

Nebraska Council of School Administrators

NCSA Final Legislative Report

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*Prepared by
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Legislation Passed/Signed into Law

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Legislation Passed/Signed into Law

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 226	Rights of minors	Rogert	Judiciary	46-0 w/E	3/4/10

LB 226 was originally introduced in 2009 with the intent to lower the age of majority from 19 to 18. However, as the legislation emerged from committee, the original purpose of the bill was eliminated and only two changes were made relevant to minors.

Under current law, section 30-2604, a parent or guardian of a minor or incapacitated person may delegate to another person through a power of attorney any of his/her powers regarding care, custody, or property of the minor child or ward, except his/her power to consent to marriage or adoption of a minor ward. Such an arrangement may be in effect for a period up to six months.

LB 226 amends this law to also permit a parent or guardian of a minor, who is at least 18 years of age and who is not a ward of the state, to delegate to such minor, for a period not exceeding one year, the parent's or guardian's power to consent to such minor's own health care and medical treatment. Such an arrangement must be done by a properly executed power of attorney.

Under current law, section 43-2101, all persons under 19 years of age are declared to be minors, but in case any person marries under the age of 19 years, his/her minority ends.

LB 226 amends this law to state that upon becoming the age of majority, a person is considered an adult and acquires all rights and responsibilities granted or imposed by statute or common law, except that a person 18 years of age or older and who is not a ward of the state may enter into a binding contract or lease of whatever kind or nature and would be legally responsible.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 235	Solar/wind energy	Adams	Education	45-0 w/E	2/12/10

As introduced in 2009, LB 235 would have allowed the Board of Educational Lands and Funds to: (1) issue leases for electricity generation utilizing solar or wind energy, and (2) enter into contracts for the sale of carbon sequestration rights. In fact, the bill was advanced from committee in essentially that form. However, after some deliberation, compromise, and an Attorney General Opinion, the latter portion of the bill, relating to sale of carbon sequestration rights, was removed from the legislation.

Authorization. As passed and signed into law, LB 235 permits the Board of Educational Lands and Funds to authorize leases of any school or public lands belonging to the state and under its control for exploration and development of wind or solar energy for such durations, terms and conditions as the board deems appropriate. However, the initial term for any wind energy lease and any amendment may not exceed 40 years.

Determination. In making determinations, the board must consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon the leases. Any lease authorized by the board must be created in writing and must be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the lease is located. The leases must run with the land benefited and burdened and must include, as applicable, the contents specified in existing law relating to instruments creating solar skyspace easements and instruments creating a land right or an option to secure a land right in real property or the vertical space above real property for a solar energy system (i.e., §§ 66-911 and 66-911.01).

Ag Land. If a wind or solar energy lease is authorized by the board on land already being leased for agricultural or other purposes by a prior lessee, the existing rights of the prior lessee may not be impaired, and the board must reduce the rental amount due from the prior lessee in proportion to the amount of land that is removed from use as a result of the wind or solar energy lease.

A lessee for agricultural or other purposes must be compensated for all damages to personal property owned by the lessee or to growing crops, including grass, caused by operations under a concurrent lease of the land for wind or solar energy purposes, and the board must require the lessee under the wind or solar energy lease to provide the insurance and indemnity agreements that the board determines are necessary for the protection of the state and its lessees.

If a wind or solar energy lease is authorized by the board on land concurrently being leased for agricultural purposes, the lessee for agricultural purposes must have priority as to the use of the water on the land, but lessees for other purposes, including wind or solar energy lessees, must be allowed reasonable use of the water on the land.

Regulations. The board may adopt and promulgate such rules and regulations as it shall deem necessary and proper to regulate the leasing of school and public lands for wind or solar energy exploration and development pursuant to sections 1 to 5 of this act and to prescribe such terms and conditions, including bonds, as it shall deem necessary in order to protect the interests of the state and its lessees.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 258	Minor in possession	Harms	Judiciary	40-3	7/15/10

LB 258 amends the Nebraska Liquor Control Act. Under current law, the offense of minor in possession of alcohol is a Class III misdemeanor (maximum of three months imprisonment, or \$500 fine, or both). The purpose of the bill was to add new permissible sanctions to the offense.

The new law now stipulates that for any person older than 18 years of age and under the age of 21 years, the offense carries a sanction of a Class III misdemeanor. For any person 18 years of age or younger, a tiered penalty structure is imposed as follows.

If the person convicted or adjudicated of violating the minor in possession law has one or more licenses or permits issued under the Motor Vehicle Operator’s License Act:

- (a) For the first offense, the person is guilty of a Class III misdemeanor and the court may, as a part of the judgment of conviction or adjudication, impound any such licenses or permits for 30 days and require the person to attend an alcohol education class;
- (b) For a second offense, the person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (i) impound any licenses or permits for 90 days and (ii) require the person to complete no fewer than 20 and no more than 40 hours of community service and to attend an alcohol education class; and
- (c) For a third or subsequent offense, the person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (i) impound any licenses or permits for 12 months and (ii) require the person to complete no fewer than 60 hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor.

If the person convicted or adjudicated of violating the minor in possession law does NOT have a permit or license issued under the Motor Vehicle Operator’s License Act:

- (a) For the first offense, the person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit the person from obtaining any driving permit or any driver’s license for which the person would otherwise be eligible until 30 days after the date of the order and (ii) require the person to attend an alcohol education class;
- (b) For a second offense, the person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit the person from obtaining any driving permit or any driver’s license for which the person would otherwise be eligible until 90 days after the date of the order and (ii) require the person to complete no fewer than 20 hours and no more than 40 hours of community service and to attend an alcohol education class; and
- (c) For a third or subsequent offense, the person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit the person from obtaining any driving permit or any driver’s license for which the person would otherwise be eligible until 12 months after the date of the order and (ii) require such person to complete no fewer than 60 hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 711	Unified systems	Dierks	Education	47-0 w/E	2/26/10

LB 711 changes provisions for the withdrawal of districts from a unified school system or the dissolution of a unified school system. A unified school system has two or more Class II or III school districts participating in the system for a minimum of three years.

Currently, districts cannot withdraw from or dissolve a unified system unless each participating school district is merged with one other district and there must be at least two districts remaining in the unified system. A declaratory judgment by a court determines the rights and liabilities of districts after withdrawal or dissolution. LB 711 eliminates these provisions and provides that the interlocal agreement entered into by the participating school districts will define the permissible methods for accomplishing the partial or complete termination of the unified system. LB 711 also repeals language prohibiting the creation of unified school systems after April 3, 2008 (although no new incentive funds are made available).

There are currently three unified school systems in the state. LB 711 authorizes additional school districts to form unified systems in the future. It also allows school districts currently participating in unified systems to withdraw from such systems and not be required to merge with another district.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 713	Physical exams	Gloor	Education	48-0	7/15/10

LB 713 changes laws relevant to the duty of school districts to cause the physical examination of children for “defects” and contagious or infectious diseases. The bill contains five components.

Inspections. Current law, § 79-248, provides that every school district must cause each child under its jurisdiction to be “separately and carefully inspected” to ascertain if the child is suffering from:

- defective sight or hearing,
- dental defects, or
- other conditions as prescribed by the Department of Health and Human Services (department).

LB 713 requires that such inspections will be conducted on a schedule prescribed by the department and must be based on current medical and public health practice. The schedule would presumably be adopted by the department through the promulgation of rules and regulations as provided in § 79-249.

Exception. The legislation clarifies existing policy regarding the requirement for children to submit to school health inspections. The bill strikes existing language in § 79-248 stating that (i) no child shall be compelled to submit to a physical examination other than the inspection by the school over the written objection of his or her parent or guardian delivered to the school authorities, and (ii) such objection does not exempt the child from the quarantine laws of the state and does not prohibit an examination for infectious or contagious diseases. (Section 79-220 currently provides a parent or guardian an opportunity to refuse a physical examination for his or her child.)

In place of the stricken language, the legislation inserts new language that provides children an exception from health inspections only if the parent or guardian of a child provides school

authorities with a statement signed by a physician, physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act, stating that such child has undergone such required inspection within the past six months. Children would be required to submit to any inspection for which such a statement is not received.

School Health Data. LB 713 amends § 79-249 to permit, but not require, the Department of Health and Human Services to make available to schools methods for the gathering, analysis, and sharing of school health data that do not violate any privacy laws.

Inspection Timeframe. LB 713 is to change the timeframe by which the “inspections” are to occur. Section 79-250 currently provides that during the first quarter of each school year the school district must provide the inspections for the children then in attendance. The current law further provides that as children enter school during the year, such inspections must be made immediately upon their entrance.

LB 713 eases the current law to simply require inspections to be conducted each school year for the children then in attendance. For children who enter school during the year, such inspections must be confirmed upon their entrance.

Employment of Physicians. LB 713 also amends § 79-252 to clarify the ability of school boards to employ regularly licensed physicians to perform school health inspections in lieu of such inspections being conducted by the district.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 742	Claim settlements	McCoy	Government	48-0	7/15/10

LB 742 represented one of the more controversial pieces of legislation in the 2010 Session. As passed and signed into law, LB 742 requires all public entities and public agencies providing coverage to a public entity, public official, or public employee to maintain a public written or electronic record of all settled claims.

Settlement Agreement. The record for all claims settled in the amount of \$50,000 or more, or 1% of the total annual budget of the public entity, whichever is less, must include a written executed settlement agreement. The settlement agreement must contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the public entity or on its behalf.

The legislation defines “settlement agreement” as any contractual agreement to settle or resolve a claim involving a public entity or on behalf of the public entity, a public official, or a public employee by (i) the public entity, (ii) a private insurance company, or (iii) a public agency providing coverage.

