

NCSA Final Legislative Report

Second Session, 94th Legislature, 1996

Status report on legislation tracked by the
Nebraska Council of School Administrators

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Table of Contents

I. Legislation Passed and Signed into Law	
A. Overview	1
B. In-depth Review	2
II. Constitutional Resolution	14
III. Interim Studies, 1996	
A. Overview	15
B. In-depth Review	17
IV. Legislative Vote Record	23

I. Legislation Passed and Signed into Law

A. Overview

COMMITTEE	BILL	BILLDESCRIPTION	SPONSOR	PAGE
<i>Education</i>	LB 604	Affiliation and transfer of property between districts	Schrock	2
	LB 754	Criminal history investigations for certified employees	Bohlke	2
	LB 900	Recodification of Chapter 79, education statutes	Bohlke	3
	LB 1050	Comprehensive school finance legislation	Educ. Com.	3
	LB 1205	Provide for the sale of educational lands	Bromm	6
<i>Government</i>	LB 964	Provide for elections by mail for political subdivisions	Cudaback	7
	LB 967	Election of Class II school board members	Stuhr	7
<i>Retirement</i>	LB 700	Retirement enhancement legislation	Wickersham	8
	LB 847	Administrative and investment modifications	Wickersham	8
	LB 1076	Comprehensive Nebraska Retirement System legislation	Retire. Com.	9
<i>Revenue</i>	LB 299	Establishes special two-year phase of budget lids	Warner	9
	LB 693	Establish commission on innovation and restructuring	Warner	11
	LB 1085	County mergers; setting preliminary/final levy rates	Rev. Com.	12
	LB 1114	Limits property tax levies for political subdivisions	Warner	13
	LB 1177	Creates Municipal Equalization Fund	Warner	13

B. In-depth Review

(Legislation Passed and Signed into Law)

LB 604 (Schrock) DISSOLUTION OF CLASS I DISTRICTS:

LB 604 amends section 79-402 to state that any petition of the voters of a Class I district, in which no city/village is situated, which (1) is commenced after January 1, 1996, and (2) proposes the dissolution of the Class I district and the attachment of a portion of it to two or more districts must require signatures of more than 50% of the voters of the Class I district. If any petition is denied on or after March 15, 1996, due to the fact that it was signed by fewer than 60% of the voters of the Class I district, the county superintendent of the county in which the Class I district is situated must reconsider the petition on or before May 15, 1996.

If the county superintendent determines that the petition contains valid signatures of more than 50% of the voters of the Class I district, the county superintendent must grant the petition. GUIDELINES FOR BOUNDARY CHANGES: One of the main components of LB 604 relates to boundary changes. Under the bill, county superintendents and county reorganization committees may change boundaries relating to affiliation if its not contiguous (i.e., districts where 20% or more of any tract of land under common ownership is not contiguous to the high school district with which affiliation is proposed) *unless* (i) one or more resident students of the tract of land under common ownership has attended the high school program of the high school district within the immediately preceding ten-year period or (ii) approval of the petition or plan would allow siblings of such resident students to attend the same school as the resident students attended. NEW DEFINITIONS: “Children of school age” means children who are attending public school or children who are not attending a public school in the district but who will attend a public school in the district to which the land will be attached. “Contiguous school district” means a school district sharing a common boundary with 20% or more of the tract of land sought to be transferred. Failure of children of school age to attend a public school in the district to which the land is attached will invalidate the transfer from the date of approval. PAYMENT OF FUNDS TO OMAHA/OPS: Under an amendment successfully promoted by Senator Pirsch, the Douglas County Treasurer will now be required to pay to the city of Omaha and to Omaha Public Schools the amount of all current year funds as they become available for the city or the school district on a *weekly basis* rather than on a monthly basis. All other county treasurers must continue to make such payments to cities, villages, and school districts on a monthly basis.

LB 604 - Legislative History

Committee action:	advanced to General File on March 22, 1995;
General File:	Schrock priority bill; advanced to Select File on February 28, 1996;
Select File:	advanced to Final Reading on a voice vote on April 3, 1996;
Final Reading:	passed with E-clause on a 43-0 vote on April 10, 1996;
Signed into Law:	April 12, 1996;
Effective Date:	April 13, 1996.

LB 754 (Bohlke) FINGERPRINT REQUIREMENT:

All applicants for the first issuance of any certificate or permit to teach, counsel, supervise or administer in elementary or secondary schools in Nebraska must file a complete set of his/her legible fingerprints with the Commissioner of Education *or* the Nebraska State Patrol *unless* the applicant has been a resident of Nebraska for at least five (5) years immediately preceding such application. INVESTIGATION: Upon request by the Commissioner of Education, the State Patrol must undertake a search for criminal history record information relating to an applicant, including transmittal of the applicant’s fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check must include information concerning the applicant from federal and other state repositories of such information if authorized by federal law. REPORT: The State Patrol must issue a report to the Commissioner of Education *and* to the applicant which must include the criminal history record information concern-

LB 754 - Legislative History

Committee action:	advanced to General File on January 24 1996;
General File:	Hilgert priority bill; advanced to Select File on February 12, 1996;
Select File:	advanced to Final Reading on a voice vote on March 27, 1996;
Final Reading:	passed on a 42-3 vote on April 9, 1996;
Signed into Law:	April 12, 1996;
Effective Date:	July 19, 1996.

ing the applicant. **REJECTION:** The Commissioner of Education may deny issuance of a certificate or permit to any applicant who has a *felony conviction or any misdemeanor conviction involving abuse, neglect, or sexual misconduct*. **MITIGATING CIRCUMSTANCES:** In reviewing a conviction of an applicant, the Commissioner of Education must take into consideration, prior to denial, any information submitted by the applicant regarding (a) the facts and circumstances surrounding a conviction, (b) the type of offense and the sentence imposed, (c) whether the act resulting in the conviction would constitute a crime in Nebraska, (d) the date of the offense, (e) the age of the applicant at the time of the offense, and (f) the applicant’s conduct and positive social contributions since the offense. **CONFIDENTIALITY:** Criminal history record information subject to federal confidentiality requirements must remain confidential and may be released *only* upon written authorization by the applicant, except if the applicant appeals the denial of a certificate or permit, the filing of an appeal will constitute a release of the information for the purpose of the appeal. If the applicant requests a closed hearing then such request will be subject to the Public Meetings Act. **RULES:** NDE is charged with the duty of adopting and promulgating rules and regulations to carry out LB 754. **PROCESSING COSTS:** The State Board of Education must determine and set the costs for processing criminal history record information checks which will be borne by the applicant for a certificate or permit. The costs must be limited to the actual direct costs arising from the processing of the criminal history record information checks. **CONDITIONAL CERTIFICATE/PERMIT:** An applicant must be issued a conditional certificate or permit prior to receipt by the Commissioner of Education of the criminal history record information check *if* the applicant signs a statement that identifies all crimes of which the applicant has been convicted *and* the Commissioner determines the applicant to be of suitable character *and* meets all other certification requirements. An applicant’s conditional certificate or permit is void upon a final determination that the applicant does not meet the requirements for issuance of a certificate or permit. The applicant may request a hearing regarding the denial of a certificate or permit as provided by rules and regulations. A determination is “final” upon issuance of a final decision on appeal *or* upon expiration of the time in which the applicant may request a hearing. **APPROPRIATIONS:** LB 754A appropriated \$24,750 from the Nebraska State Patrol Cash Fund for each FY1996-97 and FY1997-98 to the State Patrol to aid in carrying out the provisions of LB 754. Total expenditures for permanent and temporary salaries and per diems from funds appropriated to the State Patrol may not exceed \$9,000 for either FY1996-97 or FY1997-98. LB 754A appropriated \$34,150 from the Teachers’ Certification Fund for FY1996-97 and \$26,550 for FY1997-98 to the State Department of Education to aid in carrying out the provisions of LB 754.

LB 900 (Bohlke) **RECODIFICATION:** Shortly after the 1995 session, NCSA submitted formal requests to each member of the Education Committee for a recodification of Chapter 79 of the Nebraska Revised Statutes relating to education and schools. Senator Bohlke agreed to our request and set in motion a year-long effort to make our request a reality. LB 900 represents a complete reorganization of the education statutes, eliminates obsolete provisions, harmonizes sections of law, and restructures the articles within the chapter.

LB 900 - Legislative History

Committee action: Education Committee priority bill; advanced to General File on January 17, 1996;

General File: advanced to Select File on January 18, 1996;

Select File: advanced to Final Reading on a voice vote on January 25, 1996;

Final Reading: passed on a 39-0 vote on February 27, 1996;

Signed into Law: February 29, 1996;

Effective Date: July 19, 1996.

LB 1050 (Education Committee) **COMPREHENSIVE SCHOOL FINANCE BILL:** LB 1050 is the result of an interim study, LR 160, conducted prior to the 1996 Legislative Session. The bill represents one of two comprehensive school finance bills introduced this year. (The other bill, LB 1145, was not advanced by the Education Committee.) LB 1050 contains a number of modifications to the current school finance system as outlined on the following page. **PRIORITY:** Senator Bohlke designated LB 1050 as her priority bill for 1996.

LB 1050 - Legislative History

Committee action: Education Com. priority bill; advanced to General File on February 8, 1996;

General File: advanced to Select File on February 20, 1996;

Select File: advanced to Final Reading on March 22, 1996;

Final Reading: passed with E-clause on a 36-11 vote on April 3, 1996;

Signed into Law: April 5, 1996;

Effective Date: April 6, 1996.

