

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 398

Introduced by DeBoer, 10.

Read first time January 17, 2019

Committee:

- 1 A BILL FOR AN ACT relating to learning communities; to amend sections
- 2 77-3442 and 79-2118, Reissue Revised Statutes of Nebraska, and
- 3 sections 79-2104 and 79-2104.02, Revised Statutes Cumulative
- 4 Supplement, 2018; to remove a limitation on the use of a levy; to
- 5 change a reporting deadline; to change provisions relating to
- 6 diversity plans; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3442, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

7 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this
8 section, school districts and multiple-district school systems may levy a
9 maximum levy of one dollar and five cents per one hundred dollars of
10 taxable valuation of property subject to the levy.

11 (b) For each fiscal year prior to fiscal year 2017-18, learning
12 communities may levy a maximum levy for the general fund budgets of
13 member school districts of ninety-five cents per one hundred dollars of
14 taxable valuation of property subject to the levy. The proceeds from the
15 levy pursuant to this subdivision shall be distributed pursuant to
16 section 79-1073.

17 (c) Except as provided in subdivision (2)(e) of this section, for
18 each fiscal year prior to fiscal year 2017-18, school districts that are
19 members of learning communities may levy for purposes of such districts'
20 general fund budget and special building funds a maximum combined levy of
21 the difference of one dollar and five cents on each one hundred dollars
22 of taxable property subject to the levy minus the learning community levy
23 pursuant to subdivision (2)(b) of this section for such learning
24 community.

25 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)
26 of this section are (i) amounts levied to pay for current and future sums
27 agreed to be paid by a school district to certificated employees in
28 exchange for a voluntary termination of employment occurring prior to
29 September 1, 2017, (ii) amounts levied by a school district otherwise at
30 the maximum levy pursuant to subdivision (2)(a) of this section to pay
31 for current and future qualified voluntary termination incentives for

1 certificated teachers pursuant to subsection (3) of section 79-8,142 that
2 are not otherwise included in an exclusion pursuant to subdivision (2)(d)
3 of this section, (iii) amounts levied by a school district otherwise at
4 the maximum levy pursuant to subdivision (2)(a) of this section to pay
5 for seventy-five percent of the current and future sums agreed to be paid
6 to certificated employees in exchange for a voluntary termination of
7 employment occurring between September 1, 2017, and August 31, 2018, as a
8 result of a collective-bargaining agreement in force and effect on
9 September 1, 2017, that are not otherwise included in an exclusion
10 pursuant to subdivision (2)(d) of this section, (iv) amounts levied by a
11 school district otherwise at the maximum levy pursuant to subdivision (2)
12 (a) of this section to pay for fifty percent of the current and future
13 sums agreed to be paid to certificated employees in exchange for a
14 voluntary termination of employment occurring between September 1, 2018,
15 and August 31, 2019, as a result of a collective-bargaining agreement in
16 force and effect on September 1, 2017, that are not otherwise included in
17 an exclusion pursuant to subdivision (2)(d) of this section, (v) amounts
18 levied by a school district otherwise at the maximum levy pursuant to
19 subdivision (2)(a) of this section to pay for twenty-five percent of the
20 current and future sums agreed to be paid to certificated employees in
21 exchange for a voluntary termination of employment occurring between
22 September 1, 2019, and August 31, 2020, as a result of a collective-
23 bargaining agreement in force and effect on September 1, 2017, that are
24 not otherwise included in an exclusion pursuant to subdivision (2)(d) of
25 this section, (vi) amounts levied in compliance with sections 79-10,110
26 and 79-10,110.02, and (vii) amounts levied to pay for special building
27 funds and sinking funds established for projects commenced prior to April
28 1, 1996, for construction, expansion, or alteration of school district
29 buildings. For purposes of this subsection, commenced means any action
30 taken by the school board on the record which commits the board to expend
31 district funds in planning, constructing, or carrying out the project.

