006 and each year~~  
20 ~~thereafter~~ of students who will be eligible to attend kindergarten the  
21 following school year and are enrolled in an early childhood education  
22 program approved by the department pursuant to section 79-1103 for such  
23 school district for such school year multiplied by the ratio of the  
24 planned instructional hours of the program divided by one thousand  
25 thirty-two if: (a) The program is receiving a grant pursuant to such  
26 section for the third year; (b) the program has already received grants  
27 pursuant to such section for three years; or (c) the program has been  
28 approved pursuant to subsection (5) of section 79-1103 for such school  
29 year and the two preceding school years, including any such students in  
30 portions of any of such programs receiving an expansion grant;

31 (34) Regular route transportation means the transportation of

1 students on regularly scheduled daily routes to and from the attendance  
2 center;

3 (35) Reorganized district means any district involved in a  
4 consolidation and currently educating students following consolidation;

5 (36) School year or school fiscal year means the fiscal year of a  
6 school district as defined in section 79-1091;

7 (37) Sparse local system means a local system that is not a very  
8 sparse local system but which meets the following criteria:

9 (a)(i) Less than two students per square mile in the county in which  
10 each high school is located, based on the school district census, (ii)  
11 less than one formula student per square mile in the local system, and  
12 (iii) more than ten miles between each high school attendance center and  
13 the next closest high school attendance center on paved roads;

14 (b)(i) Less than one and one-half formula students per square mile  
15 in the local system and (ii) more than fifteen miles between each high  
16 school attendance center and the next closest high school attendance  
17 center on paved roads;

18 (c)(i) Less than one and one-half formula students per square mile  
19 in the local system and (ii) more than two hundred seventy-five square  
20 miles in the local system; or

21 (d)(i) Less than two formula students per square mile in the local  
22 system and (ii) the local system includes an area equal to ninety-five  
23 percent or more of the square miles in the largest county in which a high  
24 school attendance center is located in the local system;

25 (38) Special education means specially designed kindergarten through  
26 grade twelve instruction pursuant to section 79-1125, and includes  
27 special education transportation;

28 (39) Special grant funds means the budgeted receipts for grants,  
29 including, but not limited to, categorical funds, reimbursements for  
30 wards of the court, short-term borrowings including, but not limited to,  
31 registered warrants and tax anticipation notes, interfund loans,

1 insurance settlements, and reimbursements to county government for  
2 previous overpayment. The state board shall approve a listing of grants  
3 that qualify as special grant funds;

4 (40) State aid means the amount of assistance paid to a district  
5 pursuant to the Tax Equity and Educational Opportunities Support Act;

6 (41) State board means the State Board of Education;

7 (42) State support means all funds provided to districts by the  
8 State of Nebraska for the general fund support of elementary and  
9 secondary education;

10 (43) Statewide average basic funding per formula student means the  
11 statewide total basic funding for all districts divided by the statewide  
12 total formula students for all districts;

13 (44) Statewide average general fund operating expenditures per  
14 formula student means the statewide total general fund operating  
15 expenditures for all districts divided by the statewide total formula  
16 students for all districts;

17 (45) Teacher has the definition found in section 79-101;

18 ~~(46) Temporary aid adjustment factor means (a) for school fiscal~~  
19 ~~years before school fiscal year 2007-08, one and one-fourth percent of~~  
20 ~~the sum of the local system's transportation allowance, the local~~  
21 ~~system's special receipts allowance, and the product of the local~~  
22 ~~system's adjusted formula students multiplied by the average formula cost~~  
23 ~~per student in the local system's cost grouping and (b) for school fiscal~~  
24 ~~year 2007-08, one and one-fourth percent of the sum of the local system's~~  
25 ~~transportation allowance, special receipts allowance, and distance~~  
26 ~~education and telecommunications allowance and the product of the local~~  
27 ~~system's adjusted formula students multiplied by the average formula cost~~  
28 ~~per student in the local system's cost grouping;~~

29 (46 47) Tuition receipts from converted contracts means tuition  
30 receipts received by a district from another district in the most  
31 recently available complete data year pursuant to a converted contract

1 prior to the expiration of the contract;

2 (47 48) Tuitioned students means students in kindergarten through  
3 grade twelve of the district whose tuition is paid by the district to  
4 some other district or education agency; and

5 (48 49) Very sparse local system means a local system that has:

6 (a)(i) Less than one-half student per square mile in each county in  
7 which each high school attendance center is located based on the school  
8 district census, (ii) less than one formula student per square mile in  
9 the local system, and (iii) more than fifteen miles between the high  
10 school attendance center and the next closest high school attendance  
11 center on paved roads; or

12 (b)(i) More than four hundred fifty square miles in the local  
13 system, (ii) less than one-half student per square mile in the local  
14 system, and (iii) more than fifteen miles between each high school  
15 attendance center and the next closest high school attendance center on  
16 paved roads.

17 Sec. 4. Section 79-1003.01, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 79-1003.01 (1) The department shall calculate a summer school  
20 allowance for each district which submits the information required for  
21 the calculation on a form prescribed by the department on or before  
22 October 15 of the school fiscal year preceding the school fiscal year for  
23 which aid is being calculated. For aid calculated for school fiscal years  
24 through school fiscal year 2013-14, the summer school allowance shall be  
25 equal to two and one-half percent of the summer school student units for  
26 such district multiplied by eighty-five percent of the statewide average  
27 general fund operating expenditures per formula student. For aid  
28 calculated for school fiscal year 2014-15 and each school fiscal year  
29 thereafter, the summer school allowance shall be equal to the lesser of  
30 two and one-half percent of the product of the summer school student  
31 units for such district multiplied by eighty-five percent of the

1 statewide average general fund operating expenditures per formula student  
2 or the summer school and early childhood summer school expenditures that  
3 are paid for with noncategorical funds generated by state or local taxes  
4 as reported on the annual financial report for the most recently  
5 available data year and that are not included in other allowances.

6 (2) Summer school student units shall be calculated for each student  
7 enrolled in summer school as defined in section 79-536 in a school  
8 district who attends such summer school for at least twelve days in the  
9 most recently available complete data year, whether or not the student is  
10 in the membership of the school district. The initial number of units for  
11 each such student shall equal the sum of the ratios, each rounded down to  
12 the nearest whole number, of the number of days for which the student  
13 attended summer school classes in such district for at least three hours  
14 and less than six hours per day divided by twelve days and of two times  
15 the number of days for which the student attended summer school classes  
16 in such district for six or more hours per day divided by twelve days.

17 (3) Each school district shall receive an additional summer school  
18 student unit for each summer school student unit attributed to remedial  
19 math or reading programs. Each school district shall also receive an  
20 additional summer school student unit for each summer school student unit  
21 attributed to a free lunch and free milk student.