OUTLINE OF LB 1050

A. IMPACT ON NEEDS CALCULATION:

1. Transportation costs (as defined by transportation allowance) are no longer included in the tier structure which averages costs of similar-sized districts. Each district's needs include the lesser of either (i) the actual transportation costs, or (ii) 400% of the state mileage reimbursement rate multiplied by miles traveled (excluding activity miles).
2. The ratio of "historical" average daily membership (ADM) to fall membership is now applied to each district's fall membership to more closely reflect ADM. Prior to LB 1050, state law required two calculations of each year's state aid. The first calculation was based on fall membership and the final calculation was based on ADM. The "historical ratio" is intended to adjust fall membership so it more closely reflects the ADM which is ultimately used.

B. IMPACT ON RESOURCE CALCULATION:

1. The source year for the adjusted valuation represents the year prior to the year in which aid is to be paid. Prior to LB 1050, the method was to use adjusted valuation from the year in which aid was to be paid.
2. The income tax "rebate" is reduced through a two-phase process:
 - a. The maximum level of "rebate" is reduced to the 1992-93 funding level of \$102,289,817. Funding above this level is added to the funds available for equalization aid.
 - b. The statewide net enrollment option funding is subtracted from the \$102,289,817. The net enrollment option funding, like the "rebate," is considered as a resource when determining equalization aid.
 - c. After the statewide net enrollment option funding amount is subtracted, a "rebate" factor is calculated for use in distributing the remaining dollars.
3. LB 1050 also adds the insurance premium tax fund dollars to funds available for equalization aid and the funds are removed from individual districts' accountable receipts. A separate insurance premium tax payment will no longer be made. Since the bill passed with an emergency clause attached, the insurance premium tax funds, which would have been distributed on June 1, 1996, will now be included in the 1996-97 state aid calculation and payments.

C. OPTION PAYMENT PROVISION: The former provision, called "option hold harmless," was eliminated under LB 1050. Instead, each district's net option students are considered. The net option funding amount is included as an accountable receipt in determining equalization aid and the funds are provided to the district as part of the total state aid. Because it is possible for a district to have a net positive number of option students at one grade range (more students opting-in than opting-out) and a net negative number of option students at another grade range (more students opting-out than opting-in), each net amount (either positive or negative) is multiplied by the applicable tiered cost and the results are calculated.

D. MINIMUM EFFORT PROVISIONS. LB 1050 reduces the effect of the minimum effort provisions on districts with very low valuations:

1. The minimum effort provisions currently prohibit districts from receiving equalization aid in amounts that would reduce their levy to less than 60% of the local effort rate. Because the previous year's cost data is used, the interaction between minimum effort and extremely low valuations causes some districts to lose aid, making it difficult to elevate spending and educational opportunities to the level of other districts in their tiers.
2. Qualified districts would be allowed to retain additional aid according to the following calculation:

$$(60\% \text{ of the local effort rate}) \times (40\% \text{ of the average adjusted valuation per formula student} - \text{the adjusted valuation per formula student}) \times (\text{the district's formula students}).$$
3. To qualify, districts would need to have an adjusted valuation per student of less than 40% of the average statewide adjusted valuation per student.
4. If the general fund tax request were not equal to at least 90% of the yield from the local effort rate or the districts general fund operating expenditures were over 15% above the target budget level, the district would not qualify the next year.

- E. VALUATION YEAR. LB 1050 changes the valuation year and certification date as provided in LB 1149:
1. Currently the adjusted valuation used to calculate state aid is for the property tax year ending during the school year in which the aid is to be paid. The property tax year is the same as the calendar year. The school year is from July 1 to June 30. The provisions of this bill move the adjusted valuation back one year, so that the adjusted valuation used to calculate state aid is for the property tax year ending during the school year immediately preceding the school year in which the aid is to be paid.
 2. The Property Tax Administrator is currently required to certify adjusted valuations to the Department of Education by June 1st. The bill moves that date to July 1st, clarifies that the certification is for the current year's valuations, and requires the Property Tax Administrator to notify each district of its adjusted valuations on or before the new date.
 3. The Department of Education will be required to issue preliminary certifications by April 1st.
- F. LB 1059 INTENT LANGUAGE. LB 1050 clarifies that the 45% funding goal does not apply to specific districts, but rather to the statewide aggregate general fund operating expenditures.
- G. REORGANIZATION INCENTIVES. Provides for reorganization incentives from LB 600 for school district reorganizations that move students into lower cost tiers:
1. To qualify, the reorganization must occur between May 31, 1996 and August 2, 2001. The payments must be approved by the State Reorganization Committee. For approval, reorganization studies must have been completed dealing with efficiency, population, curriculum, facility, and community issues. The study must indicate that the plan will most likely result in more efficiency or greater educational opportunities.
 2. The payments will be for three years and will be based on the number of students in the consolidating districts and the number of tiers moved. The incentive schedule is in the bill and is based on the differences in average costs for the tiers in the 1994-95 school year.
 3. Payment will be made from the Tax Equity and Educational Opportunities Fund prior to equalization and will not consume more than 1% of the appropriation. Payments will not be included as resources for equalization purposes.
- H. RETIREMENT INCENTIVE PLAN. Provides options for certified personnel in reorganizations (from LB 676):
1. If a reorganization of school districts involves a reduction in force, all certificated employees involved shall have the option to retire under the Retirement Incentive Plan, terminate employment and receive Staff Development Assistance, or remain employed subject to the personnel policies and staffing requirements of the reorganized district.
 2. To qualify for the Retirement Incentive Plan, employees must be over 55 years old and have completed five years of creditable service. The payments will equal \$700 for each year of service and will be made in one or two payments. Payments under the Retirement Incentive Plan shall not exceed \$24,500 for each certificated employee receiving benefits.
 3. The Staff Development Assistance will be available for one year to employees who terminate their employment voluntarily within 15 days of the notice. Staff Development Assistance will consist of two semesters of tuition and a stipend equal to 25% of annual salary or 50% if enrolled and attending a Nebraska state college or university. The stipend will end upon employment of 20 hours per week.
 4. The cost of both plans shall be allocated among the reorganized districts based upon the proportion of valuation. Upon approval by the State Board of Education, a district may exceed the applicable allowable budget growth rate by the amount the costs of the Retirement Incentive Plan and Staff Development Assistance exceed the district's applicable allowable growth rate.
 5. Remaining teachers will be allocated based on agreement between districts, or the proportion of students transferring to the reorganized district. Staff shall not choose their district.
- I. FEASIBILITY STUDIES. LB 1050 provides matching funds to contiguous districts to reimburse costs for reorganization studies designed to enhance the educational opportunities and improve cost efficiency. School districts will receive 25% of the cost of the study, but not more than \$2,500.

- J. ALTERNATIVE EDUCATION MANDATE. LB 1050 clarifies the alternative education language and moves the date:
 1. The language is rearranged to clarify that alternative education for expelled students may be in an alternative school, class, or educational program. The educational programs may include, but are not limited to, individually prescribed educational and counseling programs or community-centered classrooms with experiences as observers or aides in governmental functions, on-the-job trainees, or as participants in specialized tutorial experiences. Districts may suspend the enforcement of expulsions, unless the expulsion is related to the possession of a firearm.
 2. The requirement for alternative education was to begin on January 1, 1997. That date was moved back to July 1, 1997 under LB 1050. *(NOTE: NCSA had requested a change in the implementation date to allow districts more time to prepare. However, NCSA was also successful in seeking an amendment to LB 299, budget lid bill, which creates a special task force on unfunded mandates (administrators will be represented on this task force). The task force will review and suggest modifications or repeal of various unfunded mandates that affect political subdivisions, including school districts.)*
- K. IMPACT AID. LB 1050 changes a date for the Impact Aid Settlement. Last year LB 542 was adopted in response to a potential settlement regarding federal impact aid. If certain federal legislation was enacted by October 1, 1995, the State Department of Education would have made payments to school districts which received less state aid for the 1990-91 school year due to the inclusion of federal impact aid entitlements in the calculation of district formula resources. The October 1, 1995 date for enactment of federal legislation is changed to November 1, 1996.
- L. SPARSITY FACTOR:
 1. By December 15, 1996 the School Finance Review Committee is to prepare a recommendation to the Legislature indicating how a sparsity factor should be incorporated into the school finance formula.
 2. Requires the Department to provide a State Aid estimate by April 1 of each year.
- M. CONTRACTS WITH OTHER DISTRICTS: Any Class II or III school district which is contracting with another school district for grades 9-12 for one year shall become a Class I district by order of the county superintendent regardless of the distance to the nearest high school.
- N. ENROLLMENT OPTION PROGRAM: Allows the option school district to determine the building assignment of enrollment option students. The bill also eliminates a district's requirement to accept siblings of current enrollment option student.
- O. SCHOOL VEHICLES: Last year, LB 658 provided language which expressly provides when a school district would have jurisdiction over a student's misconduct for purposes of the Student Discipline Act. The language states, in essence, that any action or offense occurring on school grounds, a school owned vehicle, or at a school event or activity is actionable by the school district. It was not clear whether school leased vehicles would technically be covered by this language. LB 1050 clarifies this language to include school leased or contracted vehicles, or in a vehicle being driven for a school purpose by a school employee or his/her designee.

