

Final Legislative Report
 Second Session, 96th Legislature
 April 18, 2000

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I. Summary of Session 2000

A. Introduction.

The first session of the new millennia began with the usual flurry of bill introduction. In fact, with 564 total measures, a new record was set for bills introduced in a short session.¹ As in past sessions, the bulk of new bills introduced were referred to the Education, Revenue, and Judiciary Committees.²

Between measures carried over from the 1999 Session and measures introduced in the last session, 146 legislative proposals were passed into law in 2000.³ The Governor vetoed 20 measures throughout the session in addition to returning six measures with line item vetoes. While members of the Legislature attempted numerous motions to override vetoes, only two bills were passed notwithstanding the objection of the Governor.⁴

In most sessions, about one in every five legislative measures will have a direct or collateral impact on school districts and/or school employees. Session 2000 was no exception to this rule. NCSA monitored 105 legislative bills introduced this session in addition to 52 measures that carried over from the previous session.

B. Student Assessment.

In Session 2000, one of the paramount issues for the public education community concerned student assessment. In 1999 the Legislature had

passed legislation to implement a single statewide assessment beginning in the fall of 2000. However, a single test was not necessarily the direction of choice for many state legislators, nor for school administrators.⁵ Therefore, if the Legislature failed to take action in this session, the concept of a single statewide test would have remained in tact.

The obvious legislative vehicle to alter the course of student assessment was LB 812, a carry-over bill from the 1999 Session. Senator Elaine Stuhr agreed to take LB 812 as her priority bill for Session 2000. While the stage was set for action, the final outcome was still uncertain.

Members of the Education Committee, along with Commissioner Doug Christensen, favored a single statewide writing assessment coupled with locally controlled assessments in various subject areas. However, during Select File debate, the issue became more complicated when Senator Chris Beutler successfully amended LB 812 with a requirement for mandatory, content-based state standards.

It was Senator Beutler's initial intention to further amend the legislation with a requirement for a single statewide assessment to measure the progress of the mandatory standards. However, Senator Beutler ultimately agreed to a compromise amendment intended to appease most of the concerned parties.

¹ The record was previously set in 1986 with 531 bills introduced.

² Seventy-two legislative measures alone were referred to the Education Committee.

³ Including two measures that were passed into law notwithstanding the Governor's veto.

⁴ Senator Schimek's motion to override the veto of LB 480, to create a commission to study women's health issues, was successful. Speaker Kristensen was similarly successful in his motion to override the veto of LB 956 to increase salaries for Constitutional Officers beginning January 9, 2003. LB 956 would increase the Governor's salary from \$65,000 to \$85,000, the Attorney General's salary from \$64,500 to \$75,000, the Secretary of State's salary from \$52,000 to \$65,000; the State Auditor and Treasurer's salaries from \$49,500 to \$60,000, and the Lieutenant Governor's salary from \$47,000 to \$60,000.

⁵ On February 16, 2000, NCSA dispatched an e-mail survey to its membership concerning student assessment. The survey consisted of a single question, "Do you as a school administrator support a single statewide test administered by the state OR locally controlled, school-based assessment?" Of the 1,296 NCSA members who received the e-mail survey, 281 members (about 22%) responded with their viewpoint. Of those who responded, 208 (74%) stated a preference for locally controlled, school-based student assessment; 63 (22%) favored a single statewide assessment instrument; and 10 respondents (4%) favored a combination of both local and state assessment.

Summary of Session 2000 - continued

The compromise amendment preserves the concept of a single statewide writing assessment coupled with local assessment in the subject areas of reading, math, science, social studies and history. The major change from the previous version of the bill concerned the intent to review locally developed assessments.

Under the compromise amendment, NDE must contract with “recognized assessment experts” to review and rate local assessments and then identify not more than four model assessments receiving the highest ratings. Districts would then be required to adopt one of the four model assessments for future use. The assessment review and rating would occur after each assessment/reporting in a given subject area until all four subject areas have been assessed/reported and a set of four model assessments have been identified for each subject area.

After LB 812 was passed and signed into law, the concern of some school administrators focussed on whether to continue developing local assessment instruments. If there is a chance that their assessment instrument might not be selected as one of the “final four,” why should a district continue to devote time and resources to the cause?

In an April 4th memo to school administrators, Commissioner Doug Christensen urged school officials to maintain the course with regard to developing assessment instruments. “This is the time for leadership and we have the opportunity to show that all schools can do quality assessments and that having only four model assessments underrates what our schools are achieving,” Dr. Commissioner said.

The final version of LB 812 fits the description of most legislation: it's not perfect. However, since it is now a matter of law, the only immediate issue on the table is how and when the implemen-

tation will take place within the guidelines of the legislation.

C. Special Education.

Since 1995 the state appropriation for special education costs was capped with a 3% growth rate.⁶ Then Governor Ben Nelson believed special education costs were increasing at an alarming rate and districts were partially responsible due to what the Governor perceived as over identification of special education students.

While the total pool of funds available for cost reimbursement was limited, the actual cost of providing services continued to increase over the years. School districts were expected to assume more and more of the cost of services that could not be reimbursed due to the state appropriation lid.

In Session 2000, a measure was introduced to recognize the ever increasing costs born by school districts. LB 1243 was introduced by Senator Ardyce Bohlke and prioritized by Senator Marian Price.⁷ As passed by the Legislature, LB 1243 will (i) increase the state appropriation for special education costs with a 5% growth rate; (ii) expand the list of allowable costs; and (iii) implement provisions relevant to residency.

The addition of the residency provisions, on Select File debate, caused some controversy among school administrators, especially as it relates to special education students. Administrators were concerned that the residency provisions would allow unilateral placement by parents or guardians with little or no recourse for school districts. Depending upon the needs of the special education student, the cost to the district could be significant.

There was some concern that the Governor would veto LB 1243 due to the increased cost to

⁶ In 1995 the Legislature passed LB 742, at the request of the Governor, to limit state appropriations for special education costs. The legislation provided for a 2.5% increase in FY1996-97 and a 3% increase in FY1997-98. In 1997 the Legislature passed LB 865 which effectively locked in the 3% growth rate.

⁷ The original version of LB 1243 would have permitted allowable costs to include legal fees for placement litigation if the school district prevails in the judgment. This provision was removed by the Education Committee prior to advancement.

Summary of Session 2000 - continued

the state for special education expenses. (The legislation will require an additional \$2.6 million in state funds beginning next fiscal year.)

In the end, the Governor decided to sign LB 1243 into law and use his veto pen on other education-related bills.

As for the residency provisions, NCSA will join other education groups in monitoring the issue throughout the rule and regulation process to ensure maximum flexibility within the guidelines of the legislation. If concerns continue to be raised, NCSA will be among those organizations to propose modifications in state law next session.

D. School Finance.

Although few had anticipated it, Session 2000 had the potential to be a major year for changes in the school finance formula. However, in the final analysis, no major school finance legislation was passed into law.

The two potential pieces of legislation were LB 715, introduced by Senator Ron Raikes, and LB 1107, introduced by Senator Bob Wickersham.

While the bill was introduced as a study measure in 1999, LB 715 was ultimately used by Senator Raikes as a vehicle to change the school finance formula.⁸

LB 715 focused on the “needs side” of the school finance formula, but did not change the basic formula concept (i.e., needs minus resources equals state aid). The legislation forced the school finance system to examine the “spending history” of each local system. If a system spent less, then state aid would be less. Senator Raikes freely admitted that his legislation was complicated, but he also hoped it would provide greater stability and predictability in the formula.

The revised version of LB 715 won the support of legislators on General File with the understanding that projection data would be available by the time of debate on Select File.

When the data did become available, most senators were less than impressed with the potential impact on school districts. Senator Raikes was forced to bracket his own legislation which effectively eliminated any possibility for passage.

LB 1107 would have essentially made three changes in the school finance formula: (i) change the method to calculate the local effort rate; (ii) change the levy limitation for school districts; and (iii) change the minimum levy adjustment. The bill was intended to require a greater reliance upon sales and income taxes to fund public education and thereby result in a degree of property tax relief. The legislation was expected to have no fiscal impact to the state until 2007.

While LB 1107 passed by a 35-10 vote, the Governor vetoed the measure due to the anticipated future cost to the state. Senator Wickersham attempted to override the Governor’s veto, but failed to garner the required 30 votes.

LB 715 and LB 1107 caused the Legislature to devote a considerable amount of time for debate and analysis. Ultimately, neither bill became law. The question is whether Senators Raikes and Wickersham will reattempt to pass their respective measures next session.

E. Retirement.

The Legislature passed two measures in Session 2000 that will impact the School Employees Retirement System and the Omaha Public Schools Retirement System.

LB 155e, introduced by Senator Dan Lynch, brought the multiplier factor under the OPS Retirement Plan up from 1.85% to 2.0%. The legislation did not require any additional contributions from the Omaha Public School District nor its employees. The emergency clause was attached to LB 155e so that it would become effective one day after the Governor signed it into law. Since the legislation was signed by the Gov-

⁸ As advanced to General File in 1999, LB 715 would have required a study using a regression analysis to differentiate the costs per student to be used for different sizes of local systems. The legislation would have also examined the use of an estimation grid to assist districts with predicting future aid.

Summary of Session 2000 - continued

error on March 21st, the effective date for the legislation is March 22, 2000.

The passage of LB 155e will assist NCSA and NSEA's efforts next year to promote benefit enhancements in the School Employees Retirement System. One of the goals between our two organizations is to increase the multiplier factor from 1.9% to 2.0%.⁹

The other major retirement bill passed in the last session was LB 1192e which provided technical revisions to the five public employees retirement systems (i.e., County, State Patrol, Judges, State, and School Employees).

The good news under the legislation is that school employees who retire would only have to wait 180 calendar days before re-entering employment with a school district. The former law provided for a wait period of one school year.

The bad news is that school employees are still treated differently than other categories of public employees on the issue of a wait period. The state and county plans have provided for a four calendar month wait period for some time now. LB 1192e brought the State Patrol plan down to four calendar months to be consistent with the state and county plans.

The legal counsel for the Retirement Agency indicates that the reason for the difference in wait periods relates to the typical nine month contract utilized for teachers. Since most teachers do not work year-round, the Agency believes a different wait period should be applied to school employees.

NCSA contends that the Agency's rationale should not be applied to all school employees, such as administrators, janitors, and other maintenance employees. In fact, NCSA intends to address this issue next session.

The other major issue brought forward under LB 1192e concerns a change in the 10% rule as it relates to the process for computing final average compensation.¹⁰

Under LB 1192e, the 10% rule would be modified to include one other exception besides the situation whereby the member experienced a change in employment position. Under the legislation, the 10% rule would not apply to the excess compensation occurred as the result of a collective-bargaining agreement between a category of school employees.

The legislation defines "category of school employee" as either all certificated employees of the employer or all noncertificated employees of the employer or both. It defines "recognized collective bargaining unit" as a "group of employees similarly situated with a similar community of interest appropriate for bargaining recognized as such by a school board."