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

9 (f) For each fiscal year, learning communities may levy a maximum
10 levy of one-half cent on each one hundred dollars of taxable property
11 subject to the levy for elementary learning center facility leases, for
12 remodeling of leased elementary learning center facilities, and for up to
13 fifty percent of the estimated cost for focus school or program capital
14 projects approved by the learning community coordinating council pursuant
15 to section 79-2111.

16 (g) For each fiscal year, learning communities may levy a maximum
17 levy of one and one-half cents on each one hundred dollars of taxable
18 property subject to the levy for early childhood education programs for
19 children in poverty, for elementary learning center employees, for
20 contracts with other entities or individuals who are not employees of the
21 learning community for elementary learning center programs and services,
22 and for pilot projects, ~~except that no more than ten percent of such levy~~
23 ~~may be used for elementary learning center employees.~~

24 (3) For each fiscal year, community college areas may levy the
25 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in
26 accordance with the provisions of such subdivisions. A community college
27 area may exceed the levy provided in subdivision (2)(b) of section
28 85-1517 by the amount necessary to retire general obligation bonds
29 assumed by the community college area or issued pursuant to section
30 85-1515 according to the terms of such bonds or for any obligation
31 pursuant to section 85-1535 entered into prior to January 1, 1997.

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

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

13 (c) In addition, natural resources districts located in a river
14 basin, subbasin, or reach that has been determined to be fully
15 appropriated pursuant to section 46-714 or designated as overappropriated
16 pursuant to section 46-713 by the Department of Natural Resources shall
17 also have the power and authority to levy a tax equal to the dollar
18 amount by which their restricted funds budgeted to administer and
19 implement ground water management activities and integrated management
20 activities under the Nebraska Ground Water Management and Protection Act
21 exceed their restricted funds budgeted to administer and implement ground
22 water management activities and integrated management activities for
23 FY2005-06, not to exceed three cents on each one hundred dollars of
24 taxable valuation on all of the taxable property within the district for
25 fiscal year 2006-07 and each fiscal year thereafter through fiscal year
26 2017-18.

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

31 (6)(a) Incorporated cities and villages which are not within the

1 boundaries of a municipal county may levy a maximum levy of forty-five
2 cents per one hundred dollars of taxable valuation of property subject to
3 the levy plus an additional five cents per one hundred dollars of taxable
4 valuation to provide financing for the municipality's share of revenue
5 required under an agreement or agreements executed pursuant to the
6 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum
7 levy shall include amounts levied to pay for sums to support a library
8 pursuant to section 51-201, museum pursuant to section 51-501, visiting
9 community nurse, home health nurse, or home health agency pursuant to
10 section 71-1637, or statue, memorial, or monument pursuant to section
11 80-202.

12 (b) Incorporated cities and villages which are within the boundaries
13 of a municipal county may levy a maximum levy of ninety cents per one
14 hundred dollars of taxable valuation of property subject to the levy. The
15 maximum levy shall include amounts paid to a municipal county for county
16 services, amounts levied to pay for sums to support a library pursuant to
17 section 51-201, a museum pursuant to section 51-501, a visiting community
18 nurse, home health nurse, or home health agency pursuant to section
19 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

20 (7) Sanitary and improvement districts which have been in existence
21 for more than five years may levy a maximum levy of forty cents per one
22 hundred dollars of taxable valuation of property subject to the levy, and
23 sanitary and improvement districts which have been in existence for five
24 years or less shall not have a maximum levy. Unconsolidated sanitary and
25 improvement districts which have been in existence for more than five
26 years and are located in a municipal county may levy a maximum of eighty-
27 five cents per hundred dollars of taxable valuation of property subject
28 to the levy.

29 (8) Counties may levy or authorize a maximum levy of fifty cents per
30 one hundred dollars of taxable valuation of property subject to the levy,
31 except that five cents per one hundred dollars of taxable valuation of

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

22 (9) Municipal counties may levy or authorize a maximum levy of one
23 dollar per one hundred dollars of taxable valuation of property subject
24 to the levy. The municipal county may allocate levy authority to any
25 political subdivision or entity subject to allocation under section
26 77-3443.