Public Records, Exceptions. Any claim or settlement agreement involving a public entity must be a public record but, to the extent permitted by the Public Records laws and as otherwise

provided by statute, specific portions of the claim or settlement agreement may be withheld from the public. A private insurance company or public agency providing coverage to the public entity must, without delay, provide to the public entity a copy of any claim or settlement agreement to be maintained as a public record.

Agenda Item. Except for settlement agreements involving the state, any state agency, or any employee of the state or pursuant to claims filed under the State Tort Claims Act, any settlement agreement with an amount of financial consideration of \$50,000 or more, or 1% of the total annual budget of the public entity, whichever is less, must be included as an agenda item at the next meeting of a public agency providing coverage to a public entity and as an agenda item on the next regularly scheduled public meeting of the public body for informational purposes or for approval if required.

Nondisclosure Clause. The legislation provides that a confidentiality or nondisclosure clause or provision contained in or relating to a settlement agreement would neither cause nor permit a settlement agreement or the claim or any other public record to be withheld from the public. The bill defines “confidentiality or nondisclosure clause or provision” as any covenant or stipulation adopted by parties to a settlement agreement that designates the settlement agreement, the claim, or any other public record as confidential, or in any other way restricts public access to information concerning the settlement agreement or claim.

Official Comment. The legislation states there is no intended requirement for a public official or public employee or any party to the settlement agreement to comment on the settlement agreement.

Health Insurance Contracts. LB 742 expressly states that the provisions of the bill do not apply to claims made in connection with insured or self-insured health insurance contracts.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 800	Juvenile intervention	Ashford	Judiciary	48-0	7/15/10

LB 800 represents a comprehensive effort to address youth crime, including early intervention, parental involvement, school attendance and alternatives to detention by bringing together law enforcement, courts, schools, parents and the community. Specific provisions of the legislation, relevant to schools, are provided below.

Controlled Substance. The Nebraska Criminal Code (§ 28-416) currently provides that, except as authorized by the Uniform Controlled Substances Act, it is unlawful for any person to knowingly or intentionally: (a) manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) create, distribute, or possess with intent to distribute a counterfeit controlled substance.

LB 800 amends this law relevant to juveniles and provides a tiered structure of sanctions. If the person convicted or adjudicated of violating the controlled substance statute (§ 28-416) is 18 years of age or younger and has one or more licenses or permits issued under the Motor Vehicle

Operator's License Act:

- (a) For the first offense, the court may, as a part of the judgment of conviction or adjudication, (i) impound any such licenses or permits for 30 days and (ii) require such person to attend a drug education class;
- (b) For a second offense, the court may, as a part of the judgment of conviction or adjudication, (i) impound any such licenses or permits for 90 days and (ii) require such person to complete no fewer than 20 and no more than 40 hours of community service and to attend a drug education class; and
- (c) For a third or subsequent offense, the court may, as a part of the judgment of conviction or adjudication, (i) impound any such licenses or permits for 12 months and (ii) require such person to complete no fewer than 60 hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.

If the person convicted or adjudicated of violating the controlled substance statute (§ 28-416) is 18 years of age or younger and does NOT have a permit or license issued under the Motor Vehicle Operator's License Act:

- (a) For the first offense, the court may, as part of the judgment of conviction or adjudication, (i) prohibit the person from obtaining any permit or any license pursuant to the act for which the person would otherwise be eligible until 30 days after the date of the order and (ii) require the person to attend a drug education class;
- (b) For a second offense, the court may, as part of the judgment of conviction or adjudication, (i) prohibit the person from obtaining any permit or any license pursuant to the act for which the person would otherwise be eligible until 90 days after the date of the order and (ii) require the person to complete no fewer than 20 hours and no more than 40 hours of community service and to attend a drug education class; and
- (c) For a third or subsequent offense, the court may, as part of the judgment of conviction or adjudication, (i) prohibit the person from obtaining any permit or any license pursuant to the act for which the person would otherwise be eligible until 12 months after the date of the order and (ii) require the person to complete no fewer than 60 hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.

A copy of an abstract of the court's conviction or adjudication must be transmitted to the Director of Motor Vehicles.

Violations of Probation. LB 800 enacts graduated (administrative) sanctions for violations of probation. The bill authorizes probation officers to exercise power of temporary custody if there is reasonable cause to believe that a juvenile has or is about to violate his or her probation and that the juvenile will attempt to leave the jurisdiction or place lives or property in danger.

The bill establishes administrative sanctions for juveniles within the Probation Administration Act. With full knowledge and consent of the juvenile and his or her parent or guardians, additional probation requirements may be imposed upon a juvenile subject to the supervision of a probation officer by his or her probation officer. The additional probation requirements must be designed to hold the juvenile accountable for “substance abuse” or “noncriminal violations” of conditions of probation, including, but not limited to:

- (a) Counseling or reprimand by his or her probation officer;
- (b) Increased supervision contact requirements;
- (c) Increased substance abuse testing;
- (d) Referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;
- (e) Modification of a designated curfew for a period not to exceed 30 days;
- (f) Community service for a specified number of hours;
- (g) Travel restrictions to stay within his or her residence or county of residence or employment unless otherwise permitted by the supervising probation officer;
- (h) Restructuring court-imposed financial obligations to mitigate their effect on the juvenile subject to the supervision of a probation officer; and
- ❖ (i) Implementation of *educational* or cognitive behavioral programming;

“Noncriminal violation” is defined as activities or behaviors of a juvenile subject to the supervision of a probation officer that create the opportunity for re-offending or that diminish the effectiveness of probation supervision resulting in a violation of an original condition of probation, including, but not limited to:

- (a) Moving traffic violations;
- (b) Failure to report to his or her probation officer;
- (c) Leaving the juvenile’s residence, jurisdiction of the court, or the state without the permission of the court or his or her probation officer;
- ❖ (d) Failure to regularly attend school, vocational training, other training, counseling, treatment, programming, or employment;
- ❖ (e) Noncompliance with school rules;
- (f) Continued violations of home rules;
- ❖ (g) Failure to notify his or her probation officer of change of address, school, or employment;
- (h) Frequenting places where controlled substances are illegally sold, used, distributed, or administered and association with persons engaged in illegal activity;
- (i) Failure to perform community service as directed; and
- (j) Curfew or electronic monitoring violations.

“Substance abuse” violation is defined as activities or behaviors of a juvenile subject to the supervision of a probation officer associated with the use of chemical substances or related treatment services resulting in a violation of an original condition of probation, including, but not limited to:

- (a) Positive breath test for the consumption of alcohol;
- (b) Positive urinalysis for the illegal use of drugs;
- (c) Failure to report for alcohol testing or drug testing;
- (d) Failure to appear for or complete substance abuse or mental health treatment evaluations or inpatient or outpatient treatment; and
- (e) Tampering with alcohol or drug testing.

Temporary Custody by Peace Officer. LB 800 amends and expands existing law (§ 43-248) to permit a peace officer to take a juvenile into temporary custody without a warrant or order of the court when the officer has reasonable grounds to believe the juvenile is truant from school. The peace officer must abide a set procedure outlined in § 43-250, relating to temporary custody, disposition and custody requirements.

The bill also amends § 43-250 such that when a juvenile is taken into temporary custody, upon the reasonable belief of truancy, the peace officer must deliver the juvenile to the enrolled school of the juvenile.

Juvenile Court Powers. LB 800 strengthens and enhances the power of a juvenile court. If the juvenile has one or more licenses or permits issued under the Motor Vehicle Operator's License Act, the court may impound any such licenses or permits for 30 days. If the juvenile does not have a permit or license, the court may prohibit the juvenile from obtaining any permit or any license for which the juvenile would otherwise be eligible until 30 days after the date of the order.

- ❖ When a juvenile is adjudged to be a juvenile for excessive absenteeism from school, the juvenile court may issue the parents or guardians of the juvenile a fine not to exceed \$500 for each offense or order the parents or guardians to complete specified hours of community service. The court may require that all or part of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

Excessive Absenteeism. LB 800 amends existing law (§ 79-209) relating to violation of the compulsory attendance law (§ 79-201).

The bill preserves current law such that in all school districts, any superintendent, principal, teacher, or member of the school board who knows of any violation of the compulsory attendance law on the part of any child of school age, his/her parent, the person in actual or legal control of the child, or any other person must within three days report the violation to the attendance officer of the school, who must investigate the case.

LB 800 also preserves existing provisions of § 79-209 that require all school districts to have a written policy on excessive absenteeism, except that the policy must now be *developed in collaboration with the county attorney of the county in which the principal office of the school district is located*. The policy must state the number of absences or the hourly equivalent upon the occurrence of which the school must render *all services* in its power to compel the child to

attend some public, private, denominational, or parochial school, which the person having control of the child may designate, in an attempt to address the problem of excessive absenteeism. The number of absences in the policy may not exceed five days per quarter or the hourly equivalent. School districts may use excused and unexcused absences for purposes of the policy.

The services noted above must include, but not be limited to:

- (1) One or more meetings between a school attendance officer, school social worker or *the school principal or a member of the school administrative staff* designated by the school administration if such school does not have a school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the problem of excessive absenteeism;
- (2) Educational counseling to determine whether curriculum changes, including, but not limited to, enrolling the child in an alternative education program that meets the specific educational and behavioral needs of the child, would help solve the problem of excessive absenteeism;
- (3) Educational evaluation, which may include a psychological evaluation, to assist in determining the specific condition, if any, contributing to the problem of excessive absenteeism, supplemented by specific efforts by the school to help remedy any condition diagnosed; and
- (4) Investigation of the problem of excessive absenteeism by the school social worker, or if such school does not have a school social worker, by *the school principal or a member of the school administrative staff* designated by the school administration, to identify conditions which may be contributing to the problem. If services for the child and his/her family are determined to be needed, the school social worker or the school principal or a member of the school administrative staff performing the investigation shall meet with the parent or guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the problem of excessive absenteeism.