22 (4) ~~Summer Beginning with state aid calculated for school fiscal~~  
23 ~~year 2012-13, summer~~ school student units shall be calculated for each  
24 student who was both enrolled in the most recently available complete  
25 data year in a summer session of an early childhood education program for  
26 which a qualified early childhood education fall membership greater than  
27 zero has been calculated for the school fiscal year for which aid is  
28 being calculated and eligible to attend kindergarten in the fall  
29 immediately following such summer session. The initial number of units  
30 for each such early childhood education student shall equal the sum of  
31 the ratios, each rounded down to the nearest whole number, of the number

1 of days for which the student attended the summer session in such  
2 district for at least three hours and less than six hours per day divided  
3 by twelve days and of two times the number of days for which the student  
4 attended the summer session in such district for six or more hours per  
5 day divided by twelve days. The initial summer school student units for  
6 early childhood education students shall be multiplied by six-tenths.  
7 Instructional hours included in the calculation of the qualified early  
8 childhood education fall membership or the qualified early childhood  
9 education average daily membership shall not be included in the  
10 calculation of the summer school allowance.

11 (5) Each school district shall receive an additional six-tenths of a  
12 summer school student unit for each early childhood education student  
13 unit attributed to a free lunch and free milk early childhood education  
14 student.

15 (6) This section does not prevent school districts from requiring  
16 and collecting fees for summer school or summer sessions of early  
17 childhood education programs, except that summer school student units  
18 shall not be calculated for school districts which collect fees for  
19 summer school from students who qualify for free or reduced-price lunches  
20 under United States Department of Agriculture child nutrition programs.

21 (7) For school fiscal year 2016-17 and each school fiscal year  
22 thereafter, fifty percent of the summer school allowance calculated  
23 pursuant to this section for each school district shall be paid to such  
24 school district as summer school aid for the school fiscal year for which  
25 aid is being calculated.

26 Sec. 5. Section 79-1005.01, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 79-1005.01 (1)(a) For school fiscal years prior to school fiscal  
29 year 2016-17, an ~~Am~~ amount equal to the amount appropriated to the School  
30 District Income Tax Fund for distribution in school fiscal year 1992-93  
31 shall be disbursed as option payments as determined under section 79-1009



1 and as allocated income tax funds as determined in this section and  
2 sections 79-1008.01, 79-1015.01, 79-1017.01, and 79-1018.01, except as  
3 provided in section 79-1008.02. Funds not distributed as allocated income  
4 tax funds due to minimum levy adjustments shall not increase the amount  
5 available to local systems for distribution as allocated income tax  
6 funds.

7 (b) For school fiscal year 2016-17 and each school fiscal year  
8 thereafter, except as otherwise provided in this section, each local  
9 system shall receive as allocated income tax funds an amount equal to ten  
10 percent of the income tax liability of resident individuals for such  
11 local system.

12 (2) Not later than November 15 of each year through 2014, the Tax  
13 Commissioner shall certify to the department for the preceding tax year  
14 the income tax liability of resident individuals for each local system.  
15 ~~The 1996 income tax liability of resident individuals of Class I~~  
16 ~~districts that are affiliated with multiple high school districts shall~~  
17 ~~be divided between local systems based on the percentage of the Class I~~  
18 ~~district's valuation affiliated with each high school district.~~

19 (3) For school fiscal years prior to school fiscal year 2016-17,  
20 using ~~Using~~ the data certified by the Tax Commissioner pursuant to  
21 subsection (2) of this section, the department shall calculate the  
22 allocation percentage and each local system's allocated income tax funds.  
23 The allocation percentage shall be an amount equal to the amount  
24 appropriated to the School District Income Tax Fund for distribution in  
25 school fiscal year 1992-93 minus the total amount paid for option  
26 students pursuant to section 79-1009 and (a) for aid calculated for  
27 school fiscal year 2010-11, minus twenty million dollars and (b) for aid  
28 calculated for school fiscal years 2011-12 and 2012-13, minus twenty-one  
29 million dollars with the difference divided by the aggregate statewide  
30 income tax liability of all resident individuals certified pursuant to  
31 subsection (2) of this section. Each local system's allocated income tax

1 funds shall be calculated by multiplying the allocation percentage times  
2 the local system's income tax liability certified pursuant to subsection  
3 (2) of this section.

4 (4) Not later than November 15, 2015, and each November 15  
5 thereafter, the Tax Commissioner shall certify to the department for the  
6 preceding tax year the statewide aggregate income tax liability of  
7 resident individuals. For school fiscal year 2016-17 and each school  
8 fiscal year thereafter, using such data certified by the Tax Commissioner  
9 immediately preceding such school fiscal year, the department shall  
10 calculate student support aid for each local system. The student support  
11 aid for each local system shall equal the support per student multiplied  
12 by the formula students for the local system for which student support  
13 aid is being calculated. For purposes of this subsection, support per  
14 student shall equal ten percent of the statewide aggregate income tax  
15 liability of resident individuals divided by the statewide aggregate  
16 total of all formula students for the school fiscal year for which aid is  
17 being calculated.

18 Sec. 6. For school fiscal year 2016-17 and each school fiscal year  
19 thereafter, each local system shall receive apportionment funds from the  
20 temporary school fund equal to any amount in lieu of tax money certified  
21 by the Commissioner of Education pursuant to section 79-1035 for any  
22 school district in the local system plus a per-student allocation. The  
23 per-student allocation shall equal the local system formula students  
24 multiplied by the ratio of the remainder of the temporary school fund to  
25 be allocated as certified by the commissioner pursuant to section 79-1035  
26 divided by the statewide aggregate total formula students.

27 Sec. 7. Section 79-1007.05, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 79-1007.05 ~~The~~ For school fiscal year 2008-09 and each school  
30 fiscal year thereafter, the department shall determine the focus school  
31 and program allowance for each school district in a learning community

1 which submits the information required for the calculation on a form  
2 prescribed by the department on or before October 15 of the school fiscal  
3 year preceding the school fiscal year for which aid is being calculated.  
4 Such form may require confirmation from a learning community official  
5 that the focus school or program has been approved by the learning  
6 community coordinating council for the school fiscal year for which the  
7 allowance is being calculated. The focus school and program allowance for  
8 each school district in a learning community shall equal the sum of the  
9 allowances calculated pursuant to this section for each focus school and  
10 focus program operated by the school district for the school fiscal year  
11 for which aid is being calculated.

12 For the school fiscal year containing the majority of the first  
13 school year that a school or program will be in operation as a focus  
14 school or program approved by the learning community and meeting the  
15 requirements of section 79-769, the focus school and program allowance  
16 for such focus school or program shall equal the statewide average  
17 general fund operating expenditures per formula student multiplied by  
18 0.10 then multiplied by the estimated number of students who will be  
19 participating in the focus school or program as reported on the form  
20 required pursuant to this section.

21 For the school fiscal year containing the majority of the second  
22 school year that a school or program will be in operation as a focus  
23 school or program approved by the learning community and meeting the  
24 requirements of section 79-769, the focus school and program allowance  
25 for such focus school or program shall equal the statewide average  
26 general fund operating expenditures per formula student multiplied by  
27 0.10 then multiplied by (1) for state aid certified pursuant to section  
28 79-1022, the difference of the product of two multiplied by the number of  
29 students participating in the focus school or program as reported on the  
30 fall membership report from the school fiscal year immediately preceding  
31 the school fiscal year in which the aid is to be paid minus the estimated

1 number of students used in the certification of state aid pursuant to  
2 section 79-1022 for the school fiscal year immediately preceding the  
3 school fiscal year in which the aid is to be paid and (2) for the final  
4 calculation of state aid pursuant to section 79-1065, the difference of  
5 the product of two multiplied by the number of students participating in  
6 the focus school or program as reported on the annual statistical summary  
7 report from the school fiscal year immediately preceding the school  
8 fiscal year in which the aid was paid minus the estimated number of  
9 students used in the final calculation of state aid pursuant to section  
10 79-1065 for the school fiscal year immediately preceding the school  
11 fiscal year in which the aid is to be paid.