LB 1205 (Bromm) PLAN FOR SALE OF LANDS

LB 1205 requires the Board of Educational Lands and Funds to prepare a plan for the sale of educational lands. The plan must be submitted to the Education Committee on or before December 1, 1996. The plan must commence on July 1, 1997 and must provide for the sale of enough of the total of the educational lands by January 1, 2008 to result in one-fourth of the value of the school trust permanent portfolio being invested by the board in real property located within Nebraska and the remaining three-fourths of the value of the school trust permanent portfolio being invested by the state investment officer. The state investment officer must also prepare a plan for investment and submit it to the Education Committee on or before December 1, 1996.

LB 1205 - Legislative History

Committee action: Senator Jones' priority bill; advanced to General File on February 15, 1996;

General File: advanced to Select File on February 21, 1996;

Select File: advanced to Final Reading on March 11, 1996;

Final Reading: passed on a 36-9 vote on April 9, 1996;

Signed into Law: April 12, 1996;

Effective Date: July 19, 1996.

LB 964 (Cudaback) ELECTIONS BY MAIL:

A political subdivision may, by resolution of the governing body of the subdivision, adopted by two-thirds of the members of the governing body, hold a special election by mail under the following conditions: (1) all registered voters of the political subdivision are eligible to vote on the issue; (2) only registered voters of the political subdivision are eligible to vote on the issue; (3) only issues and not candidates are submitted to the registered voters; (4) the governing body of the political subdivision determines a date for the election which is not the same date as another election in which the registered voters of the political subdivision are eligible to vote; (5) the "clerk" of the political subdivision certifies the issue or issues to the election commissioner or county clerk at least 50 days prior to the date of the election; and (6) the Secretary of State has approved a written plan for the conduct of the election, including a written timetable for the conduct of the election, submitted by the election commissioner or county clerk who would be responsible for conducting the election. The written plan must include provisions for the notice of election to be published and for the application for absentee ballots notwithstanding other statutory provisions regarding the content and publication of a notice of election or the application for absentee ballots. BALLOTS: The election commissioner or county clerk must mail the official ballot to all registered voters of the political subdivision at the addresses appearing on the voter registration register on the same day. The ballots shall be mailed by nonforwardable first-class mail not sooner than the 20th day before the date set for the election and not later than the 10th day before the date set for the election. The election commissioner or county clerk must include with the ballot (i) a secrecy envelope, (ii) a return identification envelope, and (iii) instructions sufficient to describe the voting process. VOTER INSTRUCTIONS: Upon receipt of the official ballot, the registered voter must mark it, seal the ballot in the secrecy envelope, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the ballot to the election commissioner or county clerk by mailing it or by personally delivering it to the office of the election commissioner or county clerk. Ballots which are returned by mail shall be accepted for approval by the counting board if they are in the physical possession of the election commissioner or county clerk not later than 10 a.m. on the second day after the date set for the election. COUNTING: An official ballot will be counted only if it is (i) returned in the sealed secrecy envelope which is in the return identification envelope, (ii) the envelope is signed by the voter to whom it was issued, and (iii) the signature is verified by the election commissioner or county clerk. The election commissioner or county clerk must verify the signature on each return identification envelope received in his or her office with the signature appearing on the voter registration records. ELECTION REPORT: The election commissioner or county clerk must file with the Secretary of State and the county board an election report.

LB 964 - Legislative History

Committee action: Senator Cudaback priority bill; advanced to General File on January 30, 1996;
General File: advanced to Select File on February 20, 1996;
Select File: advanced to Final Reading on March 22, 1996;
Final Reading: passed on a 30-14 vote on April 9, 1996;
Signed into Law: April 12, 1996;
Effective Date: July 19, 1996.

LB 967 (Stuhr) BOARD ELECTIONS:

The purpose of LB 967 is to move the election of school board members of Class II school districts from the primary election in May, to the general election in November. Currently Class II school board members are elected in the May primary, and are seated as board members in June. Classes III, IV, V school district board members are elected in the general election in November and are seated in January. LB 967 aligns Class II school districts with all the other high school districts in the state by moving the election of Class II school board members to November, and moving the date the school board members are seated to January.

LB 967 - Legislative History

Committee action: advanced to General File on Jan. 23, 1996;
General File: advanced to Select File on February 8, 1996;
Select File: advanced to Final Reading on February 28, 1996;
Final Reading: passed on a 44-0 vote on March 14, 1996;
Signed into Law: March 19, 1996;
Effective Date: July 19, 1996.

LB 700 (Wickersham) COLA: LB 700 establishes a mechanism to provide cost-of-living adjustments (COLAs) in the three state-administered defined benefit retirement plans, which are the School Employees, State Patrol & Judges retirement systems. The LB 700 COLA mechanism would provide an annual adjustment to retirees' benefits beginning in the sixth year of retirement. In other words, for the first five years, a retiree's benefit is not adjusted. After five years, the retiree's benefit is adjusted

.3% annually to partially offset the affects of inflation. Funding for the COLA mechanism is through state contributions specified at \$6.895 million. Since LB 700 also eliminates the Help Education Lead to Prosperity (HELP) Act, the \$6.895 million state contribution for LB 700 is actually a transfer of HELP funds into retirement. (Note: under LB 700, the Omaha Public School Employees Retirement System receives a proportionate share of the funding, but the share is not earmarked for COLAs.) OTHER COMPONENTS: For the School Employees Retirement System, LB 700 provides three additional provisions: 1) increases the formula annuity factor from 1.73% to 1.80% for employees ceasing employment after the effective date of LB 700 (a provision from LB 130); 2) establishes a minimum member contribution rate at 7.25% (a provision from LB 723); and 3) provides a one-time 3% ad hoc COLA for employees ceasing employment prior to LB 700 under the existing COLA mechanism, limits future ad hoc adjustments to employees ceasing employment after June 5, 1993 and prior to the effective date of LB 700, and provides for transfer of surplus funds. BREAKDOWN OF HELP ALLOCATIONS: *Judges*: Annual level dollar state contribution 1.04778% of \$6.895 million (\$72,244.43). *OPS*: Annual level dollar state contribution 14.11604% of \$6.895 million (\$973,300.95). *School Employees*: Ceases employees and school district contributions into existing COLA when funds sufficient to pay the one-time 3% COLA (estimated termination date, September 1, 1996). *School Employees*: Annual level dollar state contribution = 81.7873% of \$6.895 million (\$5,639,234.34). *State Patrol*: Annual level dollar state contribution = 3.04888% of \$6.895 million (\$210,220.32).

LB 700 - Legislative History

Committee action: Retirement Committee priority; advanced to General File on Feb. 13, 1995;
General File: advanced to Select File on January 9, 1996;
Select File: advanced to Final Reading on January 25, 1996;
Final Reading: passed with E-clause on a 42-1 vote on April 3, 1996;
Signed into Law: April 9, 1996;
Effective Date: April 10, 1996.

LB 847 (Wickersham) STRUCTURAL CHANGES: LB 847 provides for structural changes in the Investment Council, the Public Employees Retirement Board (PERB), and the Nebraska Public Employees Retirement System office (NPERS) to improve the administration of the Nebraska retirement systems. INVESTMENT COUNCIL: The bill: (1) revises the qualifications for the appointed members of the Investment Council by requiring

at least 10 years experience in financial affairs of a public or private organization or 5 years experience in investment management or analysis; (2) adds language that members may be removed for cause; and (3) requires the state investment officer to have at least 5 years experience in management of investment portfolios. PERB: The bill: (1) adds qualifications for the appointed members of the PERB who are not State or political subdivision employees by requiring at least 10 years experience in management of a private or public organization or 5 years experience in actuarial analysis or administration of an employee benefit plan; (2) requires a compliance audit, obtained by a competitive bidding process through DASMateriel, every four years to ensure compliance with state & federal laws; and (3) adds rule-making and regulation-making to PERB's duties (current law provides rule-making and regulation-making for only internal management of board). INVESTMENT COUNCIL AND PERB: The bill: (1) provides for cross-membership on each board (the state investment officer will be a non-voting, ex officio member of PERB, and the NPERS director will be a non-voting, ex officio member of the Investment Council); (2) requires the Governor and Legislature to approve the appointment of the state investment officer and NPERS director; (3) specifies that personnel of the Investment Council & NPERS (except for the state investment officer and NPERS director) will be covered by the State Personnel System and must comply with state accounting regulations and applicable state and federal laws; (4) allows the Investment Council to exempt investment managers from the State Personnel System; (5) requires an annual plan of action, which must be presented to the Retirement Committee; (6) defines who are fiduciaries on the Investment

LB 847 - Legislative History

Committee action: Retirement Committee priority; advanced to General File on March 16, 1995
General File: advanced to Select File on January 9, 1996;
Select File: advanced to Final Reading on January 25, 1996;
Final Reading: passed on a 42-0 vote on April 1, 1996;
Signed into Law: April 3, 1996;
Effective Date: July 19, 1996.