Under the current version of this law, all school districts must have a written policy describing notification of habitual truancy to the county attorney. The number of absences in the policy may not exceed 20 days cumulative per year or the hourly equivalent. School districts may use excused and unexcused absences for purposes of the policy. Under LB 800, this policy requirement is eliminated.

In place of this policy requirement, the bill states that if the child is absent more than 20 days per year or the hourly equivalent, the attendance officer must file a report with the county attorney of the county in which such person resides. The county attorney may file a complaint against a person violating § 79-201 before the judge of the county court of the county in which the person resides charging the person with violation of the law OR may file a petition under the Nebraska Juvenile Code alleging the person violating § 79-201 is a juvenile.

The bill provides that nothing shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

Reporting. LB 800 amends reporting requirements for school districts under § 79-527. The measure separates requirements for reporting on drop outs from disciplinary actions as follows.

- (1) Drop Outs -- As stated in current law, the superintendent or head administrator of a public school district or a nonpublic school system must still annually report to the Commissioner of Education in such detail and on such date as required by the commissioner the number of students who have dropped out of school. School districts that are members of learning communities must also provide the learning community coordinating council with a copy of the report on or before the date the report is due to the commissioner.
- (2) Long-term Suspension, Expulsion, or Excessive Absenteeism -- Under LB 800, the superintendent or head administrator of a public school district or a nonpublic school system must report on a *monthly basis* to the commissioner as directed by the commissioner regarding the number of and reason for any:
 - long-term suspension, expulsion, or excessive absenteeism of a student;
 - referral of a student to the office of the county attorney for excessive absenteeism; or
 - contacting of law enforcement officials, other than law enforcement officials employed by or contracted with the district as school resource officers, by the district relative to a student enrolled in the district.

A school district that is a member of a learning community must also provide the learning community coordinating council with a copy of the report on or before the date the report is due to the commissioner.

Task Force. LB 800 creates the Truancy Intervention Task Force, which would consist of: (i) The probation administrator or his or her designee; (ii) The Commissioner of Education or his or her designee; and (iii) The chief executive officer of the Department of Health and Human Services or his or her designee.

The task force must study and evaluate the data contained in the reports required above and must develop recommendations to reduce incidents of excessive absenteeism. The task force may contact a school district or a county attorney for additional information. The task force must report to the Legislature on or before July 1, 2011, and each July 1 thereafter.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 852	Write-in ballot	Avery	Government	47-0	1/1/11

LB 852 allows for write-in space on the primary ballot for directors of natural resources districts

and directors of public power districts. At the general election ballot, the bill allows write-in space for directors of reclamation districts, members of the board of educational service units (ESUs), directors of natural resources districts, directors of public power districts and members of county weed district boards.

Currently, these offices are not allowed write-in space on the ballot. LB 852 becomes operative on January 1, 2011.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 884	Wage information	McGill	Bus. & Labor	46-0	7/15/10

LB 884 amends the Nebraska Wage Payment and Collection Act. Within 10 working days after a written request is made by an employee, an employer must furnish the employee with an itemized statement listing the wages earned and the deductions made from the employee's wages for each pay period that earnings and deductions were made. The statement may be in print or electronic format.

An employer who fails to furnish an itemized statement requested by an employee would be guilty of an infraction and subject to a fine pursuant to § 29-436, which provides:

- (1) For the first offense, a fine of not more than \$100;
- (2) upon a second conviction for the same infraction within a two-year period, a fine of not less than \$100 and not more than \$300; and
- (3) upon a third or subsequent conviction for the same infraction within a two-year period, a fine of not less than \$200 and not more than \$500.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 937	Learning Community	Fischer	Education	38-8 w/E	4/6/10

LB 937 repeals provisions providing for the payment of a per diem to members of a learning community coordinating council who are elected or appointed after the effective date of the bill. Current law provides for members to be paid a per diem up to \$200 per day for official meetings of the council and the achievement subcouncil up to a maximum of \$12,000 per fiscal year. Learning community coordinating councils consist of 18 members, 12 elected and 6 appointed.

There is currently one learning community in the state. If each of the 18 learning community coordinating council members received the maximum per diem allowed by law, annual per diems would total \$216,000. The learning community is appropriated state aid in the amount of \$1,000,000 of general funds in 2009-10. The learning community also receives \$1,628,071 of state aid for operations through the aid formula for educational services units in the current year.

The bill does not reduce or alter the amount of state aid provided to the learning community, but it will free up to \$216,000 of funds currently authorized for coordinating council per diems to be used for other budgetary purposes of the learning community. Reduced expenditures for per diems will occur on a phased-in basis beginning in 2010-11 due to staggered terms for initial members of a learning community coordinating council.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 945	Use of wireless devices	Harms	Transportation	38-2	7/15/10

LB 945 amends existing law to prohibit using a handheld wireless communication device while driving a motor vehicle in motion (a three point violation).

The Nebraska Rules of the Road is amended to state no person may use a handheld wireless communication device to read a written communication, manually type a written communication, or send a written communication while operating a motor vehicle which is in motion. Exceptions to the rule include:

- (a) A person performing his or her official duties as a law enforcement officer, a firefighter, an ambulance driver, or an emergency medical technician; or
- (b) A person operating a motor vehicle in an emergency situation.

Enforcement of this new law by state or local law enforcement agencies would be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a traffic violation or some other offense.

Any person who violates this law would be guilty of a traffic infraction. Any person who is found guilty of a traffic infraction under this law would be assessed points on his or her motor vehicle operator's license and would be fined:

- (a) \$200 for the first offense;
- (b) \$300 for a second offense; and
- (c) \$500 for a third and subsequent offense.

Handheld wireless communication device is defined as any device that provides for written communication between two or more parties and is capable of receiving, displaying, or transmitting written communication.

Handheld wireless communication device includes, but is not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant, a pager, or a laptop computer. It does not include an electronic device that is part of the motor vehicle or permanently attached to the motor vehicle or a handsfree wireless communication device. Written communication includes, but is not limited to, a text message, an instant message, electronic mail, and Internet web sites.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 950	Retirement plans	Retire. Com.	Retirement	42-0 w/E	7/1/10

LB 950 represents the technical and substantive cleanup bill for the Retirement Agency and introduced by the Retirement Committee. As it pertains to the School Employees Retirement Plan and the Omaha Public Schools (OPS) Plan, the following changes are proposed.

Termination of Employment: Under current law (§ 79-902), a bona fide termination of employment does not include ceasing employment if the member subsequently provides service on a regular basis in any capacity for any school district other than OPS within 180 calendar days after ceasing employment or if the board determines that a purported termination was not a bona fide separation from service with the employer.

LB 950 amends this provision to state that termination of employment does occur if the member subsequently provides service to any employer participating in the retirement system provided for in the School Employees Retirement Act within 180 calendar days after ceasing employment UNLESS such service:

- (a) Is voluntary or substitute service provided on an intermittent basis; or
- (b) Is as provided in subsection (2) of section 79-920.

A member shall not be deemed to have terminated employment if the Public Employees Retirement Board determines that a purported termination was not a bona fide separation from service with the employer

Regular Employee: Under current law (§ 79-902), regular employee means an employee hired by a public school or under contract in a regular full-time or part-time position who works a full-time or part-time schedule on an ongoing basis for 15 or more hours per week.

LB 950 amends this provision to state that an employee hired to provide service for less than 15 hours per week but who provides service for an average of 15 hours or more per week in each calendar month of any three calendar months of a plan year must immediately commence contributions and will be deemed a regular employee.

Temporary Employee: Under current law (§ 79-902), temporary employee means an employee hired by a public school who is not a regular employee.

School Employee: LB 950 clarifies that both substitute employees and temporary employees are not considered school employees for purposes of the retirement plan.

LB 950 amends this provision to state that a temporary employee means an employee hired by a public school who is not a regular employee AND who is hired to provide service for a limited period of time to accomplish a specific purpose or task. The measure states that when the specific purpose or task is complete, the employment of the temporary employee must terminate and in no case may the temporary employment period exceed one year in duration.

Mandatory Participation: LB 950 clarifies that each person employed by a public school who is a school employee and who is qualified to participate in the retirement system must, in fact, participate in the retirement system. (ref. § 79-910.01)

Qualified Members: Under current law (§ 79-915), persons residing outside of the United States and engaged temporarily as school employees in the State of Nebraska may not become members of the retirement system.

LB 950 expands upon this statute to provide that, on and after the operative date of the bill, no school employee may be authorized to participate in the School Employees Retirement Act unless the employee:

- is a United States citizen or
- is a qualified alien under the federal Immigration and Nationality Act, U.S.C. 1101 et seq., as the act existed on January 1, 2009, and is lawfully present in the United States.

State School Officials: Current law (§ 79-920) provides that a “state school official” employed by NDE after July 1, 1989, may elect to become a member of the School Retirement System (defined benefit plan) or the State Employees Retirement System (defined contribution plan).

The existing law defines “state school official” as the Commissioner of Education and his/her professional staff. LB 950 first clarifies the commissioner’s professional staff are those who are required by law or by NDE to hold a “certificate.” As defined in section 79-807(3), “certificate” means an authorization issued by the commissioner to an individual who meets the qualifications to engage in teaching, providing special services, or administering in prekindergarten through grade twelve in the elementary and secondary schools in this state.

LB 950 also clarifies the election process of a state school official between the two plans available to him/her. The bill provides that an individual who is or was previously a school employee or who was employed in an out-of-state or the OPS school district, who becomes employed by NDE after July 1, 1989, and who is a state school official may file with the retirement board within 30 days after employment an election to become or remain a member of the School Retirement System.