12 For the school fiscal year containing the majority of the third  
13 school year that a school or program will be in operation as a focus  
14 school or program approved by the learning community and meeting the  
15 requirements of section 79-769 and each school fiscal year thereafter,  
16 the focus school and program allowance for such focus school or program  
17 shall equal the statewide average general fund operating expenditures per  
18 formula student multiplied by 0.10 then multiplied by the number of  
19 students participating in the focus school or program as reported on the  
20 fall membership report from the school fiscal year immediately preceding  
21 the school fiscal year in which the aid is to be paid for state aid  
22 certified pursuant to section 79-1022 and as reported on the annual  
23 statistical summary report from the school fiscal year immediately  
24 preceding the school fiscal year in which the aid was paid for the final  
25 calculation of state aid pursuant to section 79-1065.

26 For school fiscal year 2016-17 and each school fiscal year  
27 thereafter, fifty percent of the focus school and program allowance  
28 calculated pursuant to this section for each school district shall be  
29 paid to such school district as focus school and program aid for the  
30 school fiscal year for which aid is being calculated.

31 Sec. 8. Section 79-1007.06, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-1007.06 (1) ~~The For school fiscal year 2008-09 and each school~~  
3 ~~fiscal year thereafter,~~ the department shall determine the poverty  
4 allowance for each school district that meets the requirements of this  
5 section and has not been disqualified pursuant to section 79-1007.07.  
6 Each school district shall designate a maximum poverty allowance on a  
7 form prescribed by the department on or before October 15 of the school  
8 fiscal year immediately preceding the school fiscal year for which aid is  
9 being calculated. The school district may decline to participate in the  
10 poverty allowance by providing the department with a maximum poverty  
11 allowance of zero dollars on such form on or before October 15 of the  
12 school fiscal year immediately preceding the school fiscal year for which  
13 aid is being calculated. Each school district designating a maximum  
14 poverty allowance greater than zero dollars shall submit a poverty plan  
15 pursuant to section 79-1013.

16 (2) The poverty allowance for each school district that has not been  
17 disqualified pursuant to section 79-1007.07 shall equal the lesser of:

18 (a) The maximum amount designated pursuant to subsection (1) of this  
19 section by the school district in the local system, if such school  
20 district designated a maximum amount, for the school fiscal year for  
21 which aid is being calculated; or

22 (b) The sum of:

23 (i) The statewide average general fund operating expenditures per  
24 formula student multiplied by 0.0375 then multiplied by the poverty  
25 students comprising more than five percent and not more than ten percent  
26 of the formula students in the school district; plus

27 (ii) The statewide average general fund operating expenditures per  
28 formula student multiplied by 0.0750 then multiplied by the poverty  
29 students comprising more than ten percent and not more than fifteen  
30 percent of the formula students in the school district; plus

31 (iii) The statewide average general fund operating expenditures per

1 formula student multiplied by 0.1125 then multiplied by the poverty  
2 students comprising more than fifteen percent and not more than twenty  
3 percent of the formula students in the school district; plus

4 (iv) The statewide average general fund operating expenditures per  
5 formula student multiplied by 0.1500 then multiplied by the poverty  
6 students comprising more than twenty percent and not more than twenty-  
7 five percent of the formula students in the school district; plus

8 (v) The statewide average general fund operating expenditures per  
9 formula student multiplied by 0.1875 then multiplied by the poverty  
10 students comprising more than twenty-five percent and not more than  
11 thirty percent of the formula students in the school district; plus

12 (vi) The statewide average general fund operating expenditures per  
13 formula student multiplied by 0.2250 then multiplied by the poverty  
14 students comprising more than thirty percent of the formula students in  
15 the school district.

16 (3) For school fiscal year 2016-17 and each school fiscal year  
17 thereafter, fifty percent of the poverty allowance calculated pursuant to  
18 this section for each school district shall be paid to such school  
19 district as poverty aid for the school fiscal year for which aid is being  
20 calculated.

21 Sec. 9. Section 79-1007.08, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 79-1007.08 (1) ~~The For school fiscal year 2008-09 and each school~~  
24 ~~fiscal year thereafter,~~ the department shall determine the limited  
25 English proficiency allowance for each school district that meets the  
26 requirements of this section and has not been disqualified pursuant to  
27 section 79-1007.09. Each school district shall designate a maximum  
28 limited English proficiency allowance on or before October 15 of the  
29 school fiscal year immediately preceding the school fiscal year for which  
30 aid is being calculated. The school district may decline to participate  
31 in the limited English proficiency allowance by providing the department

1 with a maximum limited English proficiency allowance of zero dollars on  
2 such form on or before October 15 of the school fiscal year immediately  
3 preceding the school fiscal year for which aid is being calculated. Each  
4 school district designating a maximum limited English proficiency  
5 allowance greater than zero dollars shall submit a limited English  
6 proficiency plan pursuant to section 79-1014.

7 (2) The limited English proficiency allowance for each school  
8 district that has not been disqualified pursuant to section 79-1007.09  
9 shall equal the lesser of:

10 (a) The amount designated pursuant to subsection (1) of this section  
11 by the school district, if such school district designated a maximum  
12 amount, for the school fiscal year for which aid is being calculated; or

13 (b) The statewide average general fund operating expenditures per  
14 formula student multiplied by 0.25 then multiplied by:

15 (i) The number of students in the school district who are limited  
16 English proficient as defined under 20 U.S.C. 7801, as such section  
17 existed on January 1, 2006, if such number is greater than or equal to  
18 twelve;

19 (ii) Twelve, if the number of students in the school district who  
20 are limited English proficient as defined under 20 U.S.C. 7801, as such  
21 section existed on January 1, 2006, is greater than or equal to one and  
22 less than twelve; or

23 (iii) Zero, if the number of students in the school district who are  
24 limited English proficient as defined under 20 U.S.C. 7801, as such  
25 section existed on January 1, 2006, is less than one.

26 (3) For school fiscal year 2016-17 and each school fiscal year  
27 thereafter, fifty percent of the limited English proficiency allowance  
28 calculated pursuant to this section for each school district shall be  
29 paid to such school district as limited English proficiency aid for the  
30 school fiscal year for which aid is being calculated.

31 Sec. 10. Section 79-1007.12, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 79-1007.12 (1) The department shall calculate a transportation  
3 allowance for each district equal to the lesser of:

4 (a 1) Each local system's general fund expenditures for regular  
5 route transportation and in lieu of transportation expenditures pursuant  
6 to section 79-611 in the second school fiscal year immediately preceding  
7 the school fiscal year in which aid is to be paid, but not including  
8 special education transportation expenditures or other expenditures  
9 previously excluded from general fund operating expenditures; or

10 (b 2) The number of miles traveled in the second school fiscal year  
11 immediately preceding the school fiscal year in which aid is to be paid  
12 by vehicles owned, leased, or contracted by the district or the districts  
13 in the local system for the purpose of regular route transportation  
14 multiplied by four hundred percent of the mileage rate established by the  
15 Department of Administrative Services pursuant to section 81-1176 as of  
16 January 1 of the most recently available complete data year added to in  
17 lieu of transportation expenditures pursuant to section 79-611 from the  
18 same data year.