Since most school administrators are not organized in a collective bargaining unit, the new rule seems to unfairly benefit instructional staff and penalize those who are not a part of a bargaining agreement.

Once again, NCSA intends to have this provision reviewed and perhaps modified in the next legislative session.

⁹ The NCSA/NSEA Five Year Plan for benefit enhancements to the School Employees Retirement Plan includes: (1) an increase in the multiplier factor to 2.0%; (2) an increase in the annual COLA for retirees based on the CPI to a 3% cap (currently at 2%); (3) implementation of a 95% purchasing power adjustment for retirees (currently 75%); and (4) development of a funding mechanism for paying health insurance premiums for retirees. The NCSA Legislative Committee has also advocated a change in the spousal vesting period (death benefit) provisions. Under current law, a member must be vested 20 years before his or her spouse would be entitled to a full benefit when the member dies. If a member dies with less than 20 years vested, the spouse would receive only the employee's contribution to the retirement system. NCSA would like to lower the spousal vesting period to 10 or 15 years, depending upon what figure is fiscally and politically feasible.

¹⁰ In 1999 the Legislature passed LB 538 to modify the process for computing final average compensation for purposes of retirement. Under the new provision of law, that part of a member's compensation for the fiscal year which exceeds the member's compensation with the same employer for the preceding fiscal year by more than 10% will be excluded in determining final compensation UNLESS the member experienced a change in employment position.

Summary of Session 2000 - continued

F. Teacher Salaries.

Through the interim period it became obvious that teacher salaries would become a major issue for Session 2000. Hundreds of teachers made the pilgrimage to the Capitol on January 31st for public hearings on several salary-related measures.

One of the measures, LB 1397, would have provided \$70 million over the next several years to enhance teacher salaries across the board. NSEA noted that several other states were implementing similar programs.

However, in a tight budget year, the only measure with any chance of passage became LB 1399 which created a task force to study the issue of teacher salaries. Senator Deb Suttle prioritized the measure and it was ultimately advanced from committee.

In the meantime, Senator Nancy Thompson maintained her assertion that something had to be done about current teacher shortages in various subject areas. Senator Thompson introduced a total of three measures to address the problem.

In the final analysis, two of the programs advocated by Senator Thompson were enacted into law, although without any immediate source of funding. Both a loan forgiveness program and a master teacher program (to encourage national certification) were created in law with the hope that future appropriations will set them in motion.

For the immediate future, LB 1399 also empowers the Nebraska Volunteer Services Commission to apply for a grant, in the amount of \$2.6 million, from the Corporation for National Service.¹¹

If the grant is approved, the Nebraska Volunteer Services Commission may use the funds to: (i) provide incentives for new college

graduates to establish their teaching careers in Nebraska by repaying a portion of an individual's student loan debt; and (ii) provide incentives for experienced Nebraska teachers to pursue graduate degrees by paying a portion of their tuition expenses.

NCSA has already participated in an organizational meeting to set the grant process in motion. If the grant is approved, funds could be available as soon as the next school year.

G. Other Legislative Issues.

Student Discipline: Since the 1999 Session, NSEA had sought legislation to grant teachers more disciplinary authority in the classroom.¹² In Session 2000, another measure was introduced on behalf of NSEA that contained compromise language on the issue of teachers and student discipline. LB 1272, introduced by Senator Dave Landis, would have permitted a teacher to "remove" a student for one day, but required the teacher to discuss the issue with the building administrator as soon as possible. The legislation failed to garner the support of members of the Education Committee and was not advanced.

Student Expression: The issue of student expression within Nebraska high schools has persisted for over five years in the Unicameral. Senator Chris Beutler has introduced and re-introduced legislation to create the Nebraska Student Free-dome of Expression Act. The principle purpose of the legislation is to limit prior review of materials published in student publications. In 1999, the legislation was re-introduced, referred to the Education Committee, and advanced to General File. While it was not the first time Senator Beutler successfully advanced his proposal out of committee, it was the first time the meas-

¹¹ The Corporation for National Service was created in 1993 when Congress passed the National and Community Service Trust Act. The Corporation is designed to promote community service and volunteerism, but it also promotes education through grants. The Nebraska Volunteer Services Commission was created by executive order in 1994 by Governor Ben Nelson in response to the above mentioned federal legislation.

¹² LB 758 was introduced in 1999 by Senator Dave Landis to give teachers the unilateral authority to exclude a student for up to five days for disciplinary reasons. An NCSA special report on student discipline indicated that very few states currently afford teachers the level of authority specified in LB 758.

Summary of Session 2000 - continued

ure seemed poised for a full fledged debate. In Session 2000, LB 182 was, in fact, debated by the Legislature, but due to the efforts of school administrators the legislation failed to advance. Senators Elaine Stuhr and Curt Bromm were of particular assistance to NCSA in arguing against the measure. The central argument is that LB 182 would have given high school students a greater degree of expression than they will later find in adult life, particularly in the world of journalism.

Health Insurance: Senator Curt Bromm has long contended that government entities should “shop around” for the best available health insurance at the best price. This year Senator Bromm introduced LB 1416 to study health insurance issues within the state and political subdivisions, including public schools. Senator Bromm successfully amended the contents of his bill into LB 1217, the mid-biennium budget bill. Therefore, a study will be conducted during the interim to determine if all available options are being exercised by government units on behalf of public employees.

County Treasurer Collection Fees: Two bills were introduced this session to provide exclusions from the levy limit for collection fees paid to the county treasurer. Unfortunately, both measures were quickly killed by the Revenue Committee.

Class I Districts: Several measures were introduced this session to do away with Class I school districts. None of the measures was advanced. However, in the backdrop of the legislation was a case pending before the U.S. District Court concerning the alleged violation of the Equal Protection Clause as it relates to residents of Class I districts. The plaintiffs, representatives of Class I districts, asserted that certain finance and revenue related state statutes treat Class I districts, and therefore residents of Class I districts, differently than other classes of school districts. On

March 31st, the court found in favor of the state and against the Class I representatives.

Juvenile Adjudications: Senator Baker introduced unsuccessful legislation this year requiring a court to notify the appropriate school superintendent of juvenile adjudications against students. In such cases, the clerk of the court must notify the superintendent of the public school district or the governing authority of the private school where the juvenile attends: (a) the identity of the juvenile, (b) the felony, misdemeanor, infraction, or other offense which was the basis for the adjudication, and (c) the disposition made of the juvenile. The legislation raises an interesting question concerning what, if anything, the superintendent must do with the information. What rights do students have and what rights do teachers have to know about the students in their classrooms? LB 940 was not advanced by the Judiciary Committee, but the issue will likely not go away soon.

Retirement Agency Technology Plan: Citing demands for more member services, the Nebraska Public Employees Retirement Systems successfully submitted a request to the Appropriations Committee for \$21.9 million to fund the Strategic Business Technology Project. The funds, derived from member contributions, would be allocated over a fifteen year period in a gradual implementation of the technology plan. The price tag for the technology plan would include hardware and software purchases, operational costs, and maintenance costs. Each of the five public employee retirement systems will be assessed a proportionate share of the total cost based upon the number of members within each system. Since school employees comprise the largest block of public employees, the School Employees Retirement System will pay the largest percentage of the total cost. ♦

II. Legislation Passed and Signed

Subject	Bill	Prioritized by	Effective Date	Page
Career Preparation	LB 495e	Education Com.	April 12, 2000	8
Commission for the Blind And Visually Impaired	LB 352e	The Speaker	April 11, 2000	10
Educational Lands	LB 1010	Baker	July 13, 2000	11
Greenbelt Advisory Committee	LB 1124e	Coordsen	April 11, 2000	12
Health Insurance for Public Employees	LB 1217e	N/A	March 31, 2000	13
Infant Hearing	LB 950e	Byars	April 11, 2000	14
Lobbying	LB 1021	Chambers	January 1, 2001	15
OPS Retirement Plan	LB 155e	Kiel	March 22, 2000	16
Override Ballot Election Process	LB 1213	Education Com.	July 13, 2000	17
Public Records	LB 628	Bruning	July 13, 2000	17
Retirement Agency Technical Cleanup	LB 1192e	Retirement Com.	March 22, 2000	19
Revenue Committee Technical Cleanup	LB 968	Revenue Com.	April 7, 2000	21
School Breakfast Program	LB 26	The Speaker	July 13, 2000	21
Special Education	LB 1243	Price	July 13, 2000	21
Standards, Assessment and Reporting	LB 812	Stuhr	July 13, 2000	24
Teacher Salaries/Shortage	LB 1399e	Suttle	April 11, 2000	26
Teen Tobacco Program	LB 1436e	Bohlke	March 30, 2000	29

□ Career Preparation

LB 495e

Introduced by:
Stuhr

Prioritized by:
Education Committee

Committee:
Education

Effective Date:
April 12, 2000

Brief Summary: Creates the Education and Career Preparation Act and creates a special task force to study potential programs aligned with career preparation.

Analysis

Legislative bill 495e is intended to address the ever rising expectations of employers for skilled employees. The legislation states that there is an “urgent need” for quality career preparation and technical education programs in the secondary schools of Nebraska in order to assist students.

NOTES: LB 495e carries an appropriation of \$25,000 to cover the cost of maintaining the task force and, potentially, hiring a national consultant. LB 495e was originally introduced in the 1999 Legislative Session. Senator Stuhr was unable to move the bill past General File last year due to the multi-million dollar cost of the legislation at that time. In Session 2000, Senator Stuhr opted to lighten the scope and cost of the legislation by simply using the bill as a vehicle to create a task force. Senator Stuhr will likely push to legislate the recommendations of the task force next session.

- A. **PURPOSE OF ACT:** The purpose of the Education and Career Preparation Act is to study the academic, technical, and employment skills necessary for success in a career through career preparation and technical education programs such as agricultural education, business education, career guidance and counseling, family and consumer sciences, industrial technology education, marketing education, health occupations education, and diversified occupations.
- B. **TASK FORCE:** To further study the issue, LB 495e creates the Education and Career Preparation Task Force. The task force must report its findings and recommendations to the Education Committee by October 1, 2000.
1. **Composition:** Members of the task force must be appointed by April 15, 2000. The 17 member task force will be comprised of:
 - a. one member of the Education Committee of the Legislature;
 - b. one member of the Business and Labor Committee of the Legislature;
 - c. the Commissioner of Education or his or her designee;
 - d. one representative from the Governor’s Policy Research Office;
 - e. one secondary teacher involved in career preparation and technical education programs;
 - f. one teacher who is a member of an association for career preparation and technical education teachers;
 - g. one representative from business;
 - h. one representative from labor;

○ *Career Preparation - LB 495e* - continued

- i. the program manager for vocational education at the State Department of Education;
 - j. one representative from the State Department of Education who works with student organizations in the area of career preparation and technical education;
 - k. one high school student leader involved in student organizations in the area of career preparation and technical education;
 - l. one representative of an association of school boards;
 - m. one taxpayer from a Class II or III school district;
 - n. one representative of an association of school administrators;
 - o. one taxpayer from a Class IV or V school district;
 - p. one representative from a community college who is involved in career preparation and technical training; and
 - q. one representative of a career preparation and technical education teacher education program.
2. Chairperson: The member from the Education Committee of the Legislature will serve as the chairperson of the task force and will arrange the initial and subsequent meetings.
 3. National Consultant: The legislation provides that the task force may retain a national consultant to assist with the study.
 4. Duties: The task force will study the following topics and make recommendations for Nebraska policies and potential legislation:
 - a. The purpose, role, and mission of career preparation and technical education programs;
 - b. The prevalence of and need for career preparation and technical education programs at both the middle school and high school levels;
 - c. The funding for career preparation and technical education programs, curriculum, and equipment at both the middle school and high school levels;
 - d. The availability of teachers of career preparation and technical education and the status of career preparation and technical teacher education programs;
 - e. The need for career preparation and technical education articulation programs in high schools and postsecondary educational institutions;
 - f. The feasibility of operating different delivery systems for career preparation and technical education programs, including a career preparation and technical high school or schools; and
 - g. Any other topics related to career preparation and technical education as determined by the task force.
 5. Public Hearings: The Education Committee must hold at least one public hearing in each of the three congressional districts concerning the suggestions of the task force by December 31, 2000.
 6. Termination: The task force will automatically terminate on December 31, 2000.