Employees electing not to participate in the School Retirement System must participate in the State Employees Retirement System. An individual will be required to participate in the State Plan if:

- the individual terminated employment from a school participating in the School Retirement System and retired under the School Employees Retirement Act and
- the employment by NDE began or will begin within 180 days after terminating employment from the school.

Disability: Current law (§ 79-951) provides that a member is considered retired due to disability, either (i) upon his/her own application or (ii) the application of his/her employer or a person

acting in his/her behalf, if a medical examination, made at the expense of the retirement system and conducted by a competent disinterested physician, selected by the retirement board, certifies to the retirement board that the member is unable to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration.

LB 950 clarifies that the physical or mental impairment must have begun while the member was a participant in the plan.

Annuity Reserve Fund: LB 950 incorporates a compromise reached on the issue of an ongoing, annual appropriation made to the state defined benefit plans along with the OPS retirement plan. The issue was raised under LB 899, which represented a potential controversy for the Legislature and even among school employees.

Under current laws for the School Employees, Judges, and State Patrol retirement systems, a specified portion of \$6,895,000 in state appropriations is allocated to each retirement plan. This automatic annual appropriation is set to expire after the 2010-11 state fiscal year. The Omaha Public Schools (OPS) Retirement plan also receives a portion of this appropriation, but the relevant statute concerning this appropriation does not contain a sunset provision (§ 79-988.01).

LB 899 intended to eliminate the sunset provision in each of the three state defined benefit plans so that the \$7 million appropriation would continue to be applied toward those plans plus the OPS retirement plan as follows:

- 81.7873% or \$5,639,235 for the School Employees Plan
- 14.11604% or \$973,301 for the OPS Plan
- 3.04888% or \$210,220 for the State Patrol Plan
- 1.04778% or \$72,244 for the Judges Plan

To understand why this is such an issue (outside the obvious implications for four retirement plans), it is important to review the history of this \$7 million appropriation.

The \$7 million appropriation is what remains of the now repealed Help Education Lead to Prosperity (HELP) Act, which was enacted during comparatively good economic times in 1989.

The concept behind the HELP Act was to provide state sponsored supplemental pay to Nebraska's teachers with an original total annual appropriation of \$20 million. This amount was gradually reduced over the years due to fiscal concerns until, by 1995, the appropriation was no more than \$6.9 million. By this time, the average annual payout to an individual teacher was \$174 before taxes -- hardly a major increase in compensation.

The HELP Act was not producing the intended results and in 1996 Senator Bob Wickersham, with the acquiescence of the NSEA, opted to divert this roughly \$7 million appropriation toward the three state defined benefit plans plus the OPS plan proportionately based on the number of members in each plan. This is why the School Employees plan receives the bulk of the appropriation.

The vehicle for this great transfer, and the end of the HELP Act, was LB 700 (1996), which passed and became law. Since then we have had this somewhat mysterious amount of funds flowing to the various retirement plans on an annual basis. It has been the source of controversy with some past administrations, and even some lawmakers, desiring to use those funds for something else. The NSEA has clung to the deal struck in 1996 and, we must admit, the NCSA has been a party to the effort to maintain those funds for retirement plan purposes.

Under the compromise reached with the Legislature’s Retirement Committee, LB 950 permits the annual appropriation to continue through the 2012-13 fiscal year (a two-year extension).

OPS Plan: For the OPS Retirement System, LB 950 proposes editorial changes to two statutes (79-978 and 79-990) to change a U.S. Code citation pertaining to military service.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 965	Board vacancies	Sullivan	Education	48-0	7/15/10

School Boards: LB 965 amends the Nebraska Election Act to state that a vacancy in the membership of a school board occurs as set forth under the Act or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the district for a continuous period of 60 days at one time or from more than two consecutive regular meetings of the board. The resignation of a member or any other reason for a vacancy must be made a part of the minutes of the school board. The school board must give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (i) in writing to the election commissioner or county clerk and (ii) by a notice published in a newspaper of general circulation in the school district.

Current law provides that a vacancy in the membership of a school board resulting from any cause other than the expiration of a term would be filled by appointment of a qualified registered voter by the remaining members of the board.

LB 965 amends this law such that if the vacancy occurs in a Class II school district prior to July 1 preceding the general election in the middle of the vacated term, the appointee must serve until a registered voter is elected at the general election for the remainder of the unexpired term. If the vacancy occurs in any other class of district prior to February 1 preceding the general election in the middle of the vacated term, the appointee would serve until a registered voter is nominated at the next primary election and elected at the following general election for the remainder of the unexpired term. If the vacancy occurs on or after the applicable deadline, the appointment would be for the remainder of the unexpired term.

The bill provides that any vacancy in the membership of a school board of a Class III school district, which does not nominate candidates at a primary election and elect members at the following general election, would be filled by appointment of a qualified registered voter by the remaining members of the board. If the vacancy occurs at least 20 days prior to the first regular caucus to be held during the term that was vacated, the appointee must serve until a registered

voter is nominated and elected to fill the vacancy for the remainder of the term in the manner provided for nomination and election of board members in the district. If the vacancy occurred less than 20 days prior to the first regular caucus and at least 20 days prior to the second regular caucus to be held during the term that was vacated, the appointee must serve until a registered voter is nominated and elected to fill the vacancy for the remainder of the term in the manner provided for nomination and election of board members in the district. If the vacancy occurred less than 20 days prior to the second regular caucus held during the term that was vacated or after the caucus, the appointment must be for the remainder of the unexpired term.

Educational Service Units: LB 965 also changes provisions related to ESU boards. The bill states that a vacancy in office would occur in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the geographical boundaries of the ESU for a continuous period of 60 days at one time or from more than two consecutive regular meetings of the board.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1006	Enrollment date	Adams	Education	47-0	7/15/10

LB 1006 changes provisions relating to kindergarten entrance. Current law provides that a child may not enter kindergarten unless the child has reached age five on or before October 15th of the current year. A child may also be admitted if the child reaches age five between October 16th and February 1st and evidence exists that: (1) the child attended kindergarten elsewhere in the current school year; (2) the family anticipates relocation to a jurisdiction that will allow admission in the current year; or (3) the child has demonstrated through assessment procedures approved by the school board that they are capable of handling kindergarten.

LB 1006 changes the entrance requirements beginning in 2012-13 to provide that a child must reach age five before July 31st of the preceding school year to be admitted. The second condition for entrance is changed to allow entrance for children reaching age five on or after August 1st and on or before October 15th of the current school year under the same circumstances as are allowed in current law. The bill makes it mandatory for each school board to approve and make available a recognized assessment procedure to determine readiness for kindergarten.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1014	Teacher pay	Haar	Education	45-2	7/15/10

LB 1014 provides for the rental income from solar and wind leases on school lands to be used for teacher performance pay beginning in 2016-17. The Board of Educational Lands and Funds (BELF) is to provide a separate accounting of state apportionment which shows the income from solar or wind energy leases on school lands up to an amount of \$10 million, which is the maximum amount that may be allocated for teacher performance pay.

Teacher performance pay is defined as a systematic process for measuring teachers' performance and linking the measurements to changes in teacher pay. Indicators of teacher performance may include improving professional skills and knowledge, classroom performance or instructional behavior, and instructional outcomes. Teacher performance pay may include predetermined bonus amounts and payout criteria.

Beginning in 2016, the funds must be distributed to school districts on or before February 25 by NDE if the Commissioner of Education has determined that at least 75% of the school districts have included teacher performance pay in collective-bargaining agreements. The funds are allocated to schools based upon the pro rata enumeration of children who are age five through 18 in each district and are to be used for teacher performance pay. If a school district does not include performance pay in the collective-bargaining agreement, then the district is to return the funds received pursuant to the bill within one month to the temporary school fund. The provisions of the bill sunset in 2019 if the 75% requirement has not been met in 2016, 2017 or 2018.

LB 235 passed in 2010 authorizes BELF to issue leases for the production of solar or wind energy on school lands. Under LB 235, rental income from solar or wind energy is deposited in the Temporary School Fund and is allocated to school districts as state apportionment (pro rata based on children ages five through eighteen) on an annual basis.

Currently, state apportionment is a resource for state aid purposes, so funds received by school districts as apportionment reduces state aid by a like amount, two years later. Revenue received by school districts pursuant to the bill from solar and wind leases will be treated likewise in the aid formula.

LB 1014 does not change the total amount of revenue allocated to school districts from solar and wind leases nor does it change the amount received by each individual school district, because the apportionment of funds to districts is made on the same basis. However, if a school district does not adopt a performance pay plan then the funds are returned to the temporary school fund for allocation in the following year as state apportionment, not as income from solar or wind energy leases on school lands. The amount of revenue to be received from solar and wind leases is unknown, but there is the potential for hundreds of thousands of dollars in income that may not be realized for two to five years.

The bill allows school districts to expend the additional revenue received from the solar or wind leases by increasing the budget lid in 2016-17 and 2017-18 by the amounts used for teacher performance pay.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1070	LCs / ESUs	Adams	Education	47-0 w/E	4/6/10

LB 1070 changes provisions regarding learning communities and educational service units.

Learning Community Levies: A learning community is currently authorized to levy up to \$.05 for the purchase, construction or remodeling of elementary learning center facilities and up to 50% of the estimated cost for capital projects approved by the learning community coordinating council. The bill reduces the levy to \$.02 and provides that levy proceeds are to be used for elementary learning center facility leases, remodeling of leased elementary learning center facilities and for 50% of the cost for any focus school or program capital project approved by the council.

The bill also establishes a new \$.01 levy to be used for employees of elementary learning centers, contracts with other entities or individuals who are not employees of the learning community for elementary learning center programs and services, and for pilot projects. No more than 10% of the levy may be expended for elementary learning center employees.