Council and PERB; (7) provides for the prudent person standard for members of the Investment Council and PERB; (8) requires an annual joint-analysis of the investment return; and (9) prohibits investment of retirement funds if the sole or primary investment objective is for economic development or social purposes or objectives. **NPERS:** The bill: (1) names the NPERS as the agency for the administration of the system; (2) requires the NPERS director to have at least 5 years experience in the administration of a qualified public or private retirement plan; and (3) specifies that the NPERS director will serve without term and may be removed by the PERB. **ADDITIONAL CHANGES:** For the School Employees System, the bill also: (1) adds definition of compensation which explicitly excludes unused sick or vacation leave, insurance premiums converted to cash payments, reimbursement for expenses incurred, fringe benefits, or bonuses for services not actually rendered; (2) allows rollovers into and out of the retirement systems according to section 401(a)(31) and 402 of the Internal Revenue Code; and (3) conforms military service provisions to federal law (clarifies that the employer is liable for funding of benefits for periods of military service).

LB 1076 (Retirement Committee) **GENERALLY:** LB 1076 provides for several clarifications and corrections in all five of the state-administered retirement systems. **COMPONENTS:** LB 1076 does the following: (i) defines and clarifies eligibility and vesting credit in the county, school employees, state patrol, and state retirement systems which was enacted in LB 501 (1995); (ii) provides that the PERB will adjust contributions and benefits which do not conform to the provisions of the retirement systems; (iii) provides for a 2-year statute of limitation for claims or demands under the retirement systems; (iv) extends time frame for payments into the defined benefit plans for buy back & repayment of withdrawn contributions from 3 years to 5 years; (v) clarifies “reduction” used in the school employees system for formula annuity benefits received prior to age 60 is actuarial reduction and for service annuity benefits prior to age 65 is actuarial reduction; (vi) clarifies that service purchased under the school system is included in creditable service; (vii) clarifies that the service and formula annuity is calculated on years of creditable service versus service; (viii) provides vesting under school plan at normal retirement age of 65 to conform to pre-ERISA section 401(a)(7) of the IRC; (ix) recodifies several provisions in the school system; (x) clarifies that deferred vested benefit cannot be taken until on or after member’s 55th birthday; (xi) clarifies that maximum term of the actuarial contract is 3 years and that a competitive bid process is required at least once every 3 years; (xii) requires PERB to adopt rules and regulations for administration of the systems, in addition to those for the internal management of the board. **SERVICE BUY BACK:** For members of the School Retirement System employed after the effective date of LB 1076, the bill also changes the current payment requirements to buy back service under the School Retirement System to the actuarial cost to the System for allowing such additional service. LB 1076 also eliminates the requirement that the creditable service be “teaching” service thereby allowing buy back for all types of creditable service.

LB 1076 - Legislative History

Committee action: Retirement Committee priority; advanced to General File on January 30, 1996

General File: advanced to Select File on March 6, 1996;

Select File: advanced to Final Reading on April 4, 1996;

Final Reading: passed on a 34-7 vote on April 11, 1996;

Signed into Law: April 16, 1996;

Effective Date: July 19, 1996.

LB 299 (Warner) **SPECIAL NOTES:** For the purposes of LB 299, “governmental unit” is redefined such that the term refers to all political subdivisions other than Sanitation and Improvement Districts (SIDs) and school districts. This action was taken to separate those political subdivisions under a “restricted funds” budget (e.g., ESUs, community colleges, cities, and counties) versus those subdivisions under an expenditure-based budget (SIDs and school districts only). Therefore, some of the general provisions in LB 299 relate to all political subdivisions and other provisions relate only to school districts or SIDs. Provisions for monitoring school budgets and lid computation remain consistent with prior years for school district. Instead, the Department of Education will contin-

LB 299 - Legislative History

Committee action: Senator Warner priority bill; advanced to General File on March 11, 1996

General File: advanced to Select File on March 25, 1996;

Select File: advanced to Final Reading - April 3, 1996;

Final Reading: passed with E-clause on a 36-11 vote on April 11, 1996;

Signed into Law: April 16, 1996;

Effective Date: April 17, 1996.

ue to have this responsibility. Another important note is that, after the provisions of LB 299 sunset, the former provisions of LB 1059 will once again become effective (in FY1998-99). PROVISIONS OF LB 299: The following is an outline of the provisions of the budget lid bill:

OUTLINE OF LB 299

A. BASIC ALLOWABLE GROWTH RATE FOR GENERAL FUND EXPENDITURES:

1. *FY1996-97*: 2%* plus the growth in students (ADM) - see exclusions.
2. *FY1997-98*: 0%* plus the growth in students (ADM) - see exclusions.

* For the two years LB 299 is in effect, the 0% budget lid contained in LB 1059 is not in effect. School districts are automatically allowed a 2% budget lid maximum for FY1996-97 and 0% budget lid maximum for FY1997-98 (excluding the additional 1% which does require a hearing as noted below).

B. EXCEEDING THE LIDS: A school board may exceed the budget lid by 1% through a 3/4s vote of the board after a hearing is held on the issue.

C. CALCULATION OF GROWTH IN STUDENTS: The growth in students is the percentage increase in the number of students calculated by dividing the fall membership count from the school year immediately preceding the school year for which the budget is being determined multiplied by the average ratio of average daily membership to fall membership for the most recent available data year and the two school years prior to that year by the average daily membership in the school district from the second school year preceding the year for which the budget is being determined and then subtracting one from the ratio. If the calculated growth in students is negative, the growth in students is zero.

D. EXCLUSIONS TO BUDGET LIDS:

1. expenditures for special education;
2. budgeted expenditures for capital improvements[†] financed by the proceeds from a bond issue, appropriations from a sinking fund, or any other means;

[†] Capital improvements means (i) acquisition of real property (ii) acquisition, construction, or extension of any improvements on real property (iii) furnishing or equipping of any improvement except that routine maintenance and the acquisition of any equipment with a useful life of less than five years shall not be considered capital improvements, and (iv) acquisition or replacement of other tangible personal property with a useful life of five years or more.
3. expenditures to all retire bonded indebtedness;
4. expenditures in support of a service which becomes the subject of an interlocal cooperation agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or an independent joint entity for two fiscal years beginning with the first budget adopted after the agreement or modification is signed;
5. expenditures to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act;
6. expenditures to pay for judgments, except orders from the CIR, obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by district liability insurance; and
7. expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment.

NOTE: The Department of Education has indicated that "special grant funds" are also excluded from the budget lids contained in LB 299.

E. ALLOWABLE RESERVE: The statutory provisions on the Allowable Reserve are still in effect for FY1996-97 and FY1997-98 (the General Fund Cash Reserve, the Depreciation Fund Total Requirements, the Employee Benefit Fund Cash Reserve, and the Contingency Fund Total Requirements are used to determine the Allowable Reserve Percentage).

F. FUTURE BUDGET REDUCTIONS: "It is the intent of the Legislature that any reductions in a school district budget, made to comply with the budget limitation in the Tax Equity and Educational Opportunities Support Act, affect classroom expenses as a last resort."

G. TASK FORCE ON UNFUNDED MANDATES.

1. *Composition*:
 - a. chairperson of the Legislature's Executive Board;

- b. seven (7) additional members of the Legislature to be selected by the Legislature’s Executive Board; and
 - c. five (5) representatives of political subdivisions, including one (1) representative of municipalities, one (1) representative of counties, and three (3) representatives of the education community.
2. *Task Force Chairperson:* The chairperson of the Legislature’s Executive Board shall serve as chairperson of the task force.
 3. *Purpose of Task Force:*
 - a. The task force shall identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services;
 - b. consider the findings of relevant interim studies on unfunded mandates; and
 - c. seek recommendations and proposals from groups and individuals on the issue of unfunded mandates.
 4. *Report:* The task force shall provide a written report to the members of the Legislature by December 1, 1996, which may include recommendations for any changes to state law which may either modify or repeal all identified programs and services with the intent of reducing the fiscal impact of the programs and services on the political subdivision or eliminating the programs and services entirely.
 5. *Interim Studies:*
 - a. The Legislature requests each standing committee of the Legislature to undertake an interim study during 1996 to identify unfunded mandates and to recommend, if desirable, the modification or repeal of unfunded mandates impacting the subject matter jurisdiction of the committee.
 - b. Each standing committee that undertakes such a study shall report its findings to the Task Force on Unfunded Mandates on or before November 1, 1996, and the task force shall consider the findings in making its recommendations.
 6. *Termination:* The task force terminates on December 31, 1996.

NOTE: The foregoing provision relating to the Task Force on Unfunded Mandates was initiated by NCSA in an attempt to eliminate or modify all unfunded mandates affecting school districts. The provision was structured so that administrators, school boards, and teachers will be represented on the task force.

LB 693 (Warner) SPECIAL NOTES: LB 693 was one of the last bills to pass the 1996 Legislative Session. LB 693 served as a shell bill for several items omitted from the main property tax bills. LB 693 had two major purposes. The first purpose was to create the Commission on Local Government Innovation and Restructuring, as outlined below. The second purpose was to amend LB 1085 with regard to establishing the preliminary and final property tax rates. Please refer to the bill summary of LB 1085 for a complete description of that bill including the additional provisions proposed under LB 693.

LB 693 - Legislative History

Committee action: advanced to General File on Feb. 21, 1995;
General File: advanced to Select File on April 13, 1995;
Select File: advanced to Final Reading on April 10, 1996;
Final Reading: passed on a 41-3 vote on April 18, 1996;
Signed into Law: April 18, 1996;
Effective Date: July 19, 1996.