□ *Commission for the Blind and Visually Impaired*

LB 352e

Introduced by:
Crosby

Prioritized by:
The Speaker

Committee:
Health

Effective Date:
April 11, 2000

Brief Summary: LB 352e creates the Commission for the Blind and Visually Impaired Act.

Analysis

A. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED ACT. The purposes of the Act are (i) to assist blind persons in gaining remunerative employment, (ii) to enlarge economic opportunities for blind persons, (iii) to increase the available occupational range and diversity for blind persons, and (iv) to stimulate other efforts that aid blind persons in becoming self-supporting.

B. GOVERNING BOARD:

NOTES: LB 352e repeals statutes pertaining to services currently provided by Rehabilitation Services for the Visually Impaired within the Health and Human Services System (HHSS) and transfers the property, equipment, supplies, personnel and fund balances from the existing program to the newly established commission.

1. Composition: The governing board of the commission will consist of five members appointed by the Governor with the approval of a majority of the members of the Legislature.
2. Qualifications: All board members must have reasonable knowledge or experience in issues related to blindness which may include, but is not limited to, reasonable knowledge or experience acquired through membership in consumer organizations of the blind. No board member or his or her immediate family may be a current employee of the commission. At least three board members must be blind persons.
3. Terms: Board members will be appointed for staggered terms with the initial members appointed for terms as follows: Two members for terms ending on December 31, 2001, and three members for terms ending December 31, 2003. Subsequent appointments will be for terms of four years with no board member appointed to more than two consecutive terms.
4. Vacancies: In the case of a vacancy, the Governor must appoint a successor for the unexpired term. Board members may be removed for cause.
5. Chairperson: The board must annually elect a chairperson from its membership.
6. Director and Staff: The commission will employ a director who will serve as the administrative officer of the commission. The director will hire employees as necessary for the efficient operation of the commission.
7. Duties and Responsibilities:
 - (i) Apply for, receive, and administer money from any state or federal agency to be used for purposes relating to blindness, including federal funds relating to vocational rehabilitation of blind persons;

○ *Commission for the Blind and Visually Impaired - LB 352e* - continued

- (ii) Receive on behalf of the state any gifts, donations, or bequests from any source to be used in carrying out the purposes of the Commission for the Blind and Visually Impaired Act;
- (iii) Promote self-support of blind persons;
- (iv) Provide itinerant training of alternative skills of blindness, including, but not limited to, braille, the long white cane for independent travel, adaptive technology, and lifestyle maintenance;
- (v) Establish, equip, and maintain a residential training center with qualified instructors for comprehensive prevocational training of eligible blind persons. The center must also provide comprehensive independent living training as well as orientation and adjustment counseling for blind persons;
- (vi) Administer and operate a vending facility program in the state, in its capacity as the designated licensing agency pursuant to the federal Randolph-Sheppard Act, as amended, 20 U.S.C. 107 et seq., for the benefit of blind persons;
- (vii) Contract for the purchase of information services for blind persons; and
- (viii) Perform other duties necessary to fulfill the purposes of the Commission for the Blind and Visually Impaired Act.

□ *Educational Lands*

LB 1010	<i>Introduced by:</i> Baker	<i>Prioritized by:</i> Baker	<i>Committee:</i> Education	<i>Effective Date:</i> July 13, 2000
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Brief Summary: Requires that educational land put up for sale by the Board of Educational Lands and Funds be sold at not less than the appraised value.

Analysis

Legislative bill 1010 requires that educational land put up for sale by the Board of Educational Lands and Funds be sold at not less than the appraised value. Persons requesting that a tract of land be sold must file an agreement with the board to pay the appraised value or a higher value as a minimum opening bid. The board also has the option to have the land appraised for sale by a certified general real estate appraiser and may offer the land at the appraised value.

NOTE: Prior to the passage of LB 1010, state law required the land to be offered for sale at not less than the appraised value or the fair market value. Some of the opponents of the legislation argued that the legislation could, in some cases, reduce the profit generated by the sale of school lands.

Within 60 days after receipt of the request, the board must determine whether or not to offer the tract of land for sale at public auction with a minimum opening bid equal to that amount stated in the accepted agreement. The board must notify the person or entity requesting the auction of the board's

determination prior to advertising the tract of land for sale. If the board determines to offer the tract of land for sale at public auction, the auction must be held within 120 days after the board accepts the agreement for a minimum opening bid.

LB 1010 defines appraised value to be the adjusted value as determined by the Property Tax Administrator multiplied by 1.25 for agricultural land or 1.0 for other classes of real property.

History: In 1996 the Legislature passed LB 1205 which requires the Board of Educational Lands and Funds to prepare a plan for the sale of educational lands. The plan commenced on July 1, 1997 and provides for the sale of approximately one-fourth of the total educational lands by January 1, 2008. There are about 1.5 million acres of school land in 85 of the 93 counties in the state. Forty counties contain at least 9,900 acres of school land. The other counties contain less than 7,400 acres.

□ *Greenbelt Advisory Committee*

LB 1124e	<i>Introduced by:</i> Coordsen	<i>Prioritized by:</i> Coordsen	<i>Committee:</i> Revenue	<i>Effective Date:</i> April 11, 2000
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Brief Summary: Creates the Greenbelt Advisory Committee to advise the Property Tax Administrator in developing uniform and proportionate agricultural land special valuation methods.

Analysis

The original intent of the legislation was to change the method to calculate all agricultural land valuation. However, as advanced by the Revenue Committee, the bill took on a reduced scope and intent.

As passed by the Legislature, LB 1124e will create the Greenbelt Advisory Committee with the principle purpose of recommending agricultural land special valuation methods to the Property Tax Administrator. Agricultural use valuation methods may only be used in counties where zoning and land use plans are in place.

The Property Tax Administrator has the power to implement agricultural special valuation methods by rule and regulation. The Property Tax Administrator must respond to the recommendations of the advisory committee and explain the basis for approval or rejection of recommendations. However, the Property Tax Administrator retains the final power to promulgate rules and regulations.

1. Composition of Committee: The advisory committee will consist of the following nine members appointed by the Governor:
 - a. Two active farmers;
 - b. An active rancher;
 - c. A real estate appraiser with expertise in the appraisal of agricultural real estate;
 - d. A professor of agricultural economics at the University of Nebraska Institute of Agriculture and Natural Resources;
 - e. An elected county assessor or a designee of the county assessor;
 - f. A local planning and zoning official;
 - g. An elected county official who has served or is serving on an agricultural and horticultural land valuation board; and
 - h. A county attorney who has an understanding of appraisal processes and problems encountered in the valuation of real property.

○ *Greenbelt Advisory Committee - LB 1124e* - continued

2. Terms of Office: Members will serve for terms of four years, except that the Governor must designate three of the initial members to serve for two-year terms. The advisory committee must meet at least once annually, and members must select a chairperson from the advisory committee's membership.
3. Duties: The advisory committee will be required to develop recommendations on:
 - (i) how information may be gathered from other counties and locations within a county when using comparable sales analysis for purposes of establishing the special valuation;
 - (ii) the income and expense information to be used and the appropriate method of gathering the information when using an income capitalization approach for special valuation;
 - (iii) the approved methods of determining the capitalization rate, including methods of gathering valid comparable sales for purposes of determining the capitalization rate on comparable agricultural land when using the income capitalization approach; and
 - (iv) any further revisions to applicable state law as the committee deems important for uniform enforcement and uniform special valuation of agricultural real property.
4. Annual Report: Methods and recommendations developed by the advisory committee must provide for an annually updated analysis based on a three-year average of the information used. The advisory committee may develop recommendations for valuation methods which provide for special valuation of land used for specialized agricultural crop production which is unique or localized to a specific area. The recommendations must be provided by October 1st each year.

□ *Health Insurance for Public Employees*

LB 1217e	<i>Introduced by:</i> Kristensen	<i>Prioritized by:</i> N/A	<i>Committee:</i> Appropriations	<i>Effective Dates:</i> March 31, 2000
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Brief Summary: LB1217e contains the Governor's recommendations for mainline mid-biennium budget adjustments. This very lengthy measure was the subject of several line-item vetoes and, in turn, several legislative veto overrides. Of the 119 sections contained in this legislation, Section 17, relating to health insurance for public employees, has special significance to public education.

Analysis

On March 21st, Senator Curt Bromm successfully amended LB 1217e with language to create a special task force to study health insurance issues for public employees, both state and political subdivisions. The contents of the Bromm amendment became Section 17 of the LB 1217e.

1. **LEGISLATIVE FINDINGS:** The Bromm amendment provided for several legislative

NOTES: The Bromm amendment to LB 1217e was based upon LB 1416, which was introduced by Senator Bromm this session. LB 1416 was advanced to General File by the Banking, Commerce and Insurance Committee but lacked a priority designation. Senator Bromm used LB 1217e as the vehicle to advance his legislative proposal.

○ *Health Insurance for Public Employees - LB 1217e* - continued

“findings,” including the need to explore all opportunities for government to seek efficiencies in providing quality, affordable health insurance to its employees. The findings also noted that the state and its political subdivisions are challenged with limited resources for all services and that the costs to provide health insurance to employees have risen sharply, particularly during the last year.

2. **TASK FORCE:** Section 17 of LB 1217e creates the Task Force to Explore Health Insurance Opportunities.
 - a. **Composition:** The Governor must appoint 20 members to the task force by June 1, 2000.
 - b. **Duties:**
 - (i) The task force will examine the various means by which the state, the University of Nebraska, state colleges, community colleges, and other political subdivisions provide health insurance to their employees.
 - (ii) The task force must develop possible alternatives and opportunities to providing health insurance to employees and identify the advantages and disadvantages to each alternative.
 - c. **Report:** The task force must complete its work and issue a final report to the Governor and each member of the Legislature outlining its findings and recommendations by December 15, 2000.
 - d. **Support Staff:** The Department of Insurance must provide staff support to the task force.