The two cent reduction in the levy authority for capital costs related to elementary learning centers and capital projects decreases the potential amount that could be levied for such projects by an estimated \$9.6 million in 2010-11 and \$9.8 million in 2011-12, assuming an annual 2.5% increase in the 2009-10 assessed valuation for the learning community. The new \$.01 levy for elementary learning center employees, contracts with non-employees for programs and services, and pilot programs will make approximately \$4.8 million available in 2010-11 and \$4.9 million in 2011-12 for such expenses.

In-Lieu of Tax Payments: The bill provides for a proportion of in-lieu of tax payments received from public power districts to be allocated to a learning community based upon the common levy of the learning community. The change will enable school districts in a learning community to continue to receive the in-lieu tax proceeds based on the common general fund levy proportion. In the absence of the language, the tax proceeds would be distributed to counties and cities. The bill also provides that property tax refunds shall also be proportionately allocated to school districts in a learning community. Likewise, if a learning community is established in an area where school districts are eligible for in-lieu of tax payments received as state apportionment, the member school districts are to receive a proportional allocation.

Elementary Learning Center Director: Under current law (§ 79-2112), an elementary learning center executive director must be appointed by the coordinating council and will serve a term of six years, unless removed by a vote of two-thirds of the members of the coordinating council upon their determination that he/she has become incapacitated or has been guilty of neglect of duty or misconduct.

LB 1070 removes the language relevant to incapacitation, neglect or misconduct so that coordinating council may remove the individual as deemed necessary.

Expenses of Non-voting Members: The bill amends § 32-546.01, which, in part, provides per diem and expense reimbursement for voting members of the coordinating council. LB 1070 amends this law to provide that nonvoting members will be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council. The requirement for a learning community to reimburse non-voting members for reasonable expenses will increase expenditures of the learning community to provide reimbursements for three non-voting members.

Reporting Requirements: The bill relieves the learning community of the responsibility to report collective information to the State Department of Education (NDE) for member school districts regarding school dropouts and expulsions; student membership; year-end annual statistical data; and, annual financial reports. The bill requires NDE to report such information to the learning community for member school districts. The bill adds a requirement for a learning community to annually report to NDE regarding learning community levies.

LB 1070 is also harmonized with LB 800 (2010) to require public and nonpublic school districts to report information on student suspensions, expulsions, or excessive absenteeism to NDE on a monthly basis.

Focus Schools and Programs: Current law provides an allowance in the state aid formula (TEEOSA) for focus schools and programs operated by schools in a learning community. The bill clarifies how the allowance is to be calculated in the initial two years of operation of a focus school. In the initial year, the number of students are estimated for state aid purposes to compute the allowance. A correction is made in the second year to reflect the actual number of students for the first year. Thereafter, the allowance is based on the actual number of students in the prior year. It is assumed the change will have no fiscal impact for schools since it is merely clarifying in nature.

ESU and Learning Community Aid Funds: The bill changes the amount of state aid provided to a learning community through the formula used to allocate aid to educational service units (ESUs). Current law provides for learning communities to receive a student allocation in the ESU distribution formula. The number of adjusted students used in the ESU aid distribution formula includes 50% of the membership of school districts that are in a learning community. The other 50% of the membership is used to calculate a student allocation for a learning community. Adjusted valuations used in the formula are also reduced accordingly.

The bill provides for 30%, rather than 50%, of the students and valuation in learning community districts to be attributed to the learning community for aid purposes in 2010-11 and 10% in each year thereafter. The change will shift aid funds from the learning community to ESU #3 and #19, which include school districts that are members of a learning community, beginning in 2010-11. The total amount of state aid allocated for ESUs pursuant to the bill is unchanged. In the current year, 2009-10, state aid to the learning community through the ESU formula is \$1,628,071. Using this base, it is assumed the bill will decrease funding for the learning community by about \$651,000 in 2010-11 and \$1.3 million each year thereafter and increase aid funding to ESU #3 and #19 by a like amount.

LB 1070 also requires that the share of aid funds retained by the learning community be used for evaluation and research after January 15, 2011. Based upon the 2009-10 allocation of state aid, it is estimated that approximately \$320,000 of funding will be available each year beginning in 2011-12 for such purpose. The amount available in the initial year of the change, 2010-11, is less than \$320,000 because the bill changes the aid payment schedule for ESU aid provided to a learning community in 2010-11. The aid payments are accelerated so that rather than ten equal monthly payments of aid, the learning community will receive 17% of the total amount of aid in

each of the first five months and 3% of the aid in each of the final five months of payments. The change means the learning community will have approximately \$830,000 of aid to use for operating costs of the learning community in 2010-11 and \$147,000 will be allocated to evaluation and research.

The hold-harmless provision in the ESU aid formula is revised to include ESUs that have school districts that are members of a learning community (ESU #3 and #19). The change will not impact state aid in 2010-11. Thereafter, it is possible the hold-harmless provision could impact state aid to these ESUs at some point in the future.

The bill also requires that the valuation of individual districts shall not be considered in the utilization of state aid funds received by ESUs after July 1, 2010. This requirement has no specific fiscal impact for ESUs or school districts but may alter how aid funds received by ESUs are used in the provision of services to member school districts in the future.

The bill changes the calculation of state aid to ESUs for fiscal years 2010-11 through 2013-14. Current law provides for an ESU to receive not less than 95% of the total aid the ESU received in the prior fiscal year. The bill changes the calculation of the hold-harmless to provide that an ESU shall have needs minus the distance education and telecommunications allowance equal to not less than 95% of needs less the allowance in the preceding year. The formula is also changed to provide for 2%, rather than 1%, of the aid funds to be allocated to the ESU Coordinating Council.

The changes in the calculation of the hold-harmless in the formula will not increase or decrease the total amount of state aid distributed to ESUs and the learning community. The formula changes will alter the amount of aid allocated to individual ESUs and the learning community.

The distance education and telecommunications allowance is being excluded from the calculation of the hold-harmless due to federal e-rate funds not being consistently received on an annual basis that results in a fluctuation of the amount of the allowance. The change is made so that an ESU or learning community may not benefit from the hold-harmless if federal funds are received in a subsequent fiscal year. The change from basing the hold-harmless calculation on the total amount of aid received in the prior year to basing it on the total amount of formula needs in the prior year eliminates hold-harmless funding caused by changes in resources.

The formula change that increases the amount of funding provided to the ESU Coordinating Council from 1% to 2%, does not increase the total amount of state aid allocated for ESUs. Based upon projected state aid of \$14,485,680 for ESUs in 2010-11, the change will provide an additional \$144,857 of funds for the ESU Coordinating Council. Collectively, the ESUs and the learning community will have a like decrease in state aid.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1071	Technical cleanup	Adams	Education	49-0 w/E	4/15/10

LB 1071 represents the technical, substantive cleanup bill for NDE and provides changes to existing law and/or removes obsolete language.

Section 1: Amends the Nebraska Budget Act. Under current law (§ 13-509), by August 20th each year, the county assessor is required to (a) certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy, and (b) certify to NDE the current taxable value of the taxable real and personal property subject to the applicable levy for all school districts. LB 1071 removes the requirement that county assessors certify to NDE the current taxable value of the taxable real and personal property subject to the applicable levy for all school districts. This information is provided to NDE by the Property Tax Administrator and therefore is unnecessary to be certified by county assessors.

Section 2: Amends the compulsory attendance law (§ 79-201). Removes obsolete language but leaves in tact the rule that a child is of mandatory attendance age if the child (a) will reach 6 years of age prior to January 1 of the then-current school year, and (b) has not reached 18 years of age.

Section 3: Amends the residency law (§ 79-215). The general rule is that a student is a resident of the school district where he or she resides or any school district where at least one of his or her parents reside and must be admitted to any such school district upon request without charge. LB 1071 leaves the general essentially in tact but clarifies that a student is a resident of the school district where he or she resides and must be admitted to any such school district upon request without charge. A separate subsection is created to state that a school board must admit a student upon request without charge if at least one of the student's parents resides in the school district.

The bill also adds a new subsection relating to learning communities. LB 1071 provides that a school board of any school district that is a member of a learning community must admit nonresident students to the school district under the open enrollment provisions of a diversity plan in a learning community, and the admission must be without charge.

Section 4: Amends section 79-2,136 pertaining to part-time enrollment of students. No substantive change.

Section 5: Amends section 79-318 pertaining to duties of the State Board of Education. Current law requires the board provide enlightened professional leadership, guidance, and supervision of the state school system. In order that the commissioner and his/her staff may carry out their duties, the board must provide and act on a range of issues, including, for purposes of LB 1071, the approval of teacher evaluation policies and procedures developed by school districts and educational service units. LB 1071 changes "teacher evaluation policies" to "certificated-employee evaluation policies."

Section 6: Amends section 79-4,108 pertaining to unified systems. The bill changes the computation of state aid for unified school systems. The state aid for unified systems will be computed as a single district and will no longer be computed separately for each district in a unified system beginning in 2011-12. It is assumed the change may decrease overall needs in the state aid formula for such school districts and could minimally decrease state aid for individual districts unless the stabilization component of the formula offsets any decrease. To carry out this

change, LB 1071 also amends section 79-1003 (section 12 of the bill) relevant to the definition of “district.”

Section 7: Provides new language incorporated from LB 957 (2010). The bill requires the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges and the board of governors of each Nebraska community college to enter into a memorandum of understanding with NDE to adopt a policy to share student data. The agreement must be entered into on or before September 1, 2010. Each entity must agree to exchange information in accordance with specified federal requirements.