The Nebraska Commission on Local Government Innovation and Restructuring

1. LEGISLATIVE FINDINGS: “Property tax levy limits, constitutional and statutory authorizations for mergers and restructuring of governments, revised local aid programs, and alternative local option revenue sources proposed and passed in 1996 require local political subdivisions to examine how they deliver and finance necessary public services. Innovations in delivery of services, changes in structures of local governments, and consolidation of services require careful deliberation, citizen involvement, and coordinated action. Efforts to deliver public services in the most effective way should be encouraged and fostered by state government. A structure for encouraging a state and local cooperative approach to change is necessary. The need for this approach will be most critical to restructuring efforts over the next four years as Nebraska prepares for delivering public services in the next century. The Legislature recognizes this need for encouraging innovations in service delivery and government restructuring by creating the Nebraska Commission on Local Government Innovation and Restructuring.”

2. COMPOSITION: The commission will consist of 18 members appointed by the Governor, including:
 - a. The Property Tax Administrator or his or her designee;
 - b. The Director of Administrative Services or his or her designee;
 - c. The Director of Economic Development or his or her designee,
 - d. Three persons representing school districts;
 - e. Three persons representing municipalities;
 - f. Three persons representing county government
 - g. Three persons with expertise and experience in public sector finance, analysis, or management; and
 - h. Three persons with private sector finance or management experience.
3. GOVERNANCE: The Nebraska Commission on Local Government Innovation and Restructuring will meet and elect a chairperson from among its members. The commission shall have the authority to hire such temporary staff as it deems necessary to carry out its duties. The commission shall conduct public meetings and maintain public records and an office.
4. POWERS AND DUTIES:
 - a. To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds must be available for planning and evaluating such projects. Funds must be provided on a matching fund basis;
 - b. To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;
 - c. To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;
 - d. To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;
 - e. To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; and
 - f. To accept and receive funds or donations from public and private funding sources.
 - g. To develop guidelines for a matching grant program to fund local government program and service restructuring innovations in which taxpayer savings or service quality improvements can be identified and quantified to the satisfaction of the commission.
5. FUNDING: The Nebraska Local Government Innovation and Restructuring Fund is created in order to carry out the purposes funding the commission. The State Treasurer must transfer \$100,000.00 to the fund annually.
6. TERMINATION: The commission will terminate on July 1, 2000.

LB 1085 (Revenue Committee) COUNTY CONSOLIDATION: By January 1,

1998, each county board must examine the question of whether property taxes might be reduced through consolidation of counties, offices, or services with another county. A public hearing must be held on the issue. LB 1085 also includes language to permit the consolidation of counties, offices and services, and provides guidelines and specifications to form and approve county consolidation agreements.

SETTING PROPERTY TAX RATES FOR NON-AFFILIATED DISTRICTS: On or before September 10th each year, the County Clerk shall certify the preliminary property tax rate for all political subdivisions. The preliminary property tax rate is calculated by dividing the amount requested for the previous year by the final valuation for the current year. The preliminary tax rate must be published in a newspaper of general circulation on or before September 15th each year. The governing body of a political subdivision may change the preliminary property tax rate set by the County Clerk through a resolution passed by a majority vote of the board. Before such a vote, the governing body must call for a special public hearing and provide at least five days prior notice. SETTING PROPERTY TAX RATES FOR MULTIPLE SCHOOL DISTRICTS: For school systems with multiple school

LB 1085 - Legislative History	
Committee action:	Senator Wickersham priority bill; advanced to General File on March 11, 1996
General File:	advanced to Select File on March 19, 1996;
Select File:	advanced to Final Reading on April 2, 1996;
Final Reading:	passed on a 45-0 vote on April 10, 1996;
Signed into Law:	April 16, 1996;
Effective Date:	July 19, 1996.

districts, the county clerk shall certify to each school district the combined valuation of the school system with the multiple school districts and the proportion of valuation in each district by September 10 each year. The county clerk shall also certify the preliminary levy based on the combined valuation and the amount requested for the school system for the prior year. School systems with multiple school districts shall hold a hearing to approve or modify the preliminary system-wide levies on or before September 15th each year. For a school system with multiple districts, the school board of the Class VI school district or k-12 district shall have the authority to set the tax rate for the school system. TAX LEVY DATE: The county board of equalization will levy the necessary taxes on or before October 15th (formerly September 30).

LB 1114 (Warner) LEVY LIMITS: (general and special levies combined) For FY1998-99 through FY2000-01, school districts and multiple-district school systems are limited to a maximum \$1.10 levy authority. For FY2001-02 and all future fiscal years, the school levy limit is \$1.00. ESUs are reduced to a 1.5¢ levy authority effective FY1998-99 and beyond. LEVY LIMIT EXCLUSIONS: (i) amounts levied to pay for sums agreed to be paid by a district to certificated employees in exchange for voluntary termination of employment (early retirement); (ii) amounts levied to pay for special building funds and sinking funds established for projects commenced prior to April 1, 1996 for construction, expansion, or alteration of school district buildings; (iii) amounts levied for judgments against a district to the extent such judgment will not be paid by liability insurance; (iv) amounts levied for pre-existing lease-purchase contracts approved prior to July 1, 1998; and (v) amounts levied for bonded indebtedness. FEDERAL AID DISTRICTS: Federal aid school districts may exceed the maximum levy limits to the extent necessary to qualify to receive federal aid pursuant to Title VIII. EXCEEDING LEVY LIMITS: A school board may exceed its levy limit by an amount approved by a majority of registered voters voting in a primary, general or special election. A measure to exceed the levy limit may be initiated via: (i) the adoption of a resolution by a 2/3s vote of the school board; or (ii) the receipt by the county clerk/election commissioner of a petition signed by 5% of the registered voters in the district. The duration of the excess levy may not exceed five years. COUNCIL ON PUBLIC IMPROVEMENTS AND SERVICES: A council may be created in each county for the purpose of reviewing budgets and property tax requests for each political subdivision within the county. The council may discuss issues of efficiency and coordination of services and programs. OPERATIVE DATE: LB 1114 becomes operative on July 1, 1998.

LB 1114 - Legislative History

Committee action: Senator Coordsen priority bill; advanced to General File on March 11, 1996
General File: advanced to Select File on March 25, 1996;
Select File: advanced to Final Reading on April 3, 1996;
Final Reading: passed on a 36-12 vote on April 11, 1996;
Signed into Law: April 16, 1996;
Effective Date: July 19, 1996.

LB 1177 (Warner) MUNICIPAL EQUALIZATION FUND: The bill creates the Municipal Equalization Fund to provide state aid to equalize the property tax capacity of incorporated cities. COUNTY SALES AND USE TAX: A county may impose a sales and use tax of up to 1.5¢ upon transactions within the county but outside any incorporated municipality which has adopted a local sales tax. HARMONIZATION: LB 1177 harmonizes relevant law with changes made in LB 1050, the comprehensive school finance bill. LB 1177 provides for 60% of the proceeds in the Insurance Tax Fund distributed as Equalization Aid. The amount in the Insurance Tax Fund on May 1 will be distributed to school districts the following year. OPERATIVE DATE: The operative date of LB 1177 is July 1, 1998.

LB 1177 - Legislative History

Committee action: Senator McKenzie priority bill; advanced to General File on March 11, 1996
General File: advanced to Select File on March 25, 1996;
Select File: advanced to Final Reading on April 3, 1996;
Final Reading: passed on a 43-3 vote on April 11, 1996;
Signed into Law: April 16, 1996;
Effective Date: July 19, 1996.

II. Constitutional Resolution

LR292CA (Warner) GOVERNMENT
MERGERS

The resolution calls for placing on the November ballot, a proposal for an amendment to the Nebraska Constitution to: Amend Article XV section 18, which allows the state and local governments to perform their functions jointly. The proposed amendment would also allow the Legislature to provide for

the merger or consolidation of local governments. No merger or consolidation of a municipality or county may occur without the approval of a majority of the residents of the municipality or county. Also, to provide for the financing of a joint operation or a merger or consolidation, the Legislature may authorize different tax rates. PROPERTY TAX PACKAGE: LR292CA was a part of the 1996 property tax package. BALLOT ISSUE: LR292CA will appear on the November, 1996 General Election ballot for approval by the voters of Nebraska.

LR 292CA - Legislative History

Committee action: Senator McKenzie priority bill; advanced to General File on March 11, 1996
General File: advanced to Select File on March 25, 1996;
Select File: advanced to Final Reading on April 3, 1996;
Final Reading: passed on a 43-3 vote on April 11, 1996.