History: In 1997 Senator Bromm introduced LB 793 which required school districts and ESUs to seek bids for health insurance coverage at least every three years. The purpose of the bidding process was to make sure districts and ESUs are receiving the best possible coverage for the best rate on behalf of its employees. LB 793 did not advance from committee and Senator Bromm’s concerns over public health insurance have continued to this day, particularly as the issue relates to public education.

□ *Infant Hearing*

LB 950e	<i>Introduced by:</i> Byars	<i>Prioritized by:</i> Byars	<i>Committee:</i> Health	<i>Effective Date:</i> April 11, 2000
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Brief Summary: LB 950e establishes the Infant Hearing Act.

Analysis

Legislative bill 950e establishes the Infant Hearing Act and requires the Department of Health and Human Services to establish a tracking system for infants with a hearing loss. Birthing centers will be required to report specific information on hearing screening to HHS beginning December 1, 2000. For children not born at a birthing facility, HHS would be required to educate those parents of the importance of hearing screenings and follow-up care. HHS and the Department of Education are to develop approved hearing screening methods and protocols for testing and establish guidelines for referral for services under the Early Intervention Act. If the number of newborns receiving hearing screening tests is below 95 percent, HHS must implement a hearing screening program.

□ Lobbying

LB 1021

Introduced by:
Chambers

Prioritized by:
Chambers

Committee:
Government

Effective Date:
January 1, 2001

Brief Description: LB 1021 clarifies and in some cases modifies provisions of the Nebraska Political Accountability and Disclosure Act as it relates to lobbyists and public officials.

Analysis

1. **FOOD AND TRAVEL:** For purposes of the Nebraska Political Accountability and Disclosure Act, LB 1021 clarifies that a gift to a public official does not include a breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption, or the occasional provision of transportation within the State of Nebraska.
2. **GIFTS FROM RELATIVES:** Current law specifies that a gift from a relative to a public official is not considered an improper gift for purposes of the Political Accountability and Disclosure Act. LB 1021 merely clarifies the definition of “relative”. Under the legislation, a relative means any person related to another by blood or marriage to the third degree of consanguinity, including a foster parent, foster child, stepparent, stepchild, and adopted children and their adoptive parents.
3. **GIFT LIMITATION.**
 - a. Lobbyists: LB 1021 clarifies that no principal, lobbyist, or person acting on behalf of either may, within one calendar month, give any gifts with an aggregate value of more than \$50 to the following:
 - (i) An official or a member of the official’s staff in the executive branch of state government;
 - (ii) An official or a member of the official’s staff in the state legislative branch; or
 - (iii) A member of the immediate family of an official in the executive or legislative branch of state government.
 - b. Exception: An admission to a state-owned facility or a state-sponsored industry or event may be given by any sponsoring agency, political subdivision, or publicly funded postsecondary educational institution and accepted regardless of value.
 - c. Penalty: Any person who knowingly and intentionally violates this section shall be guilty of a Class III misdemeanor.
4. **ADMISSION TO EVENT.** Any agency, political subdivision, or publicly funded postsecondary educational institution which gives a gift of an admission to a state-owned facility or a state-sponsored industry or event to a public official, a member of a public official’s staff, or a member of the immediate family of a public official must report the gift on a form prescribed by the Political Accountability and Disclosure Commission.
 - (i) The report must be filed with the Clerk of the Legislature within 15 days after the end of the calendar quarter in which the gift is given.

NOTES: LB 1021 was a particularly controversial bill. Many legislators felt the bill implied a major problem existed and that public officials were accepting unlawful gifts from lobbyists.

○ *Lobbying - LB 1021* - continued

- (ii) The report must include the identity of the agency, political subdivision, or publicly funded post-secondary educational institution, a description of the gift, the value of the gift, and the name of the recipient of the gift.
- (iii) Public official does not include an elected or appointed official of a political subdivision or school board.
- (iv) Any person who knowingly and intentionally violates this section will be guilty of a Class III misdemeanor.

□ *OPS Retirement System*

LB 155e	<i>Introduced by:</i> Lynch	<i>Prioritized by:</i> Kiel	<i>Committee:</i> Retirement	<i>Effective Date:</i> March 22, 2000
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Brief Summary: LB 155e embodies benefit enhancements for the Omaha Public Schools (OPS) Retirement System.

Analysis

Legislative bill 155e provides the following changes and benefit enhancements to the OPS Retirement System.

1. **Employer Contribution:** Codifies the current practice that the contributions by the school district to the retirement fund will be the greater of (a) one hundred percent (100%) of the contributions by the employees for such fiscal year or (b) such amount as may be necessary to maintain the solvency of the system, as determined annually by the board upon recommendation of the actuary and the trustees.
2. **Formula Multiplier:** Provides for a multiplier of 2.00% of final average compensation for each year of creditable service to increase pensions for future retirees. Prior to the passage of LB 155e, the formula multiplier was 1.85%.
3. **Actuarial Tables:** Updates the statutory definition of actuarial tables to utilize the 1994 mortality tables and the 8.0% actuarial assumed rate of investment return.
4. **Disability:** Permits a member to defer receipt of disability retirement payments for up to 30 years following the approval of a deferred disability retirement. During this period of deferral, the member's creditable service will increase one year for each year of deferral and the member's final average salary at the date of disability will be increased by the cumulative percentage cost-of-living adjustments provided to retirees during the period of deferral. These changes will assist a disabled member in obtaining a more adequate pension in spite of his/her disability.
5. **QDRO:** Clarifies the Qualified Domestic Relations Order (QDRO) statutes. If a former spouse, who has obtained rights to future annuity benefits as the result of a QDRO, requests a lump sum payment in lieu of those future annuity payments, that spouse will receive a percentage of the member's accumulated contributions.

NOTES: LB 155e required no additional contributions from the State of Nebraska nor the Omaha Public Schools nor OPS employees. NCSA and NSEA will seek legislation next session to increase the School Employees Retirement System formula multiplier from the current 1.9% to 2.0%.

☐ *Override Ballot Election Process*

LB 1213

Introduced by:
Education Com.

Prioritized by:
Education Com.

Committee:
Education

Effective Date:
July 13, 2000

As passed by the Legislature, LB 1213 contains two components: (1) change election procedures to exceed budget and levy limitations; and (2) permit districts to apply for lump-sum payment of state aid adjustments in the event of a “respin” in state aid calculations.

1. **BUDGET/LEVY OVERRIDE ELECTIONS:** LB 1213 provides that approval for a school district to exceed the allowable growth rate for the district’s budget of expenditures can be obtained by a vote of the people at a primary and general election. Under current law, approval to exceed the expenditure limitation can only be obtained if a special election is held each year. The bill also provides that patrons can vote to exceed the limitation on expenditures and the levy limitation at the same time on the same ballot.

2. **STATE AID RESPIN:** Under current law, any prior year state aid adjustments are made in the aid for the ensuing fiscal year and are paid out on a prorated basis as part of the ten equal payments of state aid. LB 1213 provides that a school district may apply to NDE for a lump-sum payment of adjustments made to state aid in the event of a state aid “respin.” School districts must be eligible for an adjustment of at least \$1,000 or more in order to be eligible for the lump-sum payment provision prior to the last business day of September. Adjustments of less than \$1,000 will be paid in a lump-sum on the last business day of December.

NOTES: In 1998, the Legislature passed legislation which permitted certain classes of school districts to form unification school systems. The legislation provided financial incentives through state aid to consolidated or unified school systems. The unification law will sunset on August 2, 2001. When LB 1213 first appeared on Final Reading on April 10th, Senator Bohlke attempted to amend the bill with provisions of another bill, LB 1161, which concerned the unification law. LB 1161 would increase the amount of general funds from \$2 million to \$5 million that are set aside for base year incentive payments to schools that consolidate or unify. Senator Bohlke’s motion was the subject of an intense debate which lasted several hours. Some senators believed districts that could have taken advantage of the unification incentive should have done so by now. Other senators believed the Legislature should afford more time and more money to encourage districts to consolidate. In the end, Senator Bohlke withdrew her motion and the matter was postponed.

☐ *Public Records*

LB 628

Introduced by:
Brashear

Prioritized by:
Bruning

Committee:
Government

Effective Date:
July 13, 2000

Brief Summary: LB 628 strengthens a citizen’s right to access public records and obtain copies of public records as requested. The legislation also limits the timeframe for a custodian to respond to a requester of public records as well as the fees that can be charged for copies.

Analysis

Legislative bill 628, as it relates to political subdivisions, can be divided into three major components: (i) public records copied by use of a citizen's copying equipment; (ii) rights of citizens to obtain copies from the custodian under reasonable timelines and fees; and (iii) legal remedies available to citizens who are denied access to public records.

A. **USE OF CITIZEN'S PERSONAL COPYING EQUIPMENT:** The legislation provides that copies made by citizens or other persons using their own copying or photocopying equipment must be made on the premises of the custodian of the public record or at a location mutually agreed to by the requester and the custodian.

B. **CUSTODIAN'S COPYING EQUIPMENT:** If the requester wishes the custodian to make copies of public records, such copies may be obtained only if the custodian has copying equipment "reasonably" available. If copying equipment is available, copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, printouts, electronic data, discs, tapes, and photocopies.

1. **Fees:** Unless otherwise restricted by law, the custodian of a public record may charge a fee for providing copies of public records. However, the fee may not exceed the "actual cost" of making the copies available.

a. **Photocopies:** The actual cost of making the copies available may not exceed the amount of the "reasonably calculated actual cost" of the photocopies.

b. **Printouts:** For printouts of computerized data on paper, the actual cost of making the copies available must include the "reasonably calculated actual cost" of computer run time and the cost of materials for making the copy.

c. **Electronic Data:** For electronic data, the actual cost of making the copies available must include the "reasonably calculated actual cost" of the computer run time, any necessary analysis and programming, and the production of the report in the form furnished to the requester.

2. **Timeline for response:** Upon receipt of a written request for access to or copies of a public record, the custodian must provide access or make copies "as soon as is practicable and without delay," but not more than **four** business days after actual receipt of the request. However, the legislation provides two exceptions to this rule:

a. **Impracticable timeline:** If the entire request cannot with reasonable good faith efforts be fulfilled within four business days due to the significant difficulty or the extensiveness of the request, a written explanation must be provided to the requester. The written explanation must include (i) the earliest practicable date for fulfilling the request, (ii) an estimate of the expected cost of any copies, and (iii) an opportunity for the requester to modify or prioritize the items within the request.

b. **Legal constraints:** if there is a legal basis for denial of access or copies, the custodian must provide a written denial of the request along with the information currently specified in law, including:

○ *Public Records - LB 628* - continued

- (i) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the particular statute and subsection expressly providing the authority for denial;
 - (ii) The name of the public official or employee responsible for the decision to deny the request; and
 - (iii) Notification to the requester of any administrative or judicial right of review.
3. **Safeguards for custodians:** A custodian of public records is not required to produce or generate any public record in a new or different form or format modified from that of the original public record. If copies requested are estimated by the custodian to cost more than \$50, the custodian may require the requester to furnish a deposit prior to fulfilling the request.
4. **Modem Transmission of requested records:** When a custodian provides a citizen with a requested copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for the specialized service. The fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service.