19 (2) For school fiscal year 2016-17 and each school fiscal year  
20 thereafter, fifty percent of the transportation allowance calculated  
21 pursuant to this section for each school district shall be paid to such  
22 school district as transportation aid for the school fiscal year for  
23 which aid is being calculated.

24 Sec. 11. Section 79-1007.14, Reissue Revised Statutes of Nebraska,  
25 is amended to read:

26 79-1007.14 The department shall calculate a distance education and  
27 telecommunications allowance for each school district equal to eighty-  
28 five percent of the difference of the costs for (1) telecommunications  
29 services, (2) access to data transmission networks that transmit data to  
30 and from the school district, and (3) the transmission of data on such  
31 networks paid by the school districts in the local system as reported on



1 the annual financial report for the most recently available complete data  
2 year minus the receipts from the federal Universal Service Fund pursuant  
3 to section 254 of the Telecommunications Act of 1996, 47 U.S.C. 254, as  
4 such section existed on January 1, 2015 ~~2008~~, for the school districts in  
5 the local system as reported on the annual financial report for the most  
6 recently available complete data year.

7 For school fiscal year 2016-17 and each school fiscal year  
8 thereafter, fifty percent of the distance education and  
9 telecommunications allowance calculated pursuant to this section for each  
10 school district shall be paid to such school district as distance  
11 education and telecommunications aid for the school fiscal year for which  
12 aid is being calculated.

13 Sec. 12. Section 79-1007.15, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 ~~79-1007.15 (1) For school fiscal year 2008-09, the department shall~~  
16 ~~calculate an elementary site allowance for any district in which (a) the~~  
17 ~~district has more than one elementary attendance site, (b) at least one~~  
18 ~~of the elementary attendance sites does not offer any other grades, (c)~~  
19 ~~the square miles in the district divided by the number of elementary~~  
20 ~~attendance sites in the district equals one hundred square miles or more~~  
21 ~~per elementary attendance site, and (d) the fall membership in elementary~~  
22 ~~site grades in the district divided by the number of elementary site~~  
23 ~~grades then divided again by the number of elementary attendance sites~~  
24 ~~equals fifteen or fewer students per grade per elementary attendance~~  
25 ~~site. Qualifying elementary attendance sites for such districts shall~~  
26 ~~only offer elementary site grades and shall have an average of fifteen or~~  
27 ~~fewer students per grade in the fall membership.~~

28 (1 2) The ~~For school fiscal year 2009-10 and each school fiscal year~~  
29 ~~thereafter, the department shall calculate an elementary site allowance~~  
30 ~~for any district which has at least one qualifying elementary attendance~~  
31 ~~site and which submits the information required for the calculation on a~~

1 form prescribed by the department on or before October 15 of the school  
2 fiscal year preceding the school fiscal year for which aid is being  
3 calculated. A qualifying elementary attendance site shall be an  
4 elementary attendance site, in a district with multiple elementary  
5 attendance sites, which does not have another elementary attendance site  
6 within seven miles in the same school district or which is the only  
7 public elementary attendance site located in an incorporated city or  
8 village.

9       (2 3) The elementary site allowance for each qualifying district  
10 shall equal the sum of the elementary site allowances for each qualifying  
11 elementary attendance site in the district. The elementary site allowance  
12 for each qualifying elementary attendance site shall equal five hundred  
13 percent of the statewide average general fund operating expenditures per  
14 formula student multiplied by the result of rounding the ratio of the  
15 fall membership attributed to the elementary attendance site divided by  
16 eight up to the next whole number if the result was not a whole number,  
17 except that if the resulting whole number is greater than the number of  
18 elementary site grades, the whole number shall be reduced to equal the  
19 number of elementary site grades.

20       (3 4) For purposes of this section:

21       (a) Each district shall determine which grades are considered  
22 elementary site grades, except that (i) all grades designated as  
23 elementary site grades shall be offered in each elementary attendance  
24 site in the district, without any preference indicated by the school  
25 board or any school district administrator for students to attend  
26 different elementary attendance sites depending on their elementary site  
27 grade level, for the school fiscal year for which aid is being calculated  
28 and for each of the five school fiscal years preceding the school fiscal  
29 year for which aid is being calculated and (ii) elementary site grades  
30 shall not include grades nine, ten, eleven, or twelve;

31       (b) An elementary attendance site is an attendance site in which

1 elementary site grades are offered;

2 (c) The primary elementary site shall be the elementary attendance  
3 site to which the most formula students are attributed in the district  
4 and shall not be a qualifying elementary attendance site; and

5 (d) Fall membership means the fall membership for the school fiscal  
6 year immediately preceding the school fiscal year for which aid is being  
7 calculated.

8 (4 5) If the elementary attendance site is new or is being reopened  
9 after being closed for at least one school year, the requirements of  
10 subdivision (3 4)(a)(i) of this section with respect to preceding school  
11 fiscal years shall not apply to school fiscal years in which the  
12 elementary attendance site was not in operation.

13 (5 6) The department shall determine if the qualifications for the  
14 elementary site allowance have been met for each elementary attendance  
15 site for which information has been submitted. The department may rely on  
16 the information submitted and any other information available to the  
17 department, including, but not limited to, past attendance patterns. The  
18 state board shall establish a procedure for appeal of decisions of the  
19 department to the state board for a final determination.

20 (6) For school fiscal year 2016-17 and each school fiscal year  
21 thereafter, fifty percent of the elementary site allowance calculated  
22 pursuant to this section for each school district shall be paid to such  
23 school district as elementary site aid for the school fiscal year for  
24 which aid is being calculated.

25 Sec. 13. Section 79-1007.18, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 79-1007.18 (1)(a) For school fiscal years prior to school fiscal  
28 year 2016-17, the The department shall calculate an averaging adjustment  
29 for districts if the basic funding per formula student is less than the  
30 averaging adjustment threshold and the general fund levy for the school  
31 fiscal year immediately preceding the school fiscal year for which aid is

1 being calculated was at least one dollar per one hundred dollars of  
2 taxable valuation. For school districts that are members of a learning  
3 community, the general fund levy for purposes of this section includes  
4 both the common general fund levy and the school district general fund  
5 levy authorized pursuant to subdivisions (2)(b) and (2)(c) of section  
6 77-3442. The averaging adjustment shall equal the district's formula  
7 students multiplied by the percentage specified in this section for such  
8 district of the difference between the averaging adjustment threshold  
9 minus such district's basic funding per formula student.

10 (b) For school fiscal year 2016-17 and each school fiscal year  
11 thereafter, the department shall calculate an averaging adjustment for  
12 districts with at least nine hundred formula students if the basic  
13 funding per formula student is less than the averaging adjustment  
14 threshold. The averaging adjustment shall equal the district's formula  
15 students multiplied by ninety percent of the difference between the  
16 averaging adjustment threshold minus such district's basic funding per  
17 formula student.