Section 8: Amends the Excellence in Teaching Act, which was first enacted in 2000. In 2009 the Act was expanded to incorporate the Enhancing Excellence in Teaching Program. The Program is designed to: (a) retain teachers in the accredited or approved public and private schools of Nebraska; (b) improve the skills of existing teachers in Nebraska through the graduate education programs of Nebraska’s postsecondary educational institutions; and (c) establish a loan contract that requires a borrower to continue employment as a teacher in this state after graduation from a graduate teacher education program.

LB 1071 provides clarifying language in section 79-8,137.01 to state that an eligible graduate program means a program of study offered by an eligible institution that results in obtaining a graduate degree. It also clarifies that an eligible student means an individual who is, among other qualifications, enrolled in a graduate program, whether or not it is a teacher education program, so long as it is an eligible institution offering the program.

Sections 9-11: Amends the Excellence in Teaching Act, and specifically the Enhancing Excellence in Teaching Program (§§ 79-8,137.02 to 79-8,137.04). Stipulates that to be eligible for the program, an eligible student must complete an eligible graduate program at an eligible institution and to complete the major on which the applicant’s eligibility is based as determined by NDE.

Section 12: To harmonize with section 6 of the bill, the definition section found in section 79-1003 is amended relevant to the definition of “district.” The bill changes the computation of state aid for unified school systems. The state aid for unified systems will be computed as a single district and will no longer be computed separately for each district in a unified system beginning in 2011-12.

Section 13: Amends the Tax Equity and Education Support Act (TEEOSA). LB 1071 changes the procedure for calculating the summer school allowance provision (§ 79-1003.01). Under the proposed change, the summer school allowance would only be computed for those school districts that submit the information required for the calculation on a form prescribed by NDE by October 15th of the school fiscal year preceding the school fiscal year for which aid is being calculated.

Section 14: The procedure for calculation of the elementary class size allowance (§ 79-1007.04). Current law requires NDE to determine the elementary class size allowance for each school district. The bill stipulates that the elementary class size allowance would be computed only for

those school districts that submit necessary information on a form prescribed by NDE by October 15th of the school fiscal year preceding the school fiscal year for which aid is being calculated.

Section 15: Amends the Tax Equity and Education Support Act (TEEOSA). LB 1071 changes the procedure for calculation of the focus school and program allowance for districts within a learning community (§ 79-1007.05). The bill stipulates that the allowance would only be calculated for those school districts within a learning community that submit the required information on a form prescribed by NDE by October 15th of the school fiscal year preceding the school fiscal year for which aid is being calculated.

Section 16: Amends the Tax Equity and Education Support Act (TEEOSA). LB 1071 changes the procedure for calculation of the instructional time allowance (§ 79-1007.23). The bill stipulates that the allowance would only be calculated for those school districts that submit the required information on a form prescribed by NDE by October 15th of the school fiscal year preceding the school fiscal year for which aid is being calculated.

Section 17: Amends the Tax Equity and Education Support Act (TEEOSA). Under current law (§ 79-1013), the submission of poverty plans to NDE from school districts must occur by October 10th each year. LB 1071 would extend this deadline to October 15th each year.

Section 18: Amends the Tax Equity and Education Support Act (TEEOSA). Under current law (§ 79-1014), the submission of limited English proficiency plans to NDE from school districts must occur by October 10th each year. LB 1071 would extend this deadline to October 15th each year.

Section 19: Amends the Tax Equity and Education Support Act (TEEOSA). The bill amends section 79-1022 to changes the certification date for state aid. The date is changed from on or before February 1st of each year to on or before April 1, 2011 and on or before March 1st each year thereafter.

Section 20: Amends section 79-1023 to harmonize with section 19.

Section 21: Amends section 79-1026.01 to harmonize with section 19.

Section 22: Amends section 79-1027 to harmonize with section 19.

Section 23: Amends the Tax Equity and Education Support Act (TEEOSA) relating to unused budget authority. Under current law (§ 79-1030), a district may choose not to increase its general fund budget of expenditures by the full amount of its “applicable allowable growth rate.” LB 1071 merely strikes the expression “applicable allowable growth rate” and substitutes “budget authority” as calculated under sections 79-1023 and 79-1026.01.

Section 24: Amends section 79-1031.01 to harmonize with section 19.

Section 25: Amends section 79-10,110 relating to ARRA Bonds. The bill expands the definition of bonds under the American Recovery and Reinvestment Act to include bonds permitted per amendments to the act or permitted under the Hiring Incentives to Restore Employment Act. The bill allows these types of bonds to be used by school districts in the state.

Section 26: Amends section 79-1103 relevant to early childhood education. The bill clarifies that early childhood programs that have not received early childhood grants may be approved to be included in the calculation of TEEOSA aid. The change has no fiscal impact because these programs have been included in the TEEOSA calculation in the past.

Section 27: Amends section 79-1233 to eliminate a requirement for the CIO to bid for telecomputing and distance education equipment and software for ESUs. The bill makes it permissive for the CIO to bid for information technology equipment for education-related political subdivisions, if the purchases are made with state funds or local tax receipts.

Section 28: Makes editorial changes to section 79-1241.01 relevant to the Educational Service Unit Coordinating Council (ESUCC)

Section 29: Amends section 79-1245 and derives from LB 1069 (2010). The bill attempts to further describe the nature of the ESUCC. The bill describes the council as a political subdivision and a public body corporate and politic of this state, exercising public powers separate from the participating ESUs. The council would have the duties, privileges, immunities, rights, liabilities, and disabilities of a political subdivision and a public body corporate and politic but may not have taxing power. The council would have power to:

- sue and be sued,
- have a seal and alter the same at will or to dispense with the necessity thereof,
- make and execute contracts and other instruments,
- receive, hold, and use money and real and personal property,
- hire and compensate employees, including certificated employees, and
- act as a fiscal agent for statewide initiatives being implemented by employees of one or more ESUs.

The bill also authorizes the council to make, amend, and repeal bylaws, rules, and regulations not inconsistent with existing law. This power must only be used as necessary or convenient to carry out and effectuate the powers and purposes of the council.

Section 30: Amends section 79-1247 to clarify that the ESUCC may contract with individual educational service units for the employment of the council director or the distance education director, except that the supervisory responsibilities for such employees shall remain with the council.

Section 31: Amends section 79-1248 to clarify that one of the duties of the Council is to establish a system for scheduling courses brokered by the council and for choosing receiving educational entities when the demand for a course exceeds the capacity as determined by either the technology available or the course provider.

Section 32: Amends section 79-1249 to clarify and limit the responsibilities of the Nebraska Information Technology Commission (NITC) with regard to technology equipment purchased by education-related political subdivisions. Reviews for compliance with technical standards would be required for purchases of technology infrastructure hardware components bought with state funds or local tax receipts by education-related political subdivisions and costing more than \$10,000. Currently, all state entities and political subdivisions are generally required to submit all technology projects to the NITC for approval, except that the ESU Coordinating Council is only required to submit purchases over \$10,000 to the technical panel. The technical standards would also be required to not unnecessarily interfere with the use of new technologies or with commercial competition.

Section 33: The bill adds a new section of law under the Learning Community Act to clarify that students who transfer to another school district in a learning community pursuant to open enrollment become resident students of the new school district to which they transferred.

Section 34-36: Harmonize with section 7 of the bill.

Section 37: Amends the Information Technology Infrastructure Act (§ 86-501) in a technical, editorial nature.

Section 38: Amends the Information Technology Infrastructure Act (§ 86-505) in a technical, editorial nature.

Section 39: Amends the Information Technology Infrastructure Act (§ 86-506) in a technical, editorial nature.

Section 40: Amends section 86-516 to clarify the requirement that the NITC adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel. The bill states that standards and guidelines must not unnecessarily restrict the use of new technologies or prevent commercial competition, including competition with Network Nebraska.

Section 41: Amends section 86-520 to provide that Chief Information Officer is no longer responsible to bid for telecomputing and distance education equipment.

Section 42: New language is provided in the bill to require that information technology purchases made with state or local tax receipts by education-related political subdivisions must meet or exceed any applicable technical standards established by the NITC. Standards and guidelines established by the NITC are not to unnecessarily restrict the use of new technologies or prevent commercial competition, including competition with Network Nebraska.

Section 43: Amends section 86-5,100 to state that participation in Network Nebraska shall not be required for any educational entity. LB 1071 also provides that the CIO may not include administrative travel or conference expenses in establishing a rate to charge participants in Network Nebraska.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1087	SPED services	Adams	Education	49-0	8/1/10

LB 1087 pertains to the payment for educational services of children placed in residential settings in Nebraska for reasons other than to receive an education. The bill clarifies which school district is responsible for contracting for educational services, what entity is to provide services, the payer for services, and the amount to be paid for such services. The bill has an operative date of August 1, 2010.

Resident District: The bill clarifies that the resident district for a non-state ward does not change when a student moves from one residential setting to another. It is possible the clarification of resident district may result in a different district assuming responsibility for the education of a child. However, it is assumed there will be very few instances of this occurring pursuant to the bill.

Non-state wards Residing in Residential Settings without an Interim Program School: The bill does not change the funding mechanism for children who are non-state wards that reside in a residential setting which does not maintain an interim-program school. The costs of education for these children will continue to be paid by the resident school district. If a child is eligible for special education services, then the resident district will be reimbursed on a year in arrears basis. However, support services provided to these children will now be eligible for reimbursement from the state through special education funding.

The bill also establishes a penalty if a school district pays for educational services and is later determined not to be a resident district, then the resident district is to reimburse the school district which initially paid for the services 110% of the amount paid.

Non-state Wards Residing in Residing in Residential Settings Having an Interim-Program School: LB 1087 changes current law to require a resident school district to contract with a residential setting to provide educational services for a child, if the residential setting operates an interim-program school or approved or accredited school. Currently, the resident district is required to contract with the district in which the residential services are located. The resident district currently pays a contractual rate for the cost of the services and receives special education reimbursement from the state, on a year in arrears basis, at a current rate of 56%, for a child who is verified as having a disability. The bill requires NDE to reimburse the residential setting the prior year's average per pupil cost of the service agency, beginning August 1, 2010.