C. **LEGAL REMEDIES AVAILABLE TO CITIZENS.** Current law already provides legal remedies for citizens who are denied access to public records. LB 628 clarifies existing law to state that, if a custodian fails to grant access or make copies available, then a citizen may petition the Attorney General for review of the matter.

□ *Retirement Agency Technical Cleanup Bill*

LB 1192e	<i>Introduced by:</i> Retirement Com.	<i>Prioritized by:</i> Retirement Com.	<i>Committee:</i> Retirement	<i>Effective Date:</i> March 22, 2000
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Brief Summary: The original legislation concerned such matters as the re-employment wait period after retirement, employer responsibilities for providing accurate employee information, and verification of information by employees. However, the adopted committee amendments expanded the scope of the legislation to include a requirement for the Retirement Agency to develop an employer education program on preparing and filing reports. The amendments also impact the “10%” rule for purposes of computing final average compensation.

Analysis

1. **RE-EMPLOYMENT WAIT PERIOD AFTER RETIREMENT:** LB 1192e changes the definition concerning termination of employment for purposes of retirement. Under current law, a retired school employee may not return to active employment with a school district in Nebraska within the timeframe of a school year after he or she declares retirement. LB 1192e would decrease the wait period for school employees from a school year to 180 calendar days after ceasing employment. The only exception to this rule is if the retired school employee (who is a member of the School

Employees Retirement System) accepts employment with the Omaha Public Schools (OPS), which maintains a separate retirement system. In such case, the 180 day rule would not apply.

2. **EMPLOYER RESPONSIBILITIES:** LB 1192e modifies and clarifies existing law concerning the employer's responsibility to provide accurate and verifiable information on each school employee within the school district. The information includes the name, current address, age, contributions, and any other information deemed necessary by the Retirement Agency. The legislation provides that the director of the Retirement Agency may, from

time to time, carry out sampling procedures to verify the accuracy of the information. LB 1192e further provides that if the employer does not provide the information required by the director in an accurate and timely manner and the member suffers a financial loss OR incurs an unwarranted financial benefit, the employer providing the inaccurate or untimely information will be liable for all losses, adjustments, and unwarranted benefits incurred. As amended on General File, LB 1192e requires the Retirement Agency to develop and implement an employer education program using principles generally accepted by public employee retirement systems so that all employers have the knowledge and information necessary to prepare and file reports.

3. **VERIFICATION OF EMPLOYEE INFORMATION:** Under current law, the Public Employees Retirement Board is required to send each contributing member a statement, every two years, containing the creditable service earned by that member. The member must respond within 90 days to contest the information. LB 1192e retains this requirement but adds other information to be verified by the member, such as reported salary and any other information required by the agency director. Once again, if the member does not contest the information, he or she would do nothing in response. If the member wishes to contest the information, he or she must respond within 90 days of receipt.

4. **COMPUTING FINAL AVERAGE COMPENSATION:**

- a. **History:** In 1999 the Legislature passed LB 538 to modify the process for computing final average compensation for purposes of retirement. Under the this provision of law, that part of a member's compensation for the fiscal year which exceeds the member's compensation with the same employer for the preceding fiscal year by more than 10% will be excluded in determining final compensation UNLESS the member experienced a change in employment position.
- b. **Expanded Rule:** Under LB 1192e, the "10%" rule would be modified to include one other exception besides the situation whereby the member experienced a change in employment position. Under the legislation, the 10% rule would not apply to the excess compensation occurred as the result of a collective-bargaining agreement between a category of school employees. The legislation defines "category of school employee" as either all certificated employees of the employer or all noncertificated employees of the employer or both. It defines "recognized collective bargaining unit" as a "group of employees similarly situated with a similar community of interest appropriate for bargaining recognized as such by a school board."

NOTES: NCSA has long contended that the "school year" wait period is excessive, especially when considering the wait period for other public employees. For instance, under the state and county public employees retirement systems, the wait period is a mere four months after declaration of retirement. NCSA will consider future legislative action to address this issue. In the meantime, LB 1192e lowers the wait period from a school year to 180 calendar days.

□ Revenue Committee Technical Cleanup

LB 968e	<i>Introduced by:</i> Revenue Com.	<i>Prioritized by:</i> Revenue Com.	<i>Committee:</i> Revenue	<i>Effective Date:</i> April 7, 2000
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Brief Summary: LB 968e embodies a host of revisions to revenue related statutes.

BONDS: Under current law, all bonds of indebtedness issued by any county, precinct, city, village, school district, or other governmental subdivision must be redeemable at the option of the governmental subdivision or municipal corporation issuing the bonds at any time on or after five years from the date of issuance. LB 968e adds an exception to this rule as it pertains to certain school districts. Under LB 968e, the rule would not apply to issues of bonds exceeding \$10 million of any school district of 1,000 or more students in membership as provided in the fall school district membership report immediately preceding the issuance of bonds.

□ School Breakfast Programs

LB 26	<i>Introduced by:</i> Lynch	<i>Prioritized by:</i> The Speaker	<i>Committee:</i> Education	<i>Effective Date:</i> July 13, 2000
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Brief Summary: Provides monetary assistance to school districts that offer school breakfast programs.

Analysis

The purpose of LB 26 is to offer state assistance to those districts offering school breakfast programs. The original legislation was introduced in the 1999 Legislative Session and concerned both school breakfast and lunch programs. However, due to the fiscal constraints in the 2000 Legislative Session, the legislation was reduced in scope to cover only school breakfast programs.

As passed by the Legislature, LB 26 will reimburse each qualified public school's breakfast program an amount of 5¢ per school breakfast served by the school. To qualify, a school district must operate a school lunch program in addition to a breakfast program. NDE is authorized to adopt and promulgate rules and regulations to carryout the mission of the legislation.

It should be emphasized that LB 26 applies to all school districts, whether or not the district receives state aid. The legislation provides an appropriation of \$232,390 from the General Fund in FY2000-01 and \$233,550 in FY2001-02.

□ Special Education

LB 1243	<i>Introduced by:</i> Bohlke	<i>Prioritized by:</i> Price	<i>Committee:</i> Education	<i>Effective Date:</i> July 13, 2000
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Brief Summary: LB 1243 is comprised of four components. LB 1243 will (i) increase the state appropriation for special education costs; (ii) expand the list of allowable costs; (iii) change provisions relating to support services; and (iv) implement provisions relevant to residency.

Analysis

- A. STATE APPROPRIATION: LB 1243 increases the annual growth rate for the state appropriation for special education programs from the current 3% to 5% beginning next year. This provision will require an additional \$2,651,516 in FY2000-01 and \$5,515,154 in FY2001-02. NOTE: The general fund appropriation for special education reimbursement was \$132,575,807 in FY1999-00.
- B. ALLOWABLE COSTS: LB 1243 amends the list of allowable costs to include (i) any medical expenditure by a school district for purposes of providing individualized education plan (IEP) services, and (ii) health protection for providers of medical services.
- C. SUPPORT SERVICES: On Select File, the provisions of LB 449 were amended into LB 1243. These provisions eliminate the term “students” and replace it with “children from birth to age twenty-one years” in the sections of current law relating to funding for special education support services under the Special Education Act and the Education Innovation Fund (lottery funds).

It appears the intent is to allow children under age five to be eligible for the funding of support services and programs through grants from the Education Innovation Fund. Services for these children can also be funded through the “flexible funding” option that is available for preventative services for children not identified or verified as having a disability under the Special Education Act.

D. RESIDENCY: On Select File, the provisions of LB 1334, relating to residency, were amended into LB 1243.

NOTES: NCSA intends to work with NDE officials in the process of preparing residency rules and regulations to be presented to the State Board of Education. If controversy persists, NCSA will join other education groups to pursue legislative change in the next session.

- 1. General Rule: A student is a resident of the school district where the student resides and must be admitted to the school district upon request without charge. In addition, a homeless student who requests admission must be admitted without charge.
- 2. Exceptions to Rule:
 - a. A school district may (but is not required to) allow a student whose residency in the district ceases during a school year to continue attending school in the district for the remainder of that school year;
 - b. A school board may (but is not required to) admit nonresident students to the school district under a tuition contract with the district where the student is a resident;
 - c. A school board may (but is not required to) admit nonresident students to the school district under the enrollment option program, and such admission will be without charge; and
 - d. A school board may (but is not required to) admit a student who is a resident of another state to the school district and collect tuition in advance at a rate determined by the school board.
- 3. Wards: When the student as a ward of the state or as a ward of any court has EITHER:
 - (i) been placed in a school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Health and Human Services or a foster home maintained as provided by law; OR

○ *Special Education - LB 1243* - continued

- (ii) been placed in any institution which maintains a special education program which has been approved by NDE and such institution is not owned or operated by the district in which he or she resided at the time he or she became a ward,

THEN the cost of his or her education and the required transportation costs associated with the child's education will be paid by the state, although not in advance, to the receiving school district or approved institution under rules and regulations prescribed by the Department of Health and Human Services AND the student will remain a resident of the district in which he or she resided at the time he or she became a ward.

- 4. Foster Home Wards: Any student who is a ward of the state or a ward of any court who resides in a foster family home or a foster home will be deemed a resident of the district in which the foster family home or foster home is located.
- 5. Residency for Reasons other than Education: WHEN the student is not a ward of the state or court and is residing in a residential setting located in Nebraska for reasons other than to receive an education AND the residential setting is operated by a service provider which is certified or licensed by the Department of Health and Human Services OR is enrolled in the state medical assistance program (as required under Title XIX or XXI of the federal Social Security Act),

THEN the student will remain a resident of the district in which he or she resided immediately prior to residing in such residential setting.

Educational Services: In such cases, upon request by a parent or legal guardian, the resident school district (District A) must contract with the district in which such residential setting is located (District B) for the provision of all educational services, including all special education services. If the parent or legal guardian has requested that the resident school district (District A) contract with the district in which such residential setting is located (District B), the district in which such residential setting is located (District B) must contract with the resident district (District A) and provide all educational services, including all special education services, to the student.

Mediation: If the two districts cannot agree on the amount of the contract, NDE will determine the amount to be paid by the resident district (District A) to the district in which such residential setting is located (District B) based upon: (i) the needs of the student, (ii) approved special education rates, (iii) the department's general experience with special education budgets, and (iv) the cost per student in the district in which such residential setting is located (District B).

Transfer of Responsibility: Once the contract has been entered into all legal responsibility for special education and related services will be transferred to the school district in which the residential setting is located (District B).

Change of Residential Setting: The resident district for a student who is not a ward of the state or court does not change when the student moves from one residential setting to another.

- 6. County Detention Homes: In the case of any individual 18 years of age or younger who is (i) a ward of the state or any court and (ii) who is placed in a county detention home, the cost of his/her education will be paid by the state, regardless of the district in which he or she resided at the time he or she became a ward.