18 (2)(a) For school fiscal years 2012-13 and 2013-14, the averaging  
19 adjustment threshold shall equal the lesser of (i) the averaging  
20 adjustment threshold for the school fiscal year immediately preceding the  
21 school fiscal year for which aid is being calculated increased by the  
22 basic allowable growth rate or (ii) the statewide average basic funding  
23 per formula student for the school fiscal year for which aid is being  
24 calculated.

25 (b) For school fiscal year 2014-15 and each school fiscal year  
26 thereafter, the averaging adjustment threshold shall equal the aggregate  
27 basic funding for all districts with nine hundred or more formula  
28 students divided by the aggregate formula students for all districts with  
29 nine hundred or more formula students for the school fiscal year for  
30 which aid is being calculated.

31 (3) For school fiscal years prior to fiscal year 2016-17, the The

1 percentage to be used in the calculation of an averaging adjustment shall  
2 be based on the general fund levy for the school fiscal year immediately  
3 preceding the school fiscal year for which aid is being calculated.

4 (4) For school fiscal years prior to fiscal year 2016-17, the The  
5 percentages to be used in the calculation of averaging adjustments shall  
6 be as follows:

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

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

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

18 (d) If such levy was at least one dollar and three cents per one  
19 hundred dollars of taxable valuation but less than one dollar and four  
20 cents per one hundred dollars of taxable valuation, the percentage shall  
21 be eighty percent; and

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

25 Sec. 14. Section 79-1008.01, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 79-1008.01 For all school fiscal years prior to ~~except~~ school fiscal  
28 year 2016-17 ~~2010-11~~, except as provided in section 79-1008.02 ~~sections~~  
29 ~~79-1008.02 and 79-1009~~, each local system shall receive equalization aid  
30 in the amount that the total formula need of each local system, as  
31 determined pursuant to section 79-1007.11 ~~sections 79-1007.04 to~~

1 ~~79-1007.23 and 79-1007.25, exceeds its total local system formula~~  
2 ~~resources as determined pursuant to section 79-1017.01 sections~~  
3 ~~79-1015.01 to 79-1018.01.~~

4 For school fiscal year 2016-17 and each school fiscal year  
5 thereafter, each local system shall receive equalization aid in the  
6 amount that the total formula need of each local system, as determined  
7 pursuant to section 79-1007.11, exceeds its total local system formula  
8 resources as determined pursuant to section 79-1017.01 For school fiscal  
9 year ~~2010-11, except as provided in sections 79-1008.02 and 79-1009,~~ each  
10 ~~local system shall receive equalization aid in the amount by which one~~  
11 ~~hundred two and twenty-three hundredths percent of the total formula need~~  
12 ~~of each local system, as determined pursuant to sections 79-1007.04 to~~  
13 ~~79-1007.23 and 79-1007.25, exceeds its total formula resources as~~  
14 ~~determined pursuant to sections 79-1015.01 to 79-1018.01.~~

15 Sec. 15. Section 79-1008.02, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 79-1008.02 For school fiscal years prior to school fiscal year  
18 2016-17, a A minimum levy adjustment shall be calculated and applied to  
19 any local system that has a general fund common levy for the fiscal year  
20 during which aid is certified that is less than the maximum levy, for  
21 such fiscal year for such local system, allowed pursuant to subdivision  
22 (2)(a) or (b) of section 77-3442 without a vote pursuant to section  
23 77-3444 less five cents for learning communities and less ten cents for  
24 all other local systems. To calculate the minimum levy adjustment, the  
25 department shall subtract the local system general fund common levy for  
26 such fiscal year for such local system from the maximum levy allowed  
27 pursuant to subdivision (2)(a) or (b) of section 77-3442 without a vote  
28 pursuant to section 77-3444 less five cents for learning communities and  
29 less ten cents for all other local systems and multiply the result by the  
30 local system's adjusted valuation divided by one hundred. The minimum  
31 levy adjustment shall be added to the formula resources of the local

1 system for the determination of equalization aid pursuant to section  
2 79-1008.01. If the minimum levy adjustment is greater than or equal to  
3 the allocated income tax funds calculated pursuant to section 79-1005.01,  
4 the local system shall not receive allocated income tax funds. If the  
5 minimum levy adjustment is less than the allocated income tax funds  
6 calculated pursuant to section 79-1005.01, the local system shall receive  
7 allocated income tax funds in the amount of the difference between the  
8 allocated income tax funds calculated pursuant to section 79-1005.01 and  
9 the minimum levy adjustment. This section does not apply to the  
10 calculation of aid for a local system containing a learning community for  
11 the first school fiscal year for which aid is calculated for such local  
12 system.

13 Sec. 16. Section 79-1009, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 79-1009 (1)(a) A district shall receive net option funding if option  
16 students as defined in section 79-233 (i) were actually enrolled in the  
17 school year immediately preceding the school year in which the aid is to  
18 be paid or (ii) will be enrolled in the school year in which the aid is  
19 to be paid as converted contract option students.

20 (b) The determination of the net number of option students shall be  
21 based on (i) the number of students enrolled in the district as option  
22 students and the number of students residing in the district but enrolled  
23 in another district as option students as of the day of the fall  
24 membership count pursuant to section 79-528, for the school fiscal year  
25 immediately preceding the school fiscal year in which aid is to be paid,  
26 and (ii) the number of option students that will be enrolled in the  
27 district or enrolled in another district as converted contract option  
28 students for the fiscal year in which the aid is to be paid.

29 (c) Net number of option students means the difference of the number  
30 of option students enrolled in the district minus the number of students  
31 residing in the district but enrolled in another district as option

1 students.

2 (2) For purposes of this section: (a) For school fiscal years prior  
3 to school fiscal year 2016-17, net option funding shall be the sum of the  
4 product of the net number of option students multiplied by the statewide  
5 average basic funding per formula student; and (b) for school fiscal year  
6 2016-17 and each school fiscal year thereafter, net option funding for  
7 each district shall be the product of the net number of option students  
8 multiplied by the difference of the statewide average basic funding per  
9 formula student minus the per-student allocation of the temporary school  
10 fund as determined pursuant to section 6 of this act and minus the per-  
11 student income tax support as determined pursuant to section 79-1005.01.

12 (3) A district's net option funding shall be zero if the calculation  
13 produces a negative result.

14 For school fiscal years prior to school fiscal year 2016-17,  
15 payments ~~Payments~~ made under this section shall be made from the funds to  
16 be disbursed under section 79-1005.01.

17 Such payments shall go directly to the option school district but  
18 shall count as a formula resource for the local system.

19 Sec. 17. Section 79-1015.01, Reissue Revised Statutes of Nebraska,  
20 is amended to read:

21 79-1015.01 (1) Local system formula resources shall include local  
22 effort rate yield which shall be computed as prescribed in this section.

23 (2) For each school fiscal year prior to school fiscal year 2016-17,  
24 except school fiscal year years ~~2011-12 through~~ 2013-14: (a) For state  
25 aid certified pursuant to section 79-1022, the local effort rate shall be  
26 the maximum levy, for the school fiscal year for which aid is being  
27 certified, authorized pursuant to subdivision (2)(a) of section 77-3442  
28 less five cents; (b) for the final calculation of state aid pursuant to  
29 section 79-1065, the local effort rate shall be the rate which, when  
30 multiplied by the total adjusted valuation of all taxable property in  
31 local systems receiving equalization aid pursuant to the Tax Equity and



1 Educational Opportunities Support Act, will produce the amount needed to  
2 support the total formula need of such local systems when added to state  
3 aid appropriated by the Legislature and other actual receipts of local  
4 systems described in section 79-1018.01; and (c) the local effort rate  
5 yield for such school fiscal years shall be determined by multiplying  
6 each local system's total adjusted valuation by the local effort rate.