III. Interim Studies, 1996

A. Overview

CATEGORY	LR No.	BRIEF DESCRIPTION	SPONSOR	COMMITTEE	PAGE
<i>Annexation Law</i>	LR 446	review of municipal planning, zoning, and annexation law	Urban Affairs Committee	Urban Affairs	17
<i>Blind</i>	LR 393	establishing a Neb. Commission of the Blind	Will	Health	17
<i>CIR</i>	LR 421	review issues concerning the CIR	Janssen	Bus. & Labor	17
<i>Deposit of Public Funds</i>	LR 403	examine laws regarding deposit of public funds in financial institutions	Landis	Banking	17
<i>Driver's Education</i>	LR 409	analyze the types of driver's education and training available to teenage drivers	Avery	Education	18
	LR 426	how driver education and the use of cellular telephones impact driver safety	Crosby	Transportation	18
<i>ESUs</i>	LR 404	study the number and boundaries of ESUs	Bohlke	Education	18
<i>Health Issues</i>	LR 443	study health and human services issues	Health Committee	Health	18
<i>Hearing Impaired</i>	LR 425	review issues concerning the Commission for the Hearing Impaired	Crosby	Health	18
<i>Juvenile Justice</i>	LR 440	examine cost-effective ways to provide guidance and discipline to juvenile offenders	Wesely	Judiciary	19
<i>Performance Contracting</i>	LR 359	develop guidelines for energy management performance based contracting in Nebraska	Jensen	Natural Resources	19
<i>Property Tax Issues</i>	LR 379	study funding alternatives to replace property tax revenue for schools	Schellpeper	Revenue	19
	LR 407	examine the homestead exemption as a means of providing property tax relief	Hilgert	Revenue	19
	LR 419	restructuring local and state government services, and examining other related issues	Warner	Select Committee	19
	LR 439	study the compensation structure in schools	McKenzie	Education	19
	LR 459	determine the effects of changes in the homestead exemptions since 1993	Wesely	Revenue	19
	LR 460	study the use of income and property tax as a determinant of wealth in a school district	Stuhr	Education	20
	LR 468	study affects of 1996 property tax legislation	Warner	Revenue	20

Continued on page 16

Overview of Interim Studies, 1996 - continued

CATEGORY	LR No.	BRIEF DESCRIPTION	SPONSOR	COMMITTEE	PAGE
School Finance	LR 415	study alternatives to the tier structure for determining formula needs in LB 1059	Bohlke	Education	20
	LR 416	determine state sources of funding available to schools to meet the 45% funding goal	Bohlke	Education	20
School Reorganization	LR 418	study the procedures for reorganization	Bohlke	Education	20
	LR 457	examine school reorganization, including the number of administrative staff	Wesely	Education	20
Schools' TeleLearning	LR 373	review Schools' TeleLearning Service and the Japanese Distance Learning Program	Appropriations Committee	Appropriations and Education	20
School-to-Work	LR 368	study public concerns regarding school-to-work programs in Nebraska	Bus. & Labor Committee	Bus. & Labor	20
Special Education	LR 411	continue study of alternative funding system for special education programs	McKenzie	Select Committee	21
	LR 412	study special education issues, and issues related to reducing age of "free instruction"	Stuhr	Education	21
Truancy	LR 417	study truancy statutes and procedures	Bohlke	Education	21
Retirement	LR 343	initiate an action to determine rights of certain non-certified employees	Wickersham	no committee assignment	21
	LR 381	study new accounting standards issued by the Government Accounting Standards Board	Retirement Committee	Retirement	22
	LR 383	study the membership of noncertificated school employees	Retirement Committee	Retirement	22
	LR 384	study Nebraska's financial support of the School Retirement System	Retirement Committee	Retirement	22
	LR 385	study the adjusted supplemental benefit under the School Retirement System	Retirement Committee	Retirement	22
	LR 386	study treatment of employees who are rehired after the date of retirement or termination	Retirement Committee	Retirement	22
	LR 387	study current funding status of retirement plans and future funding requirements	Retirement Committee	Retirement	22
Workers' Compensation	LR 357	review of the Neb. Workers' Compensation Act and the impact of LB 757 (1993)	Bus. & Labor Committee	Bus. & Labor	22

NCSA will be monitoring all interim studies relevant to public education throughout the Summer and Fall of 1996. We will report to members any important information derived from these interim studies as it becomes available to us.

B. In-Depth Review *(Interim Studies, 1996)*

[NOTE: Many of the following descriptions of interim studies have been summarized for quicker reference. In many cases, the actual language of the legislative resolution is presented in order to better explain the intent of the interim study as offered by the respective sponsor.]

Annexation Law

LR 446 INTRODUCED BY: Urban Affairs Committee. PURPOSE: This study will include the following: (1) a review of the laws and operations of cities of all classes and villages with regard to planning and zoning, subdivision regulation and development, and annexation; (2) a study of the operations of the various municipal bodies engaged in the planning process, including planning commissions, boards of adjustment, and building boards of review; (3) a study of sanitary and improvement districts, the statutes governing their operations, the finances of their operations, and their relationship with municipalities and counties; (4) a review of the finances of annexation and the manner in which financial considerations impact on annexation decisions; and (5) a study of what changes would be appropriate in state law to facilitate annexation or to enable sanitary and improvement districts to exist as “stand-alone” bodies with enhanced powers and authority. COMMITTEE ASSIGNMENT: Urban Affairs Committee. NOTE: The purpose of noting this interim study relates to LB 1372, introduced in 1996. Although the bill was indefinitely postponed by the Education Committee, the issue could potentially re-appear under LR 446. LB 1372 would have changed the annexation procedures for territory contained in Class III school districts that exists as a result of a Class I/VI school system consolidation.

Blind, Commission of the

LR 393 INTRODUCED BY: Will, Crosby. PURPOSE: The purpose of this resolution is to study the feasibility of establishing a Nebraska Commission of the Blind. The study may include: (1) an examination of the issues affecting the blind citizens of Nebraska and the appropriate roles of state government in addressing those issues; (2) an examination of current government services available to the blind citizens of Nebraska and the possibility of the expansion or consolidation of such services; and (3) an examination of the issues affecting blind citizens that are not currently addressed by state laws or state agencies that might be more appropriately vested in a commission. COMMITTEE ASSIGNMENT: Health and Human Services Committee. NOTE: The reason for noting this interim study relates to 1996 legislation to require braille instruction for any student/parent requesting such instruction regardless of the opinion of the IEP team. LB 950, introduced by Senator Schimek, failed to advance from the Education Committee in the 1996 Legislative Session. However, the Education Committee did recommend to the State Board of Education that the issue be reviewed for possible implementation through rules and regulations.

Commission of Industrial Relations (CIR)

LR 421 INTRODUCED BY: Janssen, Schmitt, McKenzie, Bohlke, Bromm. PURPOSE: The purpose of this resolution is to study possible solutions to the problems which develop due to the interaction between the CIRs’ ability to determine the rate of wages paid and conditions of employment for school employees under section 48-818 and the provisions of subsection (5) of section 79-3819 which allows a school district to exceed its allowable growth rate to the extent required by an order of the commission. The interaction of sections 48-818 and 79-3819 causes problems for school districts since school districts are required to fulfill the CIRs’ order even if such order requires budget limitations in section 79-3914 to be exceeded and consequently the levy must be increased to meet the commission’s order. COMMITTEE ASSIGNMENT: Business and Labor Committee. NOTES: NCSA has also asked Senator Roger Wehrbein to help our organization study the issue of the CIR. In light of the property tax legislation, our organization will likely pursue and/or support some form of legislation to address this issue.

Deposit of Public Funds

LR 403 INTRODUCED BY: Landis. PURPOSE: The purpose of this resolution is to examine Nebraska’s statutes regarding deposit of public funds in financial institutions. The study should include a review of the statutes

requiring financial institutions to provide security for public funds held in excess of deposit insurance and the consideration of changes to make these statutes more uniform and consistent in their application to the various entities of government. COMMITTEE ASSIGNMENT: Banking, Commerce and Insurance Committee.

Driver's Education

LR 409 INTRODUCED BY: Avery. PURPOSE: The purpose of this resolution is to analyze the types of driver's education and training available to teenage drivers in the State of Nebraska. Such analysis must include: (1) an overview and comparison of the requirements of such education and training in the State of Nebraska and other states throughout the Midwest; (2) an analysis of the costs associated with such education and training in comparison to the social costs associated with the absence of such education and training; and (3) an analysis of the focus of such education and training upon experience in handling various road conditions, inclement weather, and other traffic hazards. COMMITTEE ASSIGNMENT: Education Committee.

LR 426 INTRODUCED BY: Crosby. PURPOSE: The purpose of this resolution is to study driving safety, including, but not limited to, how driver education and the use of cellular telephones impact driver safety. COMMITTEE ASSIGNMENT: Transportation Committee.

Educational Service Units (ESUs)

LR 404 INTRODUCED BY: Bohlke. PURPOSE: In 1995, NDE contracted for a study to assess educational service units and to recommend modifications to strengthen the role of ESUs in the state's elementary and secondary educational systems. In 1995, the Legislature conducted an extensive study of property taxation, leading to the introduction of legislation designed to increase efficiencies, encourage governmental consolidation and merger, and limit the levying and spending authority of political subdivisions in order to reduce property taxes in this state. To these same ends, the Education Committee is directed to continue working with NDE and the State Board of Education with the goal of restructuring the number and boundaries of ESUs. Reducing the number of ESUs would enhance efficiencies, reduce administrative personnel, eliminate duplication, increase the consolidation of service delivery, and achieve a more balanced, state-wide system. Using computer models, the study shall test various criteria (travel time, student population sizes, number of LEAs, and property tax valuation discrepancies) to reconfigure the number and boundaries of educational service units so that schools and taxpayers could be better served. In addition, the study must review the general 3.5¢ tax levy authority, enacted in 1965, and the categorical .5¢ tax levy for telecomputing. This taxing authority should be evaluated in light of other school finance, state aid, and tax lid measures which affect the school districts' ability to fund programs and services for students. COMMITTEE ASSIGNMENT: Education Committee.