○ *Special Education - LB 1243* - continued

7. Special Residency Form: LB 1243 provides that a form must be developed by NDE on which an adult with legal or actual charge or control of the student must provide: (i) the name of the student, (ii) the name of the adult with legal or actual charge or control of the student, (iii) the address where the student is residing, and (iv) the phone number and address where the adult may generally be reached during the school day.

No Address or Phone: If the student is homeless or if the adult does not have a phone number and address where he or she may generally be reached during the school day, those parts of the form may be left blank and a box may be marked acknowledging that these are the reasons that those parts of the form were left blank.

Signing: The adult with legal or actual charge or control of the student must also sign the form.

□ *Standards/Assessment/Reporting*

LB 812	<i>Introduced by:</i> Bohlke	<i>Prioritized by:</i> Stuhr	<i>Committee:</i> Education	<i>Effective Date:</i> July 13, 2000
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Brief Summary: LB 812 requires the State Board of Education and school districts to adopt measurable content based standards. Under a compromise amendment adopted on Select File, the concept of a single statewide writing assessment was preserved coupled with local assessment in the subject areas of reading, math, science, social studies/history.

Analysis

1. **STATE STANDARDS:** The State Board of Education must adopt measurable model academic content standards for at least three grade levels no later than July 1, 2001 (e.g., grades 4, 8, and 11).
 - (i) The standards must cover the subject areas of reading, writing, mathematics, science, social studies and history.
 - (ii) The standards for each subject area must be adopted prior to the implementation of the assessment and reporting system for that subject area, beginning with writing and reading.
 - (iii) The standards adopted must be sufficiently clear and measurable to be used for “testing” student performance with respect to mastery of the content described in the standards.
2. **DISTRICT STANDARDS:** In accordance with timelines adopted by the State Board, but not later than July 1, 2003, each district must adopt measurable quality academic content standards in the subject areas of reading, writing, mathematics, science, social studies/history.
 - (i) The standards may be the same as, or may be equal to or exceed in rigor, the measurable model academic content standards adopted by the State Board and must cover at least the same grade levels (e.g., 4, 8, and 11).
 - (ii) The State Board must adopt and promulgate appropriate rules and regulations to insure the rigor of the measurable quality academic content standards.

3. ASSESSMENT AND REPORTING: The State Board must implement a statewide system for the assessment of student learning and for reporting the performance of school districts.
- (i) The assessment and reporting system must be implemented by the 2000-01 school year, beginning with the assessment of reading and writing. The assessment and reporting system must “test” student knowledge of subject matter materials covered by the measurable model academic content standards approved by the State Board.
 - (ii) The State Board must prescribe statewide assessments of writing that rely on writing samples beginning in the spring of 2001 with students in each of three grades selected by the state board. For each academic year thereafter, one of the three selected grades must participate in the statewide writing assessment.
 - (iii) The state board must develop an assessment system and prescribe statewide assessments for the subject areas of reading, mathematics, science, social studies and history. The assessment and reporting system for each subject area, except writing, must be based on locally developed assessments the first year. Following the first assessment in each subject area, except writing, NDE must contract with independent, recognized assessment experts to review and rate locally developed assessments. NDE must identify criteria to be used to rate the model assessments. The assessment experts will be required to identify not more than four model assessments receiving the highest ratings. Districts must thereafter adopt one of the four model assessments and may, in addition, adapt their locally developed assessments.
 - (iv) The aggregate results of any assessments required by the State Board must be reported by the district on a building basis to the public in that district and also to NDE. NDE will then report the aggregate results of any assessments required by the State Board on a district or building basis as part of the statewide assessment and reporting system.
 - (v) The purposes of the assessment and reporting system are to:
 - Determine how well public schools are performing in terms of achievement of public school students related to the model state academic content standards;
 - Report the performance of public schools based upon the results of the assessment;
 - Provide information for the public and policymakers on the performance of public schools; and
 - Provide for the comparison of Nebraska public schools to their peers and to school systems of other states and other countries.
 - (vi) The assessment and reporting plan must include all public schools and all public school students. The State Board must adopt criteria for the inclusion of students with disabilities, students entering the school for the first time, and students with limited English proficiency. The assessment and reporting plan must provide for the confidentiality of the individual students.

□ *Teacher Salaries and Shortages*

LB 1399e

Introduced by:
Bohlke

Prioritized by:
Suttle

Committee:
Education

Effective Date:
April 11, 2000

Brief Summary: LB 1399e contains four major components. The legislation would: (1) create a task force to study teacher salaries in Nebraska; (2) create a Master Teacher Program to encourage national certification; (3) create a student loan forgiveness program to encourage students to become teachers and remain in Nebraska; and (4) permit the Nebraska Volunteer Services Commission to apply for a grant with the purpose of providing monetary incentives to prospective teachers.

Funding: On April 10, 2000, the Governor line-item vetoed most of the funding for the programs created under LB 1399e. Funding for the teacher salary task force and the national grant program was left in tact. However, funding for the loan forgiveness program was vetoed. Therefore, while LB 1399e creates the loan forgiveness program and the master teacher program, there will be no immediate funding.

Analysis

A. **TEACHER SALARY TASK FORCE:** LB 1399e would create the Teacher Salary Task Force consisting of 20 members appointed by the Legislature's Executive Board.

1. Composition: Members are to be appointed by April 15, 2000 and will include:
 - a. the chairperson of the Education Committee of the Legislature, who will serve as chair of the task force;
 - b. the chairperson of the Appropriations Committee of the Legislature;
 - c. the chairperson of the Revenue Committee of the Legislature;
 - d. a representative of a teachers' organization;
 - e. a representative of an association of school boards;
 - f. a representative of an association of school administrators;
 - g. a teacher or former teacher from a school district which is in the very sparse cost grouping;
 - h. a teacher or former teacher from a school district which is in the sparse cost grouping;
 - i. a teacher or former teacher from a school district with fewer than nine hundred students in the standard cost grouping;
 - j. a teacher or former teacher from a school district with nine hundred or more students in the standard cost grouping;
 - k. four taxpayers, including one taxpayer from each of the school districts represented by a teacher as listed in (g) through (j) above;
 - l. a representative of the business community who has a background in human resources;
 - m. a benefits consultant;
 - n. a representative from a community organization aimed at assisting schools in meeting the national education goals established under the federal Goals 2000: Educate America Act;
 - o. a representative of a Nebraska tax policy research organization;
 - p. a representative of the Governor's Policy Research Office; and
 - q. a former teacher who left the profession for another career preceding appointment to the task force.

○ *Teacher Salaries and Shortages - LB 1399e* - continued

2. Meetings: The legislation specifies that the initial meeting of the task force must include a presentation from a national expert on paying teachers “for what they know and how they perform.” There is no limit to the number of meetings the task force may hold, but the task force will automatically dissolve on December 31, 2000.
3. Purpose: LB 1399e requires the task force to study the following topics and make recommendations for potential legislation: (1) Paying teachers for what they know and how they perform; (2) Creating and funding alternate pay scales for teachers who choose extended contracts; (3) Appropriate compensation levels for attracting and retaining quality teachers; (4) The impact of benefits as a part of total compensation for teachers; (5) Funding methods and sources for any increases in teacher compensation suggested by the task force; and (6) Other topics as determined by the task force. The task force must report its findings and recommendations to the Education Committee of the Legislature by October 1, 2000.
4. Hearings: The Education Committee must hold at least one public hearing in each congressional district in Nebraska on the recommendations of the task force before December 31, 2000.

B. **MASTER TEACHER PROGRAM**: In one of two provisions designed to address teacher shortages, LB 1399e creates the Master Teacher Program with the purpose of building a group of recognized teachers of high achievement in the teaching profession. The program provides that if a qualified teacher achieves national certification, then the teacher will be awarded an annual state “bonus” in addition to regular salary.

NOTES: There are only eight nationally certified teachers in Nebraska currently. Each of these teachers would be eligible for bonuses upon funding of the legislation. Amid veto speculation, Senator Nancy Thompson offered an amendment to cut the overall fiscal impact of the bill without compromising its mission. The Thompson amendment permitted the Master Teacher Program to remain a part of the bill but it eliminates the appropriation to fund the program. Essentially, the amendment shelves the program until the Legislature appropriates funds to make it operative.

1. Initial Qualifications: To be eligible for the program, a teacher must (1) hold a valid certificate to teach in Nebraska, (2) must have been employed as a teacher for at least three years in a public or private school accredited or approved by NDE, and (3) must currently be employed as a teacher in such a school.
2. National Certification: Assuming the initial qualifications are met, the teacher may apply for admission in the national certification program offered by the National Board for Professional Teaching Standards. The organization is located in South Field, Michigan. The current registration fee for admission into the program is \$2,300.

LB 1399e provides an extra incentive to teachers by providing that the first 40 teachers who make application for national certification will be reimbursed for half of the registration fee. The teacher must apply to NDE for this reimbursement. The legislation also provides that if the teacher successfully completes the certification program, another half of the registration fee will be reimbursed upon application to NDE. Therefore, for the first 40 teachers who apply for and successfully achieve national certification, the entire registration fee will be reimbursed. If the teacher was not one of the first 40 teachers to apply for the initial half reimbursement, he or she would still be eligible for the half reimbursement upon completion of the program.

○ *Teacher Salaries and Shortages - LB 1399e* - continued

3. Annual Bonus: LB 1399e provides that every teacher who successfully completes the certification program may apply to NDE for Master Teacher status. Once the teacher's credentials are confirmed, the teacher will receive an annual salary bonus of \$5,000. (The bill originally provided for a \$7,500 bonus, but this amount was reduced by an adopted amendment.) The legislation requires NDE to allocate the annual salary bonus to each teacher in the program. The bonuses will continue so long as the teacher maintains the national certification status.

C. **LOAN FORGIVENESS PROGRAM**: The third major component of LB 1399e is a student loan forgiveness program which will be known as the Attracting Excellence to Teaching Program Act. In an attempt to attract college students to the teaching profession, the legislation promises to pay a new teacher's student loan debt if he or she remains in Nebraska to teach.

NOTES: If the borrower teaches in a school district that is at least partially in a local system classified in the very sparse cost grouping or teaches in a school district in which at least 40% of the students qualify for the poverty factor, payments will be forgiven each year in an amount equal to the amount borrowed for two years (i.e., an accelerated loan forgiveness program).

1. Eligibility: To be eligible for the program, a student must: (a) graduate in the top quarter of his or her high school class or have a minimum cumulative grade-point average of 3.0 on a four-point scale in an eligible postsecondary institution; (b) agree to complete a teacher education program at an eligible institution; and (c) commit to teach in an accredited or approved public or private school in Nebraska upon (i) successful completion of a teacher education program at an eligible institution and (ii) becoming certified.
2. Application: Eligible students may apply on an annual basis for loans in an amount of not more than \$2,500 per year. Priorities for loans will be to eligible students who are majoring in subject shortage areas as defined by NDE. Loans awarded to individual students will not exceed a cumulative period exceeding five consecutive years.
3. Contracts: Prior to receiving any money from a loan under the new program, an eligible student must enter into a contract with NDE. The contract will require that IF:
 - (i) the borrower is not employed as a teacher in Nebraska for a time period equal to the number of years required for loan forgiveness and is not enrolled as a full-time student in a graduate program within six months after obtaining an undergraduate degree for which a loan from the program was obtained OR
 - (ii) the borrower does not complete the requirements for graduation within five consecutive years after receiving the initial loan under the program,

THEN the loan must be repaid, with interest accruing as of the date the borrower signed the contract, and an appropriate penalty determined by NDE may be assessed. If a borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan will commence within six months after the change in eligibility.