7 ~~(3) For school fiscal years 2011-12 and 2012-13: (a) For state aid~~  
8 ~~certified pursuant to section 79-1022, the local effort rate shall be the~~  
9 ~~maximum levy, for the school fiscal year for which aid is being~~  
10 ~~certified, authorized pursuant to subdivision (2)(a) of section 77-3442~~  
11 ~~less one and five hundredths of one cent; (b) for the final calculation~~  
12 ~~of state aid pursuant to section 79-1065, the local effort rate shall be~~  
13 ~~the rate which, when multiplied by the total adjusted valuation of all~~  
14 ~~taxable property in local systems receiving equalization aid pursuant to~~  
15 ~~the Tax Equity and Educational Opportunities Support Act, will produce~~  
16 ~~the amount needed to support the total formula need of such local systems~~  
17 ~~when added to state aid appropriated by the Legislature and other actual~~  
18 ~~receipts of local systems described in section 79-1018.01; and (c) the~~  
19 ~~local effort rate yield for such school fiscal years shall be determined~~  
20 ~~by multiplying each local system's total adjusted valuation by the local~~  
21 ~~effort rate.~~

22 (3 4) For school fiscal year 2013-14: (a) For state aid certified  
23 pursuant to section 79-1022, the local effort rate shall be the maximum  
24 levy, for the school fiscal year for which aid is being certified,  
25 authorized pursuant to subdivision (2)(a) of section 77-3442 less two  
26 cents; (b) for the final calculation of state aid pursuant to section  
27 79-1065, the local effort rate shall be the rate which, when multiplied  
28 by the total adjusted valuation of all taxable property in local systems  
29 receiving equalization aid pursuant to the Tax Equity and Educational  
30 Opportunities Support Act, will produce the amount needed to support the  
31 total formula need of such local systems when added to state aid

1 appropriated by the Legislature and other actual receipts of local  
2 systems described in section 79-1018.01; and (c) the local effort rate  
3 yield for such school fiscal years shall be determined by multiplying  
4 each local system's total adjusted valuation by the local effort rate.

5 (4) For school fiscal year 2016-17 and each school fiscal year  
6 thereafter: (a) For state aid certified pursuant to section 79-1022, the  
7 local effort rate shall be the maximum levy for the school fiscal year  
8 for which aid is being certified as authorized pursuant to subdivision  
9 (2)(a) of section 77-3442 less ten cents; (b) for the final calculation  
10 of state aid pursuant to section 79-1065, the local effort rate shall be  
11 the rate which, when multiplied by the total adjusted valuation of all  
12 taxable property in local systems receiving equalization aid pursuant to  
13 the Tax Equity and Educational Opportunities Support Act, will produce  
14 the amount needed to support the total formula need of such local systems  
15 when added to state aid appropriated by the Legislature and other actual  
16 receipts of local systems described in section 79-1018.01; and (c) the  
17 local effort rate yield for such school fiscal years shall be determined  
18 by multiplying each local system's total adjusted valuation by the local  
19 effort rate.

20 Sec. 18. Section 79-1017.01, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22 79-1017.01 (1) For state aid calculated for school fiscal year  
23 2013-14, total local system formula resources includes (a) other actual  
24 receipts determined pursuant to section 79-1018.01, (b) includes  
25 retirement aid determined under section 79-1028.03, (c) teacher education  
26 aid determined for each district pursuant to subdivision (2) of section  
27 79-1007.25, (d) instructional time aid determined pursuant to subsection  
28 (2) of section 79-1007.23, (e) net option funding determined pursuant to  
29 section 79-1009, (f) allocated income tax funds determined for each  
30 district pursuant to section 79-1005.01, (g) and adjustments pursuant to  
31 section 79-1008.02, and (h) the local effort rate yield determined

1 pursuant to section 79-1015.01 and is reduced by amounts paid by the  
2 district in the most recently available complete data year as property  
3 tax refunds pursuant to or in the manner prescribed by section  
4 77-1736.06.

5 (2) For state aid calculated for school fiscal years 2014-15 and  
6 2015-16, total local system formula resources includes (a) teacher  
7 education aid determined for each district pursuant to section  
8 79-1007.25, (b) instructional time aid determined pursuant to subsection  
9 (2) of section 79-1007.23, (c) net option funding determined pursuant to  
10 section 79-1009, (d) other actual receipts determined pursuant to section  
11 79-1018.01, (e) allocated income tax funds determined for each district  
12 pursuant to section 79-1005.01, (f) ~~and~~ adjustments pursuant to section  
13 79-1008.02, (g) the local effort rate yield determined pursuant to  
14 section 79-1015.01 and is reduced by amounts paid by the district in the  
15 most recently available complete data year as property tax refunds  
16 pursuant to or in the manner prescribed by section 77-1736.06.

17 (3) For state aid calculated for school fiscal year 2016-17 and each  
18 school fiscal year thereafter, total local system formula resources  
19 includes (a) apportionment funds determined pursuant to section 5 of this  
20 act, (b) student support aid determined pursuant to section 79-1005.01,  
21 (c) summer school aid determined pursuant to section 79-1003.01, (d)  
22 focus school and program aid determined pursuant to section 79-1007.05,  
23 (e) poverty aid determined pursuant to section 79-1007.06, (f) limited  
24 English proficiency aid determined pursuant to section 79-1007.08, (g)  
25 transportation aid determined pursuant to section 79-1007.12, (h)  
26 distance education and telecommunications aid determined pursuant to  
27 section 79-1007.14, (i) elementary site aid determined pursuant to  
28 section 79-1007.15, (j) net option funding determined pursuant to section  
29 79-1009, (k) other actual receipts determined pursuant to section  
30 79-1018.01, and (l) the local effort rate yield determined pursuant to  
31 section 79-1015.01 ~~includes allocated income tax funds determined for~~

1 ~~each district pursuant to section 79-1005.01 and adjustments pursuant to~~  
2 ~~section 79-1008.02 and is reduced by amounts paid by the district in the~~  
3 most recently available complete data year as property tax refunds  
4 pursuant to or in the manner prescribed by section 77-1736.06.