The reimbursement to the residential setting is to be made from state aid appropriated for special education services. The estimated amount to reimburse residential settings for educational services of non-state wards is to be set aside from the special education appropriation and 100% of such costs are to be paid within 60 days of the receipt of a reimbursement request. If the set-aside is not sufficient in any fiscal year, then the reimbursement is made the following fiscal year.

NDE conducted a phone survey of residential programs maintaining an interim-program school or approved or accredited school. The survey showed there are 720 students in residential

facilities that maintain an education program. The students impacted by the bill will be 112 students who are non-state wards, 67 of which are verified as having disabilities and 45 who are not eligible for special education but who would be eligible for support services as defined by the bill. The average cost of services is \$29,240.

Based upon the survey by NDE, the total estimated cost to provide educational services at interim-program schools to the 112 non-state wards is \$3.3 million in the current year. Approximately \$1.1 million of these expenditures are currently reimbursed to schools through the state aid appropriation for special education (SPED), on a year-in-arrears basis. The bill provides for \$3.3 million to be paid directly by the state from the special education appropriation to interim-program schools thereby reducing the amount of SPED aid available for support services (flex funding).

The state SPED appropriation will be picking up the cost of support services for non-state wards (45 in the survey) whose costs were previously paid by school districts as well as 100%, rather than 56%, of the educational costs of disabled non-state wards on a current year basis. The state SPED appropriation is capped, so no additional general funds will be expended to directly pay for these services. However, the use of the SPED appropriation for this purpose will reduce the reimbursement rate for all school districts receiving SPED aid.

Impact on TEEOSA: The change in the funding mechanism for these services decreases general fund operating expenses of school districts (NEED) by the amount currently expended for such services. There will also be a decrease in resources in the aid calculation for school districts in the amount of SPED aid that will now be paid directly to an interim-program school. Therefore, it is assumed the bill will have no fiscal impact in terms of TEEOSA funding.

<i>Bill</i>	<i>Subject</i>	<i>Sponsor</i>	<i>Committee</i>	<i>Final Reading</i>	<i>Effective</i>
LB 1106	School health centers	Nordquist	Health	49-0 w/E	4/2/10

LB 1106 would allow school-based health centers to be Medicaid providers. School-based health services may include medical health, behavioral and mental health, preventative health and oral health. A service provided through a school-based center would not require prior consultation or referral by the patient’s primary care physician to be covered by Medicaid. The bill also requires the Department of Health and Human Services to seek a state plan amendment in the Children’s Health Insurance Program and Medicaid to cover legal non-residents, as authorized in Public Law 111-3. The bill requires school-based health clinics sponsored by a federally qualified health clinic to be reimbursed at their clinic rate.

The bill defines “school-based health center” as a health center that:

- (a) Is located in or is adjacent to a school facility;
- (b) Is organized through school, school district, learning community, community, and provider relationships;
- (c) Is administered by a sponsoring facility;

- (d) Provides school-based health services onsite during school hours to children and adolescents by health care professionals in accordance with state and local laws, rules, and regulations, established standards, and community practice;
- (e) Does not perform abortion services or refer or counsel for abortion services and does not dispense, prescribe, or counsel for contraceptive drugs or devices; and
- (f) Does not serve as a child's or an adolescent's medical or dental home but augments and supports services provided by the medical or dental home;

School-based health services may include any combination of the following as determined in partnership with a sponsoring facility, the school district, and the community:

- (a) Medical health;
- (b) Behavioral and mental health;
- (c) Preventive health; and
- (d) Oral health;

The bill defines "sponsoring facility" as:

- (a) A hospital;
- (b) A public health department as defined in section 71-1626;
- (c) A federally qualified health center as defined in section 1905(l)(2)(B) of the federal Social Security Act, 42 U.S.C. 1396d(l)(2)(B), as such act and section existed on January 1, 2010;
- (d) A nonprofit health care entity whose mission is to provide access to comprehensive primary health care services;
- (e) A school or school district; or
- (f) A program administered by the Indian Health Service or the federal Bureau of Indian Affairs or operated by an Indian tribe or tribal organization under the federal Indian Self-Determination and Education Assistance Act, or an urban Indian program under title V of the federal Indian Health Care Improvement Act, as such acts existed on January 1, 2010.

To ensure that the interests of the school district, community, and health care provider are reflected within the policies, procedures, and scope of services of school-based health centers, each school district must establish a School Health Center Advisory Council for each school in the district hosting a school-based health center.

The School Health Center Advisory Council must include:

- (a) At least one representative of the school administration or school district administration;
- (b) At least one representative of the sponsoring facility; and
- (c) At least one parent recommended by a school administrator or school district administrator and approved by a majority vote of the school board. Any parent serving on a School Health Center Advisory Council must have at least one child enrolled in the school through which the school-based health center is organized.

If another institution or organization sponsors the school-based health center, at least one representative of each sponsoring institution or organization must be included on the School Health Center Advisory Council.

School Health Center Advisory Councils may also include students enrolled in the school district through which the school-based health center is organized. Any such students must be appointed by a school administrator or school district administrator.

Interim Studies, 2010

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 334	Prescription drug coverage	Cornett	Banking

The purpose of this resolution is to study whether Nebraska's insurance laws should be amended to provide specific requirements and restrictions relating to health benefit plan prescription drug coverage, especially higher cost specialty prescription drugs. The study should include an examination of issues raised during consideration of LB 1017 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 372	Federal health care reform	Gloor	Health

The purpose of this interim study is to study the potential effect of national health care reform proposals on Nebraska and to analyze policy options for responding to and implementing health care reform measures. To carry out the purpose of this resolution, the study committee shall consider input from employers, including small businesses, consumer groups, insurers, providers, the Department of Health and Human Services, the Department of Insurance, health care consumers, and other interested parties as the committee deems necessary and beneficial. The issues to consider include, but are not limited to:

- (1) The anticipated effect of federal programs seeking to achieve health care reform on Nebraska health care services;
- (2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans;
- (3) The large number of Nebraskans who are uninsured or underinsured;
- (4) The cost shift which is imposed on Nebraska employers and consumers who purchase health insurance by the underfunding of public programs and the high levels of uncompensated care borne by hospitals and clinics;
- (5) Policy options that are available to eliminate the number of Nebraskans who are uninsured or underinsured, make private health insurance more affordable for businesses and individuals, and strengthen public programs for low-income Nebraskans; and
- (6) Available funding options to assure a financially sustainable and affordable health care system.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 406	Prescription Protection Act	Cornett	Banking

The purpose of this resolution is to study whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act. The study should include an

examination of issues raised during consideration of LB 1088 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 421	General plan study	Retirement Committee	Retirement

The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act. The study will examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 422	Sound retirement planning	Retirement Committee	Retirement

The purpose of this study is to 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 of the Legislature as a guide to evaluate proposed legislation and issues regarding Nebraska's public retirement systems. The General Principles are also used by the Legislature as a guide for each of the retirement systems administered by the Public Employees Retirement Board and those systems not administered by the board.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 431	Disclosure of funding sources	Haar	Government

To study how private sources of money given to public institutions should be disclosed. This study should look at how private money is being directed to public bodies. It should also seek to find out information about private money donated to the state, local governing bodies, and higher education and how it currently is reported. This study should seek ways to ensure public budgets are transparent so that the public knows where its tax money is going and what the influence of private money has on public bodies. This study should also look into whether disclosure of private money could be required of all governmental institutions and whether such disclosure could be done in a way that protects donor anonymity and does not harm institutions.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 433	Student expression	Haar	Education

To study student expression in Nebraska's public schools. This study should seek to find what policies currently exist on student expression in the public schools, including policies in relation to the state curricular guidelines for citizenship education. This study should then consult interested parties and establish best practices for student expression policies based on current Nebraska policies and policies from school districts in other states. The study should also seek out any deficiencies in current policies and how those policies could be changed to avoid unnecessary and illegal violations of student expression. Finally, the study should examine state laws on student expression and make recommendations to the Legislature on any statutory changes for Nebraska.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 434	Childhood obesity	Nordquist	Health

The purpose of this resolution is to study the factors contributing to childhood obesity, as well as its consequences. The issues addressed by the study should include, but not be limited to:

- (1) An examination of the factors contributing to childhood obesity in underserved and low-income populations;
- (2) An examination of the costs of childhood obesity, both in terms of medical expenses and physical well-being;
- (3) An analysis of methods to increase access to safe places for children to exercise and participate in physical activity; and
- (4) An analysis of ways to increase children's access to nutritious meals.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 437	Interlocal agreements	Pankonin	Revenue

To study issues related to levy exceptions and budget exceptions as they are used with interlocal agreements.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 439	Federal health care insurance	Pahls	Banking

The purpose of this resolution is to review recent changes in federal law regarding health care insurance and to identify administrative and legislative responses which Nebraska will need to make.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 459	Emergency Preparedness	Nordquist	Health

The purpose of this resolution is to study Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children. The study should examine Nebraska's statutes, rules, and regulations in terms of:

- (1) Establishing child care licensure requirements that ensure robust emergency preparedness and response plans for shelter-in-place, evacuation, communication, family reunification, and considerations for children with special needs;
- (2) Implementing continuity of operation plans within foster care, group residential homes, and juvenile detention facilities that provide adequate shelter and services to children during and after a disaster;
- (3) Improving school disaster preparedness and building the resilience of teachers, parents, and children;
- (4) Ensuring that state and local emergency stockpiles include sufficient amounts of pediatric supplies and medications, including antivirals to treat influenza in the event of a pandemic;
- (5) Requiring development of comprehensive long-term disaster recovery plans that prioritize the reestablishment of schools and child care facilities, supervised after-school programs, and access to medical care and mental health services for all children; and
- (6) Creating other necessary or advisable statutes, rules, or regulations that improve the welfare of children during and after disasters.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 470	Census effect on government	Avery	Government

The purpose of this interim study is to examine the issue of how political subdivisions may be impacted by the 2010 United States Census. Over the years much legislation has been adopted containing population thresholds. In particular, this interim study will examine the public policy ramifications of these population thresholds and the impact of the 2010 United States Census data on certain political subdivisions such as counties and cities. County and city officials, along with other interested parties, will be invited to participate in this interim study.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 477	Sustainability of plans	Retirement Committee	Retirement

The purpose of this resolution is to study the issues related to the sustainability of public retirement plans.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 482	Effect of population changes	Pahls	Planning

The demographics of Nebraska's population are changing. In the last decade there has been a dramatic shift of population from the rural areas to the urban areas. This change is expected to

continue through the next decade and longer. The shift has dramatic consequences in employment opportunities, generation of tax revenue, placement of retail services, resources for business opportunities, changes in school enrollment, and availability of governmental services for every area of the state.