27 (10) Beginning July 1, 2016, rural and suburban fire protection
28 districts may levy a maximum levy of ten and one-half cents per one
29 hundred dollars of taxable valuation of property subject to the levy if
30 (a) such district is located in a county that had a levy pursuant to
31 subsection (8) of this section in the previous year of at least forty

1 cents per one hundred dollars of taxable valuation of property subject to
2 the levy or (b) for any rural or suburban fire protection district that
3 had a levy request pursuant to section 77-3443 in the previous year, the
4 county board of the county in which the greatest portion of the valuation
5 of such district is located did not authorize any levy authority to such
6 district in the previous year.

7 (11) Property tax levies (a) for judgments, except judgments or
8 orders from the Commission of Industrial Relations, obtained against a
9 political subdivision which require or obligate a political subdivision
10 to pay such judgment, to the extent such judgment is not paid by
11 liability insurance coverage of a political subdivision, (b) for
12 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)
13 for bonds as defined in section 10-134 approved according to law and
14 secured by a levy on property except as provided in section 44-4317 for
15 bonded indebtedness issued by educational service units and school
16 districts, and (d) for payments by a public airport to retire interest-
17 free loans from the Division of Aeronautics of the Department of
18 Transportation in lieu of bonded indebtedness at a lower cost to the
19 public airport are not included in the levy limits established by this
20 section.

21 (12) The limitations on tax levies provided in this section are to
22 include all other general or special levies provided by law.
23 Notwithstanding other provisions of law, the only exceptions to the
24 limits in this section are those provided by or authorized by sections
25 77-3442 to 77-3444.

26 (13) Tax levies in excess of the limitations in this section shall
27 be considered unauthorized levies under section 77-1606 unless approved
28 under section 77-3444.

29 (14) For purposes of sections 77-3442 to 77-3444, political
30 subdivision means a political subdivision of this state and a county
31 agricultural society.

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

14 Sec. 2. Section 79-2104, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 79-2104 A learning community coordinating council shall have the
17 authority to:

18 (1) For fiscal years prior to fiscal year 2017-18, levy a common
19 levy for the general funds of member school districts pursuant to
20 sections 77-3442 and 79-1073;

21 (2) Levy for elementary learning center facility leases, for
22 remodeling of leased elementary learning center facilities, and for up to
23 fifty percent of the estimated cost for focus school or program capital
24 projects approved by the learning community coordinating council pursuant
25 to subdivision (2)(f) of section 77-3442 and section 79-2111;

26 (3) Levy for early childhood education programs for children in
27 poverty, for elementary learning center employees, for contracts with
28 other entities or individuals who are not employees of the learning
29 community for elementary learning center programs and services, and for
30 pilot projects pursuant to subdivision (2)(g) of section 77-3442, ~~except~~
31 ~~that not more than ten percent of such levy may be used for elementary~~

1 ~~learning center employees;~~

2 (4) Develop, submit, administer, and evaluate community achievement
3 plans in collaboration with the advisory committee, educational service
4 units serving member school districts, member school districts, and the
5 student achievement coordinator or other department staff designated by
6 the Commissioner of Education;

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

10 (6) Approve focus schools and focus programs to be operated by
11 member school districts;

12 (7) Adopt, approve, and implement a diversity plan pursuant to
13 sections 79-2110 and 79-2118;

14 (8) Through school year 2016-17, administer the open enrollment
15 provisions in section 79-2110 for the learning community as part of a
16 diversity plan developed by the council to provide educational
17 opportunities which will result in increased diversity in schools across
18 the learning community;

19 (9) Annually conduct school fairs to provide students and parents
20 the opportunity to explore the educational opportunities available at
21 each school in the learning community and develop other methods for
22 encouraging access to such information and promotional materials;

23 (10) Develop procedures for determining best practices for
24 addressing student achievement barriers and for disseminating such
25 practices within the learning community and to other school districts;