HOWEVER, if the borrower:

- (i) successfully completes the teacher education program and becomes certified,

○ *Teacher Salaries and Shortages - LB 1399e* - continued

- (ii) becomes employed as a teacher in this state within six months of becoming certified, and
- (iii) otherwise meets the requirements of the contract,

THEN payments will be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. For each year that the borrower teaches in Nebraska under the contract, payments will be forgiven in an amount equal to the amount borrowed for one year.

D. GRANT PROGRAM: The fourth major component of LB 1399e was amended to the bill on Select File. LB 1399e would permit the Nebraska Volunteer Services Commission to apply for a grant, in the amount of \$2.6 million, from the Corporation for National Service.

If the grant is approved, the Nebraska Volunteer Services Commission may use the funds to: (i) provide incentives for new college graduates to establish their teaching careers in Nebraska by repaying a portion of an individual's student loan debt; and (ii) provide incentives for experienced Nebraska teachers to pursue graduate degrees by paying a portion of their tuition expenses.

NOTES: The Corporation for National Service was created in 1993 when Congress passed the National and Community Service Trust Act. The Corporation is designed to promote community service and volunteerism, but it also promotes education through grants. The Nebraska Volunteer Services Commission was created by executive order in 1994 by Governor Ben Nelson in response to the above mentioned federal legislation.

□ *Teen Tobacco Program*

LB 1436e	<i>Introduced by:</i> Bohlke	<i>Prioritized by:</i> Bohlke	<i>Committee:</i> Education	<i>Effective Date:</i> March 30, 2000
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Brief Summary: LB 1436e contains two major components. The legislation creates the Teen Tobacco Education and Prevention Project to fund educational proposals developed and designed by high school students. The legislation also directs the deposit of funds from the tobacco settlement of \$7 million each year for fiscal years 2000, 2001 and 2002 to the newly created Tobacco Prevention and Control Cash Fund.

Analysis

A. TEEN TOBACCO EDUCATION AND PREVENTION PROJECT: LB 1436e creates the Teen Tobacco Education and Prevention Program to fund educational proposals developed and designed by high school students. The program will provide money for scholarships for students who develop the projects and provide award money to project proposal sponsors. Four projects are to be selected with funding of up to \$100,000 per year. Scholarships of \$5,000 per student are awarded to the designers of projects.

1. Program Committee: The legislation creates the Teen Tobacco Education and Prevention Project Committee.

○ *Teen Tobacco Program - LB 1436e* - continued

- a. General Duties: The committee must (i) develop criteria for the submission of project proposals and (ii) select winning project proposals.
- b. Composition: The committee will be appointed by the Governor and will have no more than fifteen members. Committee members must include:
 - (i) high school teachers or advisors,
 - (ii) four high school students,
 - (iii) a physician,
 - (iv) persons with advertising or broadcasting expertise,
 - (v) tobacco control advocates,
 - (vi) public health representatives, and
 - (vii) business persons.
- c. Support Staff: The Department of Health and Human Services will provide staff support for the committee.

NOTES: From the \$7 million in the newly created Tobacco Prevention and Control Cash Fund, \$520,000 will be appropriated to the Teen Tobacco Education and Prevention Program for the next three fiscal years. The only major criticism of the teen tobacco plan voiced during debate concerned the bypassing of authority originally instilled in the Nebraska Health Care Council. The council was created shortly after the national tobacco settlement occurred. The purpose of the council was to grant funds from Nebraska's portion of the settlement to projects and health-related issues in Nebraska. Some senators felt that LB 1436 violated the authority of the council. However, the vast majority of legislators endorsed the concept in the final analysis.

2. Submission of Proposals: High school students who reside or attend school in Nebraska may submit project proposals to the committee by December 31st of each year.
 - a. Applications: The Department of Health and Human Services must develop and provide at least one application to each high school in the state.
 - b. Requirements: Each project proposal must be designed and developed, by no more than four high school students, to be implemented statewide or in the school, community, or geographic area where such students reside or attend school.
 - c. Examples of Projects: Project proposals may include programs, advertisement campaigns, small group projects, conferences, seminars, billboards, pamphlets, productions, television advertisements, radio advertisements, promotional ideas, or any other innovative concept to help reduce, prevent, or stop teen smoking.
 - d. Project Budget: The budget for each project proposal may not exceed \$100,000.
3. Selection of Projects: By March 1st of each year, the committee will select a total of four winning project proposals from among those submitted. One selection must be made in each of the following four school categories:
 - a. one from a school with a membership of less than 125 students in grades 9-12;
 - b. one from a school with a membership of less than 320 but at least 125 students in grades 9-12;

○ *Teen Tobacco Program - LB 1436e* - continued

- c. one from a school with a membership of less than 1,050 but at least 320 students in grades 9-12; and
- d. one from a school with a membership of 1,050 or more students in grades 9-12.

4. Awards:

- a. Scholarship Awards: The designers of the winning project proposals will each be awarded a \$5,000 scholarship and will oversee the implementation of the project proposals statewide or in their school, community, or geographic area. The Coordinating Commission for Postsecondary Education will oversee and administer the scholarships. Scholarships may only be used by an eligible student for educational expenses.
- b. Sponsor Awards: The sponsor of each winning project proposal will also be awarded \$5,000. The Department of Health and Human Services will oversee and administer the sponsor awards.

5. Annual Report: The Department of Health and Human Services will be required to annually review the Teen Tobacco Education and Prevention Program and submit a report to the Governor and Legislature by December 31st of each year.

6. Termination of Program: The Teen Tobacco Education and Prevention Program will automatically terminate on January 1, 2003.

B. TOBACCO SETTLEMENT FUND. The second major component of LB 1436e directs the deposit of funds from the tobacco settlement of \$7 million each year for fiscal years 2000, 2001 and 2002 to the newly created Tobacco Prevention and Control Cash Fund. Previously, all receipts were deposited into the Nebraska Tobacco Settlement Trust Fund. Funds in the Tobacco Prevention and Control Cash Fund are to be used for a comprehensive statewide tobacco-related public health program and for the Teen Tobacco Education and Prevention Project. The authority to give grants for the conversion of nursing facilities to assisted living units from the Nebraska Health Care Trust Fund is removed. The Nebraska Health Care Council membership is increased from five to eight. The authority for the council to provide grants for smoking prevention and control programs is also removed.

III. Interim Studies

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LR 474	Subject: Career Preparation	Introduced by: Stuhr	Committee Assignment: Education
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One-line Description: Interim study to examine state policies relating to career preparation and technical education programs in Nebraska.

Description: This interim study will examine state policies relating to career preparation and technical education programs in Nebraska. This will include, but not limited to, the following issues: (1) the description, role, and mission of career preparation and technical education programs; (2) the prevalence of and need for career preparation and technical education programs at both the middle school and high school levels; (3) the funding for career preparation and technical education programs, curriculum, and equipment at both the middle school and high school levels; (4) the availability of teachers of career preparation and technical education and the status of career preparation and technical teacher education programs; (5) the need for career preparation and technical education articulation programs in high schools and postsecondary educational institutions; and (6) the feasibility of operating different delivery systems for career preparation and technical education programs, including a career preparation and technical high school or schools.

LR 358	Subject: Early Education	Introduced by: Suttle	Committee Assignment: Education
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One-line Description: Interim study relating to early education.

Description: This interim study will examine early education. The study should include a review of the availability of early education programs, the funding for such programs, and participation of public school systems.

LR 432	Subject: ESUs	Introduced by: Bohlke	Committee Assignment: Education
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One-line Description: Interim study to reexamine the role of the groups working with educational service units.

Description: This interim study will reexamine the role of the groups working with educational service units, consisting of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts, as described in sections 79-1241 and 79-1242.

LR 431	Subject: General Issues	Introduced by: Bohlke	Committee Assignment: Education
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One-line Description: Interim study to examine issues under the jurisdiction of the Education Committee.

Description: This interim study will investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

LR 357	Subject: Immunization	Introduced by: Suttle	Committee Assignment: Health
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One-line Description: Interim study of childhood immunizations and vaccines.

Description: This interim study will examine childhood immunizations and vaccines. The study should include a review of current required immunizations and vaccines and exemptions from those requirements and a review of the educational and public relations efforts to notify parents of the need for immunizations and vaccines and the effectiveness of such efforts.

LR 362	Subject: Parental Liability	Introduced by: Suttle	Committee Assignment: Judiciary
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One-line Description: Interim study relating to parents being held responsible for actions of their children and determination of compensation.

Description: This interim study will examine section 43-801 relating to parental liability. The study should examine the limits on liability in this section, including an examination of the difference in liability limits made in section 43-801 between property destruction and personal injury and the reasons for the distinctions. The study should include an examination of the question of whether parents can or should be held responsible for the actions of their children and an examination of determining adequate compensation for injuries caused by a minor and who should pay.

LR 346	Subject: Property Tax Exemptions	Introduced by: Wickersham	Committee Assignment: Revenue
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One-line Description: Interim study to examine the property tax exemption standards and procedures.

Description: This interim study will examine the property tax exemption standards and procedures. The study will examine the amount and use of exempt property in Nebraska, the differences in what might be exempt in some counties as compared to others, and the need for more definite state standards governing the granting of property tax exemptions. The study will also examine the procedures for granting property tax exemptions. If a property tax exemption is denied, how should applicants for the tax exemption appeal the validity of the exemption as an issue separate and apart from the value placed on the property, if taxable? The study of procedures shall also determine if they adequately protect the public and give assurance that the ownership and use of the property justifies the exemption. A key issue is whether or not there is sufficient opportunity for members of the public and other interests to consider the impact exempt property has on the remaining taxpayers and have input into the process.

LR 337

Subject:
Retirement Board

Introduced by:
Stuhr

Committee Assignment:
Retirement

One-line Description: Interim study to review the process by which members are nominated and selected to the Public Employees Retirement Board.

Description: This interim study will review the process and criteria by which members are nominated and selected for the Public Employees Retirement Board and to ensure that there is proportional representation on the Public Employees Retirement Board for each of the five retirement plans that are administered by the Nebraska Public Employees Retirement Systems. The study will review the statutes and guidelines that govern the Public Employees Retirement Board as well as those from other states. The study will further review the board's fiduciary duty to its plan members and whether or not the board has the tools necessary to meet the duties and obligations specifically set forth by Nebraska law. It is further necessary to study whether or not the duties and requirements of the board are consistent with those of other public retirement systems within the United States. If necessary, the study will revise the statutes and guidelines pertaining to nominations and membership on the Public Employees Retirement Board to ensure proportionate representation of all five retirement systems, in addition to revising the duties and obligations of the retirement board, if necessary, to make Nebraska's system consistent with other public retirement systems in the United States.