Changes in the rural areas are accompanied by and, in some cases, exacerbated by technological and economic changes in the agricultural industry. The number of family-operated and owned farms and ranches is dropping. Farms and ranches are growing in size. The average age of farmers and ranchers is getting older and the number of farmers and ranchers is declining. The farm and ranch economy is increasingly influenced by national and international issues outside the control of state government. Corporate interests and out-of-state operators and investors are playing an increasing role in Nebraska agriculture.

Nebraska’s urban areas continue to grow, and the issues they face resemble the kind of issues that large metropolitan areas face in other states: Poverty; crime; urban sprawl; a decrease in lifestyle in inner city neighborhoods; the loss of jobs; an increased need for training workers in new and developing trades and industries; neighborhood redevelopment needs; greater infrastructure needs; building new schools and health care facilities; and development of recreational venues for youth and adults. The purpose of this resolution is to study these issues, and such study shall include, but not be limited to:

- (1) A determination of the amount of state and local tax revenue generated in the rural and urban areas of the state;
- (2) A determination of the amount of state and local revenue needs of rural and urban areas of the state;
- (3) A determination of how the needs can be met and what changes need to be made in the current revenue distribution to anticipate the changes in demographics; and
- (4) An analysis of what governmental services may need to be consolidated or eliminated as a result of population shifts.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 485	Shortage of social workers	Howard	Health

The purpose of this interim study is to examine: The shortage of social workers in central and western Nebraska who hold master’s degrees; available educational opportunities or resources for citizens of these underserved areas who are interested in pursuing graduate social work education that would address such shortage; the level of unmet mental health needs in rural communities; and the services that social workers who hold master’s degrees can provide to address that need. This interim study is intended to seek solutions to the critical workforce gap and to make recommendations on how best to address it. The study will seek to involve all interested parties and organizations that have a stake in such issue.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 490	Limitation on state aid changes	Schilz	Education

The purpose of this resolution is to study the issue of imposing a limitation on how much a school's state aid can change from one year to the next, expressed in terms of a percentage.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 493	Student mental health	McGill	Health

The purpose of this resolution is to study whether there are enough resources currently present in schools to detect and treat mental illness in school-age children. The study should include an examination of issues raised during the Legislature's enactment and subsequent amendment of the state's "safe haven" law in 2008 and issues raised during consideration of LB 603, which was passed in 2009. Possible topics to be covered may include the availability of school counselors in elementary, middle, and high schools and consideration of mental health examinations, similar to physical health examinations required at certain levels of schooling. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the State Department of Education and the Department of Health and Human Services and should consider the input of interested persons as the committee deems necessary and beneficial.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 499	Tax burden on low-income people	Cornett	Revenue

The purpose of this resolution is to study tax laws, policies, and programs that address the tax burdens of low-income persons and households.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 500	General study on taxation	Cornett	Revenue

The purpose of this resolution is to study the tax laws, policies, and programs of the State of Nebraska.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 504	Property tax relief	Cornett	Revenue

The purpose of this resolution is to study the policies and programs for addressing property tax relief, including existing and alternative policies.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 506	Property tax valuation	Cornett	Revenue

The purpose of this resolution is to study state and local property tax valuation and exemption protest and appeal processes and procedures. The issues addressed by this study shall include, but not be limited to:

- (1) The standard or standards of review and related jurisprudence used or relied upon by various tax tribunals and courts of law, including the Tax Equalization and Review Commission, the Court of Appeals, the Supreme Court, quasi-judicial tax tribunals in other states, and judicial tax tribunals in other states;
- (2) The burden of proof used or relied upon by various tax tribunals, including the Tax Equalization and Review Commission and quasi-judicial and judicial tax tribunals in other states, to determine whether any rebuttable presumption pertaining to the standard or standards of review has or have been rebutted;
- (3) The rules of practice and procedure governing the conduct of property tax protests and appeals in Nebraska and other states, including, but not limited to, rules of practice and procedure governing formal and informal protests and appeals, prehearing conferences, hearings, and rehearings, and rules of evidence applicable to formal and informal protests and appeals, including rules governing admissibility of evidence and direct examination and cross-examination of aggrieved parties and witnesses; and
- (4) Whether the Legislature should consider proposing a legislative resolution for a constitutional amendment or amendments that would either:
 - (a) Abolish the Tax Equalization and Review Commission and establish (i) a different state government board or commission to perform the statewide equalization function, with right of judicial review, and (ii) a tax court established under the Constitution of Nebraska to hear and decide all property tax valuation and exemption protests and appeals, with right of judicial review; or
 - (b) Limit the power and responsibility of the Tax Equalization and Review Commission solely to performing the statewide equalization function and eliminate its power and responsibility to hear property tax protests and appeals and transfer that function to a tax court established under the Constitution of Nebraska, with right of judicial review.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 507	Government streamlining	Lautenbaugh	Executive Board

The purpose of this resolution is to examine ways to streamline all levels of government, including, but not limited to, elimination, consolidation, or reassignment. The study should examine all facets and departments of state, county, and local governments. The Executive Board of the Legislative Council shall create a task force to carry out this interim study.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 528	Liquor Control Act	Karpisek	General Affairs

To study issues regarding area restrictions in the Nebraska Liquor Control Act. This study should include, but not be limited to:

- (1) A review of the area restrictions found in section 53-177, specifically subsection (1) of section 53-177, which prohibits the granting of liquor licenses within one hundred fifty feet of “any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children” and subsection (2) of section 53-177, which prohibits the sale for “consumption on the premises within three hundred feet from the campus of any college or university in the state”;
- (2) A consideration of whether the terms in section 53-177 are adequately defined and whether it is appropriate to remove or add terms to such section;
- (3) A consideration of the potential impact on the area if alcohol could be purchased or consumed within one hundred fifty feet of the locations listed in section 53-177;
- (4) A consideration of the potential impact alcohol-related environmental messages send to prospective students and their parents if alcoholic liquor retail sales are permitted, without restrictions, within the core of a campus or within close proximity to campus-approved housing;
- (5) A consideration of policies and procedures that are flexible enough to support economic development and provide new opportunities for retail growth, yet recognize the impact of selling and serving alcoholic liquor adjacent to academic facilities or campus-approved housing;
- (6) A consideration of whether a definition of a campus is still relevant and if so, consider what that definition should be. This should recognize that a one-size-fits-all definition may not apply to all colleges and universities. It will also be important to differentiate between residential campuses, undergraduate and graduate programs, the electronic uses employed by campuses offering classes, and other such issues that impact the changing nature of education and the populations they serve;
- (7) A consideration of allowing colleges or universities to grant waivers for the service of alcoholic liquor at locations that are not in conflict with the academic mission of the institution, yet provide an important social gathering place for populations affiliated with campus; and
- (8) A consideration of ways to reduce the number of applications for special designated licenses for the service of alcoholic liquor on or near campuses as well as on or near those locations listed in subsection (1) of section 53-177.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 534	Economic Forecast Board	Conrad	Appropriations/Revenue

The purpose of this study is to examine any and all aspects of the Nebraska Economic Forecasting Advisory Board. The study shall include, but not be limited to: The reasons the board was established; the history of the board; an examination and evaluation of the information and other resources used by the board to make their recommendations, including if and how ex parte communications are utilized and an inquiry as to whether or not those communications should be disclosed; the background, knowledge, and expertise required or considered when making appointments to the board; the timeline for board meetings and deliberations in comparison to the relevant timelines and deadlines utilized in state budget deliberations; the historical accuracy of revenue forecasts by the board in comparison to actual revenue receipts; a

comparative analysis of other states' mechanisms, procedures, and policies for conducting economic forecasts; and the extent historically to which the Legislature and Governor have relied on the forecasts recommended by the board to make budget decisions and adjustments.

<i>Resolution</i>	<i>Topic</i>	<i>Sponsor</i>	<i>Committee</i>
LR 542	State budget shortfall	Heidemann	Special Ad Hoc

LR 542 empowers the Speaker of the Legislature to convene an ad hoc committee consisting of standing committee chairpersons and the chairperson of the executive board, or a designee that is a member of the standing committee or the executive board, to *discuss, plan, and oversee a process for standing committees and executive board to review agency programs and services, including drafting enabling legislation to reduce services and obligations of state government that may be considered during the 2011 session.*

The resolution would cause the standing committees and executive board to meet and review the programs within the agencies under their subject-matter jurisdiction, as determined by the executive board, to identify services, programs, and obligations that may be reduced or eliminated during the 2011 session.

The ad hoc committee would collaborate with the Governor and state agencies to determine what enabling legislation may be necessary for introduction during the 2011 session.