Health Issues

LR 443 INTRODUCED BY: Health and Human Services Committee. PURPOSE: To study health and human services issues. The health and human services issues to be studied must include: 1) cost containment for health care services; 2) mental health; 3) developmental disabilities; 4) the role of counties in health and human services programs; 5) substance abuse; 6) regulation of health professions; 7) foster care; 8) teenage pregnancy; 9) medicaid services; 10) disabled persons and family support programs; 11) the role and mission of the regional centers in the mental health care delivery system; and 12) the issues associated with the regulation of design professionals. COMMITTEE ASSIGNMENT: Health and Human Services Committee. NOTE: NCSA will be monitoring this resolution carefully since several bills in the 1996 session, if passed, would have impacted schools. One such bill, LB 1004, would have required health services provided in public schools to be provided under the supervision of a registered nurse. The Department of Health would have been required to adopt rules and regulations to define school health services.

Hearing Impaired, Commission for the

LR 425 INTRODUCED BY: Crosby. PURPOSE: The purpose of this resolution is to study the following issues regarding the Commission for the Hearing Impaired: (1) discussion regarding a name change from the Commission for the Hearing Impaired to the Commission for the Deaf and Hard of Hearing; (2) discussion of membership on the commission; (3) a review of statutory responsibilities, including: (a) clarification and

delineation of services for deaf and hard-of-hearing people; (b) implementation of the ADA and its effects; (c) HI-VIS (Hearing Impaired Video Information Services) to be analyzed and possibly replaced by a more relevant service from NET; and (d) a review of interpreter training activities. COMMITTEE ASSIGNMENT: Health and Human Services Committee.

Juvenile Justice

LR 440 INTRODUCED BY: Wesely. PURPOSE: This study will examine whether county attorneys have the dispositional options necessary to protect the public in a cost-effective manner while providing guidance and discipline to juvenile offenders. Specifically, the study shall examine, but not be limited to: (1) the statutory and informal dispositional options used by county attorneys; (2) whether the juvenile justice community members, including court officials, county attorneys, police departments, and social workers need new dispositional options to reduce the number of juveniles who face court hearings; (3) whether victim-offender mediation is a cost-effective means of dealing with nonviolent juvenile crime; (4) the record of the Office of Dispute Resolution in dealing with mediation cases; and (5) the success of juvenile offender-victim mediation in reducing the juvenile recidivism. COMMITTEE ASSIGNMENT: Judiciary Committee.

Performance Contracting

LR 359 INTRODUCED BY: Jensen. PURPOSE: To study the potential beneficial effects of introducing energy management performance based contracting to Nebraska and to develop suggested statutory guidelines for the establishment of energy management performance based contracting in the state. COMMITTEE ASSIGNMENT: Natural Resources Committee. NOTE: NCSA requested this interim study. We are not certain whether statutory guidelines are necessary in order to legally recognize performance based contracts in Nebraska. However, if such statutory recognition is necessary, then NCSA will pursue appropriate legislation in 1997.

Property Taxes and Related Issues

LR 379 INTRODUCED BY: Schellpeper. PURPOSE: This study will look at potential funding alternatives to replace lost property tax revenue in the funding of schools. Potential alternative funding sources to be studied may include: establishing a sales tax on food, establishing a sales tax on services, increasing the rate of state income taxes, reducing sales tax exemptions, changing fees for motor vehicle licensing, and increasing the state sales tax rate. COMMITTEE ASSIGNMENT: Revenue Committee.

LR 407 INTRODUCED BY: Hilgert. PURPOSE: This study will examine the homestead exemption and circuit breaker refunds as an alternative means of providing property tax relief. It must also address the feasibility of obligating a portion of the annual revenue growth of the state to fund such methods of property tax reduction and limit state spending. This study must also examine how such methods of property tax reduction could encourage home ownership of lower income families and individuals. COMMITTEE ASSIGNMENT: Revenue Committee.

LR 419 INTRODUCED BY: Warner, Bohlke, et. al. PURPOSE: Efforts to provide property tax relief must be directed toward achieving the following goals: (1) restructuring local and state governmental services in Nebraska; (2) reducing the use of property tax to finance public services; and (3) restructuring state aid to local government and local revenue authority as is necessary to achieve goals (1) and (2). COMMITTEE ASSIGNMENT: Select Committee (Revenue Committee; the chairpersons of the Judiciary, Transportation, Government, Military and Veterans Affairs, Education, Urban Affairs, Health and Human Services, and Natural Resources; the chairperson of the Executive Board; and the Speaker of the Legislature).

LR 439 INTRODUCED BY: McKenzie. PURPOSE: The purpose of this resolution is to study the compensation structure of public K-12 school districts in Nebraska and the structure's relationship and impact on the rate of education budget expansion. This study shall include, but not be limited to, the use of salary schedules, salary structures, and models developed in other states and the process for regulating comparability. COMMITTEE ASSIGNMENT: Education Committee.

LR 459 INTRODUCED BY: Wesely. PURPOSE: This study proposes to determine the effects of the changes on Nebraskans who lost part or all of their homestead exemptions since 1993. Specifically, the study should

determine: (1) the number of people made ineligible for a homestead exemption from the 1993 changes in eligibility rules; (2) the average total income earned by those being studied; (3) the average amount of property valuation exempted for this group before the 1993 changes; and (4) the average increase in property taxes for this group from 1993 to the present. COMMITTEE ASSIGNMENT: Revenue Committee.

LR 460 INTRODUCED BY: Stuhr, Robak. PURPOSE: To study the use of both income and property taxes as a determinant of wealth in a school district in relation to the Tax Equity and Educational Opportunities Support Act. The study must include the following issues: (1) equal educational opportunities for students; (2) taxpayer equity in funding education; and (3) other states school finance formulas and their reliance on income and property tax as means of financing education. COMMITTEE ASSIGNMENT: Education Committee.

LR 468 INTRODUCED BY: Warner. PURPOSE: Included among the issues which must be addressed are the proper distribution of the property tax levying authority under the constraints proposed by LBs 1085 and 1114 (1996); the proper balance of revenue sources to pay for state and local public services; the matching of revenue to services in a way that provides adequate, but not extravagant, public services; and the possible implementation of LR 292CA. COMMITTEE ASSIGNMENT: Revenue Committee.

School Finance

LR 415 INTRODUCED BY: Bohlke. PURPOSE: To study alternatives to the membership tiers for determining formula needs in the Tax Equity and Educational Opportunities Support Act. COMMITTEE ASSIGNMENT: Education Committee.

LR 416 INTRODUCED BY: Bohlke. PURPOSE: To determine what state sources of funding are available to school districts to meet the 45% state funding goal for general fund operating expenditures of school districts. COMMITTEE ASSIGNMENT: Education Committee.

School Reorganization

LR 418 INTRODUCED BY: Bohlke. PURPOSE: To study the procedures for reorganization of school districts. COMMITTEE ASSIGNMENT: Education Committee.

LR 457 INTRODUCED BY: Wesely. PURPOSE: This study should examine school reorganization that could provide cost-effective educational administration without reducing educational excellence. The study will examine: (1) the number of administrative staff in Nebraska public schools and the amount of revenue needed to support them; (2) the number of school districts whose administrative center is within the 20 miles of other school district administrative centers; (3) the cost-effectiveness and educational attainment of districts that have merged since 1991; (4) the number of districts that have merged as a result of previous state reorganization legislation; and (5) Wyoming's system of allowing one school district per county. COMMITTEE ASSIGNMENT: Education Committee.

Schools' TeleLearning Service

LR 373 INTRODUCED BY: Appropriations Committee. PURPOSE: The purpose of this resolution is to review and evaluate the Schools' TeleLearning Service and the Japanese Distance Learning Program which are administered by the State Department of Education in partnership with the Nebraska Educational Telecommunications Commission. The study may include: (1) an examination of projected future funding needs, utilization, and administrative responsibility for the Schools' TeleLearning Service and the Japanese Distance Learning Program; and (2) an examination of the future viability of alternative delivery mechanisms for the Schools' TeleLearning Service and the Japanese Distance Learning Program. COMMITTEE ASSIGNMENT: Education and Appropriations Committees.

School-to-Work

LR 368 INTRODUCED BY: Business and Labor Committee. PURPOSE: The Business and Labor Committee considered several bills in 1996 which would have modified the working hours and working conditions of

minors, specifically school-to-work programs conducted by public school systems. An interim study of the concerns of the public regarding school-to-work programs in Nebraska and of any related issues shall be conducted during 1996. COMMITTEE ASSIGNMENT: Business and Labor Committee.

Special Education

LR 411 INTRODUCED BY: McKenzie, Bernard-Stevens. PURPOSE: The purpose of this study resolution is to continue the work of the LR230 Select Committee structured during the 1995 Legislative Session. LR230 was created to provide counsel and cohesion to the review, examination, and reporting procedures proposed in Legislative Bill 742 (1995). This study will also be conducted by a select committee of the Legislature, both independently and in conjunction with the NDE, the School Finance Review Committee, and the Special Education Accountability Commission. LB 742 was introduced in 1995 to identify cost-containment strategies for special education aid growth. NDE was assigned to review existing rules and regulations relating to special education. A report to the Education Committee from NDE with recommendations for state laws, rules, and regulations relating to special education that could be repealed, modified, or retained is due June 1, 1996. The Special Education Accountability Commission, the School Finance Review Committee, NDE, and the Education Committee are to provide a report by June 1, 1996, in regard to the implementation of an alternative funding system for special education programs. A continuation of the select committee work is needed to focus the reporting process and maintain continuity through the interim. COMMITTEE ASSIGNMENT: Select Committee (including Education Committee).