5 Sec. 19. Section 79-1018.01, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 79-1018.01 Except as otherwise provided in this section, local  
8 system formula resources include other actual receipts available for the  
9 funding of general fund operating expenditures as determined by the  
10 department for the second school fiscal year immediately preceding the  
11 school fiscal year in which aid is to be paid. Other actual receipts  
12 include:

- 13 (1) Public power district sales tax revenue;
- 14 (2) Fines and license fees;
- 15 (3) Tuition receipts from individuals, other districts, or any other  
16 source except receipts derived from adult education, receipts derived  
17 from summer school tuition, receipts derived from early childhood  
18 education tuition, tuition receipts from converted contracts beginning  
19 with the calculation of state aid to be distributed in school fiscal year  
20 2011-12, and receipts from educational entities as defined in section  
21 79-1201.01 for providing distance education courses through the  
22 Educational Service Unit Coordinating Council to such educational  
23 entities;
- 24 (4) Transportation receipts;
- 25 (5) Interest on investments;
- 26 (6) Other miscellaneous noncategorical local receipts, not including  
27 receipts from private foundations, individuals, associations, or  
28 charitable organizations;
- 29 (7) Special education receipts;
- 30 (8) Special education receipts and non-special education receipts  
31 from the state for wards of the court and wards of the state;

1           (9) For aid calculated for school fiscal years prior to school  
2 fiscal year 2016-17, all ~~All~~ receipts from the temporary school fund.  
3 Receipts from the temporary school fund shall only include (a) receipts  
4 pursuant to section 79-1035, ~~to the extent that such receipts for the~~  
5 ~~calculation of aid for school fiscal year 2018-19 and each school fiscal~~  
6 ~~year thereafter are not returned to the temporary school fund pursuant to~~  
7 ~~section 79-309.01,~~ and (b) the receipt of funds pursuant to section  
8 79-1036 for property leased for a public purpose as set forth in  
9 subdivision (1)(a) of section 77-202;

10           (10) Motor vehicle tax receipts received;

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

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

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

17           (14) All other noncategorical federal receipts;

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

20           (16) Receipts under the federal Medicare Catastrophic Coverage Act  
21 of 1988, as such act existed on January 1, 2014, as authorized pursuant  
22 to sections 43-2510 and 43-2511 for services to school-age children,  
23 excluding amounts designated as reimbursement for costs associated with  
24 the implementation and administration of the billing system pursuant to  
25 section 43-2511;

26           (17) Receipts for accelerated or differentiated curriculum programs  
27 pursuant to sections 79-1106 to 79-1108.03; and

28           (18) Revenue received from the nameplate capacity tax distributed  
29 pursuant to section 77-6204.

30           Sec. 20. Section 79-1022, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           79-1022 (1) On or before April 10, 2014, and on or before March 1 of  
2 each year thereafter for each ensuing fiscal year, the department shall  
3 determine the amounts to be distributed to each local system and each  
4 district for the ensuing school fiscal year pursuant to the Tax Equity  
5 and Educational Opportunities Support Act and shall certify the amounts  
6 to the Director of Administrative Services, the Auditor of Public  
7 Accounts, each learning community, and each district. The amount to be  
8 distributed to each district ~~that is not a member of a learning community~~  
9 from the amount certified for a local system shall be proportional based  
10 on the formula students attributed to each district in the local system,  
11 except that the ~~—~~The amount to be distributed for school fiscal years  
12 prior to school fiscal year 2016-17 to each district that is a member of  
13 a learning community from the amount certified for the local system shall  
14 be proportional based on the formula needs calculated for each district  
15 in the local system. On or before April 10, 2014, and on or before March  
16 1 of each year thereafter for each ensuing fiscal year, the department  
17 shall report the necessary funding level for the ensuing school fiscal  
18 year to the Governor, the Appropriations Committee of the Legislature,  
19 and the Education Committee of the Legislature. The report submitted to  
20 the committees of the Legislature shall be submitted electronically.  
21 Except as otherwise provided in this subsection, certified state aid  
22 amounts, including adjustments pursuant to section 79-1065.02, shall be  
23 shown as budgeted non-property-tax receipts and deducted prior to  
24 calculating the property tax request in the district's general fund  
25 budget statement as provided to the Auditor of Public Accounts pursuant  
26 to section 79-1024.

27           (2) Except as provided in this subsection, subsection (8) of section  
28 79-1016, and sections 79-1033 and 79-1065.02, the amounts certified  
29 pursuant to subsection (1) of this section shall be distributed in ten as  
30 nearly as possible equal payments on the last business day of each month  
31 beginning in September of each ensuing school fiscal year and ending in

1 June of the following year, except that when a school district is to  
2 receive a monthly payment of less than one thousand dollars, such payment  
3 shall be one lump-sum payment on the last business day of December during  
4 the ensuing school fiscal year.

5 Sec. 21. Section 79-1035, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 79-1035 (1)(a) The State Treasurer shall, each year through 2015 on  
8 or before the third Monday in January, make a complete exhibit of all  
9 money belonging to the permanent school fund and the temporary school  
10 fund as returned to him or her from the several counties, together with  
11 the amount derived from other sources, and deliver such exhibit duly  
12 certified to the Commissioner of Education.

13 (b) On or before November 1, 2015, and each November 1 thereafter,  
14 the State Treasurer shall make a complete exhibit of all money belonging  
15 to the permanent school fund and the temporary school fund as returned to  
16 him or her from the several counties, together with the amount derived  
17 from other sources, and deliver such exhibit duly certified to the  
18 Commissioner of Education. The Beginning in 2016 and each year  
19 thereafter, the exhibit required in subdivision (1)(a) of this section  
20 shall include a separate accounting, not to exceed an amount of ten  
21 million dollars, of the income from solar and wind agreements on school  
22 lands. The Board of Educational Lands and Funds shall provide the State  
23 Treasurer with the information necessary to make the exhibit required by  
24 this subsection. Separate accounting shall not be made for income from  
25 solar or wind agreements on school lands that exceeds the sum of ten  
26 million dollars.

27 (2) On or before February 25 each year through calendar year 2015  
28 following receipt of the exhibit from the State Treasurer pursuant to  
29 subsection (1) of this section, the Commissioner of Education shall make  
30 the apportionment of the temporary school fund to each school district as  
31 follows: From the whole amount there shall be paid to those districts in

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

10 (3) For calendar years prior to 2016, the ~~The~~ Commissioner of  
11 Education shall certify the amount of the apportionment of the temporary  
12 school fund as provided in subsection (2) of this section to the Director  
13 of Administrative Services. The Director of Administrative Services shall  
14 draw a warrant on the State Treasurer in favor of the various districts  
15 for the respective amounts so certified by the Commissioner of Education.  
16 For calendar year 2016 and each year thereafter, the funds shall be  
17 distributed through the Tax Equity and Educational Opportunities Support  
18 Act as specified in section 5 of this act.

19 (4) On or before February 25, 2016, the commissioner shall calculate  
20 and certify the amount of transitional apportionment for each district  
21 based on the appropriation for such purpose and the method used to  
22 calculate the apportionment of the temporary school funds for calendar  
23 year 2015 pursuant to subsection (2) of this section. It is the intent of  
24 the Legislature that an amount be appropriated for such purpose equal to  
25 the amount received by districts pursuant to subsection (2) of this  
26 section for calendar year 2015. The commissioner shall certify the amount  
27 of the transitional apportionment to the Director of Administrative  
28 Services. The Director of Administrative Services shall draw a warrant on  
29 the State Treasurer in favor of the various districts for the respective  
30 amounts so certified by the commissioner.

31 (5 4) For purposes of this section, agreement means any lease,



1 easement, covenant, or other such contractual arrangement.