LR 336

Subject:
Retirement Planning

Introduced by:
Stuhr

Committee Assignment:
Retirement

One-line Description: Interim study to review the General Principles of Sound Retirement Planning.

Description: This interim study will review and update the General Principles of Sound Retirement Planning. The General Principles of Sound Retirement Planning are utilized by the Nebraska Retirement Systems Committee as a guide for evaluating proposed legislation and issues regarding the five public retirement systems administered by the State of Nebraska. The General Principles are also used by members of the Legislature as a guide not only for the five retirement systems, but also for retirement systems created by statute but administered by other public entities. The study will review the analysis and recommendations from the General Principles that were completed under LR 164 (1995) and the revisions adopted in April 1996. The study will revise the existing General Principles, as necessary, to include the legislation that has passed since the last revision was adopted in 1996, draft additional principles, as appropriate, draft and propose future strategies for each of the five retirement systems as to the direction the Legislature should take in future legislation, take into consideration the benefit adequacy of each of the five retirement systems, and prioritize all principles.

LR 425	Subject: School Annexation	Introduced by: Bruning	Committee Assignment: Education
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One-line Description: Interim study dealing with issues relating to annexation of territory within a Class III school district by another school district.

Description: This interim study will examine the issues raised by Legislative Bill 1246, Ninety-sixth Legislature, Second Session, dealing with annexation of territory within a Class III school district by another school district. In particular, the study will look at the effects on small or rural school districts of the changes proposed by LB 1246.

LR 333	Subject: School Facilities	Introduced by: Quandahl	Committee Assignment: Government
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One-line Description: Interim study of the statutory authority for additional construction delivery systems for public schools.

Description: This interim study will examine the need for clear statutory authority for additional construction delivery systems for public schools. The study may include a review of, but need not be limited to, “design-build” and “construction-management-at-risk” as methods of construction delivery which may be used as alternatives to the traditional “design-bid-build” system.

LR 388	Subject: School Facilities	Introduced by: Price	Committee Assignment: Education
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One-line Description: Interim study to determine an appropriate manner to evaluate the maintenance and replacement needs of K-12 public education buildings.

Description: This interim study will determine an appropriate manner to evaluate the maintenance and replacement needs of K-12 public education buildings in the State of Nebraska. Public school boards are being forced to choose between (1) providing adequate facilities that enhance the learning environment, (2) offering a curriculum that addresses state standards of achievement, and (3) offering competitive salaries for all of their employee groups. The study will investigate a method of determining a process to evaluate the current conditions of any school buildings used for instruction, a process to determine if school districts have neglected to maintain buildings as a means of conserving property taxes or because the district’s budget would not permit the expenditure, and a certificate of need process that would determine the appropriateness of building new buildings or remodeling existing buildings in a district.

LR 444	Subject: School Facilities	Introduced by: Bohlke	Committee Assignment: Education
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One-line Description: Interim study to examine the status of school facilities in districts that primarily serve students residing on Indian land.

Description: This interim study will provide information to the Legislature on the status of school facilities in districts that primarily serve students residing on Indian land and to provide potential recommendations for assisting such districts to improve the status of their school buildings.

LR 390	Subject: Seat Belts in School Buses	Introduced by: Thompson	Committee Assignment: Transportation
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One-line Description: Interim study to review the need for seat belts to be installed on school buses.

Description: This interim study will review the need for seat belts to be installed on school buses. The study will consider, but not be limited to, the following issues: (1) safety issues; (2) what types of seat belts should be considered for installation; (3) costs of the installation; and (4) enforcement of such laws, if enacted.

LR 350	Subject: State Lottery	Introduced by: General Affairs Committee	Committee Assignment: General Affairs
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One-line Description: Interim study of the Lottery Division of the Department of Revenue and the State Lottery Act.

Description: This interim study will examine the Lottery Division of the Department of Revenue and the State Lottery Act. The study will examine: (1) the basic structure of the division and how it is managed; (2) whether the administration of the State Lottery Act should be under the direct supervision of the State of Nebraska or if it should be under the governance of a more independent entity, such as a board or commission; (3) whether any changes should be made regarding lottery sales or promotions; and (4) any other matters appropriate for a complete examination of the issue.

LR 329	Subject: Student Tracking System	Introduced by: Wickersham	Committee Assignment: Education
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One-line Description: Interim study to examine designing an electronic state student information tracking system regarding postsecondary educational institutions.

Description: This interim study will examine:

LR 329 - Interim Studies - continued

1. Information about how students progress through public postsecondary educational institutions can guide state policymakers and institutions in improving the educational experience and utilizing state resources efficiently. Retention rates, graduation rates, and transfer data could be used to guide students, allocate resources, and design efficient programs.
2. While some data is currently gathered, no statewide system exists to gather and track student enrollment patterns of postsecondary students and to compile that information in a format that informs administrators and policymakers. The University of Nebraska system, the state college system, and the community colleges all collect and report data, and those existing systems should be built upon to minimize duplicative data gathering.
3. An electronic state student information tracking system could make accurate and comprehensive information about transfers between public postsecondary educational institutions, student retention, and degree completion available in a timely manner.
4. Data must be collected so that the confidentiality of individually identifiable information is maintained.
5. It is in the interest of the state that those entities which would be responsible for collecting and reporting the data cooperate with those entities which would use the information to determine how to design a system that would be efficient and effective.

LR 344	<i>Subject:</i> Taxpayer Appeal Process	<i>Introduced by:</i> Revenue Committee	<i>Committee Assignment:</i> Revenue
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One-line Description: Interim study to examine the taxpayer appeal process through the Tax Equalization and Review Commission.

Description: This interim study will examine the development of ways in which the taxpayer appeal process through the Tax Equalization and Review Commission may be made more taxpayer friendly. The study will examine formality, procedures, required filings, composition of the commission, administrative resources and needs, and the standard of proof to be met in appeals from a county board of equalization decision.

LR 345	<i>Subject:</i> Tax Structure	<i>Introduced by:</i> Revenue Committee	<i>Committee Assignment:</i> Revenue
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One-line Description: Interim study to examine Nebraska's overall tax structure.

Description: This interim study will examine Nebraska's overall tax structure. The study will examine the burden borne by Nebraska taxpayers in the aggregate compared to that of taxpayers in other states by various measures, and the burden on individual taxpayers as affected by exemptions from tax, tax credits, and other preferences granted to some taxpayers as compared to others. The study will examine whether tax burdens are similar for similarly situated taxpayers with a focus on tax equity. The study is to examine all of the major tax programs used in Nebraska, the exemptions, credits, and other preferences granted within those tax bases, our relative reliance on each, and the combined burden they place on Nebraska taxpayers in a variety of situations.

LR 430	Subject: Teacher Salaries	Introduced by: Raikes	Committee Assignment: Education
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One-line Description: Interim study to examine ways the Tax Equity and Educational Opportunities Support Act can increase local districts' options for offering competitive salaries to teachers.

Description: Nebraska's public schools are one of the state's greatest resources. Nebraska students traditionally rank among the highest in the nation in achievement test scores. This tradition is attributable in large part to Nebraska's public school teachers. Yet national trends indicate that fewer and fewer people are choosing teaching as a profession. One reason for this may be that salaries are not commensurate with the professional training and requirements that teaching demands. All Nebraska school districts must be able to recruit and retain good teachers, particularly as the national teacher shortage makes itself known in Nebraska. This study will consider possible ways that the Tax Equity and Educational Opportunities Support Act can increase local districts' options for offering competitive salaries to teachers. In particular, the study will consider the impact of needs calculations, budget restrictions, and levy limitations on districts' ability to adjust spending to recruit and retain teachers. The opportunity of districts to address teacher salary issues through appeals to the Commission of Industrial Relations will also be considered.

LR 443	Subject: Teacher Salaries	Introduced by: Bohlke	Committee Assignment: Education, Revenue, Appropriations
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One-line Description: Interim study relating to teacher salaries.

Description: This study will cover the following topics and make recommendations for legislation:

- (1) Paying teachers for what they know and how they perform;
- (2) Creating and funding alternate pay scales for teachers who choose extended contracts;
- (3) Appropriate compensation levels for attracting and retaining quality teachers;
- (4) The impact of benefits as a part of total compensation for teachers;
- (5) Funding methods and sources for any increases in teacher compensation suggested by the task force;
- (6) Whether there should be greater control of the educational process and facilities for the schools by the State of Nebraska if the state provides substantial additional funding for teachers' salaries; and
- (7) Other topics as determined by the study committees.

The study committees find hold at least one public hearing in each congressional district in Nebraska on the recommendations of the Teacher Salary Task Force before December 31, 2000.

LR 359	Subject: Trespassing/Public Schools	Introduced by: Suttle	Committee Assignment: Education
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One-line Description: Interim study of the penalties for trespassing on the property of public schools in this state.

Description: This interim study will examine the penalties for trespassing on the property of public schools in this state. The study should include a review of these laws from a safety perspective, as well as the need for protecting the privacy of students and the need to eliminate disruptions in school activities.

LR 392	Subject: Vaccination	Introduced by: Thompson	Committee Assignment: Health
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One-line Description: Interim study to review the need for hepatitis B and chicken pox vaccines for children entering day care.

Description: This interim study will review the need for hepatitis B and varicella (chicken pox) vaccines for children entering day cares, Head Start, and K-12 schools in Nebraska. An increasing number of states and jurisdictions are requiring one or both of these vaccinations prior to entering day care facilities or public schools. In addition, the American Academy of Pediatrics recently recommended that states mandate the varicella vaccine. The study will examine and seek information available from public health officials and other interested parties regarding the effectiveness of these vaccines, policies regarding exemptions from immunization requirements, and benefits of vaccination requirements.

LR 479	Subject: Workers' Compensation	Introduced by: Business and Labor Com.	Committee Assignment: Business and Labor
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One-line Description: Interim study of the workers' compensation and unemployment compensation laws of Nebraska.

Description: This interim study will study the workers' compensation and unemployment compensation laws of Nebraska. The study will consider, but not be limited to, the following:

- (1) Consideration of issues of fraud by the employee or employer and whether sufficient sanctions exist to deter fraud;
- (2) Consideration of legal costs associated with the appeals process for employers in the Workers' Compensation Court; and
- (3) Consideration of the standards used for determining loss of earning capacity.

LR 480

Subject:
Workers' Compensation

Introduced by:
Business and Labor Com.

Committee Assignment:
Business and Labor

One-line Description: Interim study to examine certain aspects of the Nebraska workers' compensation system.

Description: This interim study will examine certain aspects of the Nebraska workers' compensation system to determine if modifications are needed. The study will focus on three areas of the Nebraska Workers' Compensation Act:

- (1) Whether and under what circumstances employers who have secured the payment of compensation under the act but who are not approved self-insurers for workers' compensation Descriptions should be allowed to directly pay for medical services under section 48-120;
- (2) whether changes should be made to the medical deductible provisions of section 48-146.03; and
- (3) whether changes should be made to the definition of medical treatment under section 48-144.01 with respect to reportable injuries.