LR 412 INTRODUCED BY: Stuhf. PURPOSE: LR 299CA was introduced during the 1996 Legislative Session to reduce the age of “free instruction” to ages five to nineteen years. The purpose of this resolution is to study the issues associated with a change in the Nebraska Constitution reducing the age of “free instruction” from the current requirement of ages five to twenty-one years. The study must include the following issues: (1) the effect on special education costs to Nebraska public schools; (2) the effect on persons with disabilities who are currently given “free instruction” in public schools but would no longer be given “free instruction” if the constitutional age requirement were to be lowered, including: (a) how many students who currently qualify as special education students would no longer receive “free instruction” if the constitutional age requirement were reduced; (b) whether other services (e.g., vocational rehabilitation or welfare) would be available for the special education students who are no longer able to continue “free instruction” in public schools; and (c) whether other services would be as effective or more effective to these persons with disabilities outside of “free instruction” in the public schools system; (3) the effect on federal funds the State may receive or currently receives for special education funding; and (4) the effect on “free instruction” for nonspecial education students. COMMITTEE ASSIGNMENT: Education Committee.

Truancy

LR 417 INTRODUCED BY: Bohlke. PURPOSE: To study truancy statutes and procedures and to examine alternatives for parents, students, communities, and schools to coordinate their efforts in addressing truancy problems. COMMITTEE ASSIGNMENT: Education Committee. NOTE: NCSA requested this interim study.

Retirement

LR 343 INTRODUCED BY: Wickersham, Wehrbein, Lynch, Crosby, Robak. PURPOSE: The Legislature requests the Attorney General to initiate an action at the earliest possible date to determine the following: (a) whether the representations, communications, and actions by the Public Employees Retirement Board (PERB) and the Nebraska Public Employees Retirement Systems Agency allowing certain noncertificated school employees who elected nonmembership prior to July 1, 1978, access to the School Retirement System after July 1, 1978, created membership rights in the system for them based upon the theory of estoppel and/or contract; and (b) whether any current or past member of the PERB or any current or past employee of the Retirement Agency is individually liable for his or her representations, communications, or actions with regard to this issue. NOTE: This resolution is the result of an investigation ordered by Senator Wickersham on the issue of why certain noncertificated school employees were allowed into the retirement system when they should have been denied membership as per state statute. NCSA will continue to monitor this issue and report information as it becomes available.

LR 381 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study (1) the new accounting standards issued by the Government Accounting Standards Board, in particular GAS #25 and GAS #27, and (2) the guidance issued by the Actuarial Standards Board on assumptions used in retirement plans. The study must review the methods for the valuation of assets with the objective of smoothing the impact of investment gains and losses. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

LR 383 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study the membership of noncertificated school employees in the School Retirement System of the State of Nebraska. The study may include a review of (1) prior legislation regarding membership in the system, (2) administrative practices and procedures at the local and state level regarding noncertificated school employees, (3) prior opportunities for purchasing of service credit or “buy-back” of service credit, (4) previous and current buy-back provisions affecting noncertificated school employees, and (5) the impact of allowing noncertificated school employees to buy back previous service currently not included in creditable service. The study must evaluate the funding alternatives for allowing a buy-back opportunity for noncertificated school employees, estimate the range of subsidies which would be provided if payment of less than full actuarial cost is required, and identify funding sources if subsidies are provided. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

LR 384 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study Nebraska’s financial support of the School Retirement System. The study may include: (1) an evaluation of the current level of state contributions into the system, (2) the state support to other state retirement systems, (3) the advantages and disadvantages of increasing state financial support of the school retirement system, (4) the state revenue requirements and local property tax relief due to increased state support of school employees retirement, and (5) the accountability of retirement contributions under the school state aid formula. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

LR 385 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study the adjusted supplemental benefit under the School Retirement System. The study must review (1) the number of retirees currently receiving the adjusted supplemental benefit, (2) the number of people that would receive the adjusted supplemental benefit if increased to various levels, (3) the policy implications of providing postretirement adjustments under the system, and (4) the funding of current and future supplemental benefits. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

LR 386 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study the treatment of employees who are rehired after the date of retirement or termination. The study must include a review of the following: (1) current statutory provisions and administrative procedures regarding membership, either voluntary or mandatory, of reemployed members in Nebraska’s defined benefit and defined contribution systems; (2) current statutory provisions and administrative procedures regarding payment or suspension of benefits to reemployed members under Nebraska’s defined benefit and defined contribution systems; (3) federal and other states’ laws on membership and cessation of retirement benefits for reemployed employees; (4) treatment of rehired vested and nonvested members under private defined contribution plans; and (5) policy and fiscal implications of restoring forfeited employer accounts for reemployed nonvested members under Nebraska’s state and county defined contribution systems. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

LR 387 INTRODUCED BY: Nebraska Retirement Systems Committee. PURPOSE: The purpose of this resolution is to study the current funding status of retirement plans in the Nebraska political subdivisions and the implications of such status on future funding requirements by the subdivisions. COMMITTEE ASSIGNMENT: Nebraska Retirement Systems Committee.

Workers’ Compensation

LR 357 INTRODUCED BY: Business and Labor Committee. PURPOSE: To conduct a review of the Nebraska Workers’ Compensation Act and the ongoing impact of LB 757 (1993) upon the workers’ compensation system. COMMITTEE ASSIGNMENT: Business and Labor Committee. NOTE: LB 757 was passed in 1993 and implemented the requirement for safety committees to examine workplaces.

Legislative Vote Record

(Final Reading votes on selected bills)

SENATOR	LB 299 (Budget Lid)	LB 604 (Reorgan- ization)	LB 693 (State Commission)	LB 700 (Retire- ment)	LB 754 (Criminal History)	LB 1050 (School Finance)	LB 1085 (County Mergers)	LB 1114 (Levy Caps)	LB 1205 (School Lands)
Abbott, Chris	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Avery, Mike	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Bernard-Stevens, David	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes
Beutler, Chris	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Bohke, Ardye	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Brashear, Kermit	Yes	Yes	Yes	Not Voting	Not Voting	Yes	Yes	Yes	Yes
Brown, Curt	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Brown, Pam	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Chambers, Ernie	No	Yes	Exercused	Yes	No	Yes	Yes	No	No
Coordisen, George	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Crosby, LaVon	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Cudaback, Jim	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Dierks, Merton	Yes	Not Voting	Yes	Yes	Yes	Exercused	Yes	Yes	No
Elmer, Owen	Exercused	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Engel, Pat	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fisher, Dan	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Hartnett, Paul	Yes	Yes	Yes	Yes	Exercused	Yes	Yes	Yes	Exercused
Hilgerl, John	Yes	Yes	Yes	Exercused	Yes	Yes	Yes	Yes	Yes
Hillman, Joyce	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hodkins, Carol	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Janssen, Ray	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jensen, Jim	Yes	Yes	Not Voting	Yes	Yes	No	Yes	Yes	Yes
Jones, Jim	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Klein, Ireland	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

SENATOR	LB 299 (Budget Lid)	LB 604 (Reorgan- ization)	LB 693 (State Commission)	LB 700 (Retire- ment)	LB 754 (Criminal History)	LB 1050 (School Finance)	LB 1085 (County Mergers)	LB 1114 (Levy Caps)	LB 1205 (School Lands)
Kristensen, Douglas	Yes	Yes	Excused	Yes	Yes	No	Yes	Yes	Yes
Landk, David	Yes	Yes	Yes	Excused	Yes	Yes	Yes	Yes	Yes
Lindsay, John	Yes	Not Voting	Yes	Excused	Yes	Yes	Not Voting	Yes	No
Lynch, Daniel	Yes	Yes	Yes	Yes	Yes	Yes	Not Voting	Yes	Not Voting
Matake, Gerald	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maurstad, David	Yes	Yes	Not Voting	Yes	Not Voting	Yes	Yes	No	Yes
McKenzie, Jan	Yes	Excused	Excused	Yes	Yes	Yes	Excused	Yes	Yes
Pederson, Dwayne	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pirsch, Carol	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Preister, Donald	Yes	Yes	Yes	Yes	Yes	Yes	Not Voting	Yes	Not Voting
Robak, Jennik	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Robinson, Bud	Yes	Not Voting	Yes	Not Voting	Yes	Yes	Yes	Yes	Yes
Schellpeper, Stan	No	Yes	Yes	Yes	Excused	Yes	Yes	No	Excused
Schimke, DiAnna	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Schmitt, Jerry	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes
Schroek, Ed	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
Stuhr, Elaine	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vitiska, Floyd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Warner, Jerome	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Wehrhein, Roger	Yes	Not Voting	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wesely, Don	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Wickersham, Bob	Yes	Excused	Yes	Yes	Yes	No	Yes	Yes	Yes
Will, Eric	Excused	Yes	Yes	Excused	No	Excused	Yes	Excused	Yes
Witek, Kate	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
Withen, Ron	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
YES	36	43	41	42	42	36	45	36	36
NO	11	0	3	1	3	11	0	12	9
NOT VOTING	0	4	5	2	2	0	3	0	2
EXCUSED	2	2	0	4	2	2	1	1	2