2       Sec. 22. Section 79-1035.02, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4       79-1035.02 The temporary school fund is the holding fund to which  
5 the interest, dividends, and any other income from the permanent school  
6 fund, the net income from the school lands, and the money from all other  
7 sources required or provided by law are credited as described in Article  
8 VII, section 9, of the Constitution of Nebraska. The entire balance of  
9 the temporary school fund, including all interest and any other income  
10 therefrom, shall be exclusively used for the support and maintenance of  
11 the common schools in each public school district in the state as the  
12 Legislature provides, in accordance with Article VII, section 9, of the  
13 Constitution of Nebraska, and shall be distributed to each public school  
14 district annually.

15       For calendar year 2016 and each calendar year thereafter, such  
16 annual distribution shall be made through the Tax Equity and Educational  
17 Opportunities Support Act pursuant to section 6 of this act based on the  
18 balance available on October 1 preceding the school fiscal year for which  
19 the distribution is being calculated.

20       Sec. 23. Section 79-1036, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       79-1036 (1) In making the apportionment under section 79-1035 and  
23 section 6 of this act, the Commissioner of Education shall distribute  
24 from the school fund for school purposes, to any and all learning  
25 communities and school districts which are not members of a learning  
26 community, in which there are situated school lands which have not been  
27 sold and transferred by deed or saline lands owned by the state, which  
28 lands are being used for a public purpose, an amount in lieu of tax money  
29 that would be raised by school district levies and learning community  
30 common levies for which the proceeds are distributed to member school  
31 districts pursuant to sections 79-1073 and 79-1073.01 if such lands were

1 taxable, to be ascertained in accordance with subsection (2) of this  
2 section, except that:

3 (a) For Class I districts or portions thereof which are affiliated  
4 and in which there are situated school or saline lands, 38.6207 percent  
5 of the in lieu of land tax money calculated pursuant to subsection (2) of  
6 this section, based on the affiliated school system tax levy computed  
7 pursuant to section 79-1077, shall be distributed to the affiliated high  
8 school district and the remainder shall be distributed to the Class I  
9 district;

10 (b) For Class I districts or portions thereof which are part of a  
11 Class VI district which offers instruction in grades nine through twelve  
12 and in which there are situated school or saline lands, 38.6207 percent  
13 of the in lieu of land tax money calculated pursuant to subsection (2) of  
14 this section, based on the Class VI school system levy computed pursuant  
15 to section 79-1078, shall be distributed to the Class VI district and the  
16 remainder shall be distributed to the Class I district;

17 (c) For Class I districts or portions thereof which are part of a  
18 Class VI district which offers instruction in grades seven through twelve  
19 and in which there are situated school or saline lands, 55.1724 percent  
20 of the in lieu of land tax money calculated pursuant to subsection (2) of  
21 this section, based on the Class VI school system levy computed pursuant  
22 to section 79-1078, shall be distributed to the Class VI district and the  
23 remainder shall be distributed to the Class I district; and

24 (d) For Class I districts or portions thereof which are part of a  
25 Class VI district which offers instruction in grades six through twelve  
26 and in which there are situated school or saline lands, 62.0690 percent  
27 of the in lieu of land tax money calculated pursuant to subsection (2) of  
28 this section, based on the Class VI school system levy computed pursuant  
29 to section 79-1078, shall be distributed to the Class VI district and the  
30 remainder shall be distributed to the Class I district.

31 (2) The county assessor shall certify to the Commissioner of

1 Education the tax levies of each school district and learning community  
2 in which school land or saline land is located and the last appraised  
3 value of such school land, which value shall be the same percentage of  
4 the appraised value as the percentage of the assessed value is of market  
5 value in subsection (2) of section 77-201 for the purpose of applying the  
6 applicable tax levies for each district and learning community in  
7 determining the distribution to the districts of such amounts. The school  
8 board of any school district and the learning community coordinating  
9 council of any learning community in which there is located any leased or  
10 undeeded school land or saline land subject to this section may appeal to  
11 the Board of Educational Lands and Funds for a reappraisalment of such  
12 school land if such school board or learning community coordinating  
13 council deems the land not appraised in proportion to the value of  
14 adjoining land of the same or similar value. The Board of Educational  
15 Lands and Funds shall proceed to investigate the facts involved in such  
16 appeal and, if the contention of the school board or learning community  
17 coordinating council is correct, make the proper reappraisalment. The  
18 value calculation in this subsection shall be used by the Commissioner of  
19 Education for making distributions in each school fiscal year.

20 Sec. 24. Section 84-612, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 84-612 (1) There is hereby created within the state treasury a fund  
23 known as the Cash Reserve Fund which shall be under the direction of the  
24 State Treasurer. The fund shall only be used pursuant to this section.

25 (2) The State Treasurer shall transfer funds from the Cash Reserve  
26 Fund to the General Fund upon certification by the Director of  
27 Administrative Services that the current cash balance in the General Fund  
28 is inadequate to meet current obligations. Such certification shall  
29 include the dollar amount to be transferred. Any transfers made pursuant  
30 to this subsection shall be reversed upon notification by the Director of  
31 Administrative Services that sufficient funds are available.

1           (3) In addition to receiving transfers from other funds, the Cash  
2 Reserve Fund shall receive federal funds received by the State of  
3 Nebraska for undesignated general government purposes, federal revenue  
4 sharing, or general fiscal relief of the state.

5           (4) On July 7, 2009, the State Treasurer shall transfer five million  
6 dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The  
7 Department of Roads shall use such funds to provide the required state  
8 match for federal funding made available to the state through  
9 congressional earmarks.

10          (5) The State Treasurer shall transfer a total of sixty-eight  
11 million dollars from the Cash Reserve Fund to the General Fund on or  
12 before June 30, 2013, on such dates and in such amounts as directed by  
13 the budget administrator of the budget division of the Department of  
14 Administrative Services.

15          (6) The State Treasurer shall transfer ten million dollars from the  
16 Cash Reserve Fund to the General Fund on or before June 30, 2013, on such  
17 date as directed by the budget administrator of the budget division of  
18 the Department of Administrative Services.

19          (7) The State Treasurer, at the direction of the budget  
20 administrator of the budget division of the Department of Administrative  
21 Services, shall transfer not to exceed forty-three million fifteen  
22 thousand four hundred fifty-nine dollars in total from the Cash Reserve  
23 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and  
24 June 30, 2017.

25          (8) The State Treasurer shall transfer fourteen million five hundred  
26 thousand dollars from the Cash Reserve Fund to the Nebraska Capital  
27 Construction Fund on or before June 30, 2015, on such date as directed by  
28 the budget administrator of the budget division of the Department of  
29 Administrative Services.

30          (9) The State Treasurer shall transfer fifty million five hundred  
31 thousand dollars from the Cash Reserve Fund to the General Fund on or

1 before December 31, 2014, on such date as directed by the budget  
2 administrator of the budget division of the Department of Administrative  
3 Services.

4 (10) The State Treasurer shall transfer an amount equal to twenty-  
5 five percent of the amount paid to school districts from the temporary  
6 school fund in 2015 pursuant to subsection (2) of section 79-1035 to the  
7 temporary school fund on or before October 15, 2015, for the purpose of  
8 the transition between methods for distributing funds from the temporary  
9 school fund.

10 Sec. 25. Original sections 79-309.01, 79-1001, 79-1003, 79-1003.01,  
11 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14,  
12 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01,  
13 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and  
14 84-612, Reissue Revised Statutes of Nebraska, are repealed.

15 Sec. 26. The following sections are outright repealed: Sections  
16 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.