26 (11) Establish and administer elementary learning centers through
27 achievement subcouncils pursuant to sections 79-2112 to 79-2114;

28 (12) Administer the learning community funds distributed to the
29 learning community pursuant to section 79-2111;

30 (13) Establish a procedure for receiving community input and
31 complaints regarding the learning community;

1 (14) Establish a procedure to assist parents, citizens, and member
2 school districts in accessing an approved center pursuant to the Dispute
3 Resolution Act to resolve disputes involving member school districts or
4 the learning community. Such procedure may include payment by the
5 learning community for some mediation services;

6 (15) Establish and administer pilot projects related to enhancing
7 the academic achievement of elementary students, particularly students
8 who face challenges in the educational environment due to factors such as
9 poverty, limited English skills, and mobility;

10 (16) Provide funding to public or private entities engaged in the
11 juvenile justice system providing prefilming and diversion programming
12 designed to reduce excessive absenteeism and unnecessary involvement with
13 the juvenile justice system; and

14 (17) Hold public hearings at its discretion in response to issues
15 raised by residents regarding the learning community, a member school
16 district, and academic achievement.

17 Sec. 3. Section 79-2104.02, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 79-2104.02 Each learning community coordinating council shall use
20 any funds received pursuant to section 79-1241.03 for evaluation of
21 programs related to the community achievement plan developed with the
22 assistance of the student achievement coordinator or other department
23 staff designated by the Commissioner of Education and evaluation and
24 research regarding the progress of the learning community pursuant to
25 plans developed by the learning community coordinating council with
26 assistance from the Educational Service Unit Coordinating Council and
27 adjusted on an ongoing basis. The evaluation regarding the progress of
28 the learning community shall be conducted by one or more other entities
29 or individuals who are not employees of the learning community and shall
30 measure progress toward the goals and objectives of the learning
31 community, which goals and objectives shall include reduction of

1 excessive absenteeism of students in the member school districts of the
2 learning community and closing academic achievement gaps based on
3 socioeconomic status, and the effectiveness of the approaches used by the
4 learning community or pilot project to reach such goals and objectives.
5 Any research conducted pursuant to this section shall also be related to
6 such goals and objectives or programs related to the community
7 achievement plan. Each learning community shall report evaluation and
8 research results electronically to the Education Committee of the
9 Legislature on or before ~~February~~ January 1 of each year.

10 Sec. 4. Section 79-2118, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-2118 (1) Each learning community, together with its member school
13 districts, shall develop a diversity plan to provide educational
14 opportunities pursuant to sections 79-769 and 79-2110 in each subcouncil
15 district designed to attract students from diverse backgrounds, which
16 plan may be revised from time to time. The initial diversity plan shall
17 be completed by December 31 of the year the initial learning community
18 coordinating council for the learning community takes office. The goal of
19 the diversity plan shall be to ~~annually~~ increase the socioeconomic
20 diversity of enrollment at each grade level in each school building
21 within the learning community ~~until such enrollment reflects the average~~
22 ~~socioeconomic diversity of the entire enrollment of the learning~~
23 ~~community.~~

24 (2) Each diversity plan for a learning community shall include
25 specific provisions relating to each subcouncil district within such
26 learning community. The specific provisions relating to each subcouncil
27 district shall be approved by both the achievement subcouncil for such
28 district and by the learning community coordinating council.

29 (3) The learning community coordinating council shall report
30 electronically to the Education Committee of the Legislature on or before
31 ~~February~~ January 1 of each odd-numbered year on the diversity and changes

1 in diversity at each grade level in each school building within the
2 learning community and on the academic achievement for different
3 demographic groups in each school building within the learning community.

4 Sec. 5. Original sections 77-3442 and 79-2118, Reissue Revised
5 Statutes of Nebraska, and sections 79-2104 and 79-2104.02, Revised
6 Statutes Cumulative Supplement, 2018, are repealed.