

LEGISLATIVE BILL 1213

Approved by the Governor April 13, 2000

Introduced by Education Committee: Bohlke, 33, Chairperson; Brashear, 4;
 Coordsen, 32; Price, 26; Raikes, 25; Stuhr, 24; Suttle, 10;
 Wickersham, 49

AN ACT relating to schools; to amend section 79-1029, Revised Statutes Supplement, 1999; to change provisions relating to growth rate override elections; to provide for lump-sum payments; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-1029, Revised Statutes Supplement, 1999, is amended to read:

79-1029. (1) A Class II, III, IV, V, or VI district may exceed the basic allowable growth rate prescribed in section 79-1025 upon an affirmative vote of at least seventy-five percent of the board. The total growth shall not exceed the applicable allowable growth percentage certified for the local system under section 79-1026 plus one percent. The vote shall be taken at a public meeting of the board following a special public hearing called for the purpose of receiving testimony on such proposed increase. The board shall give at least five calendar days' notice of such public hearing and shall publish such notice at least once in a newspaper of general circulation in the local system.

(2) A Class II, III, IV, V, or VI district may exceed the applicable allowable growth percentage prescribed in section 79-1026 by an amount approved by a majority of legal voters voting on the issue at a primary, general, or special election called for such purpose upon the recommendation of the board or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the district. The recommendation of the board or the petition of the legal voters shall include the amount and percentage by which the board would increase its general fund budget of expenditures for the ensuing school year over and above the current year's general fund budget of expenditures. The county clerk or election commissioner shall place the question on the primary or general election ballot or call for a special election on the issue within fifteen days after the receipt of such board recommendation or legal voter petition. The election shall be held pursuant to the Election Act or section 77-3444, and all costs for a special election shall be paid by the district. The issue A vote to exceed the applicable allowable growth percentage may be approved on the same question as a vote to exceed the levy limits provided in section 77-3444.

Sec. 2. If the adjustment under section 79-1065 results in a school district being entitled to the payment of additional funds, the district may apply to the State Department of Education for a lump-sum payment for any amount up to one hundred percent of the adjustment. The department shall notify the Director of Administrative Services of the amount of funds to be paid in a lump sum and the reduced amount of the monthly payments pursuant to section 79-1022. The department shall make such payment in a lump sum not later than the last business day of September of the year in which the final determination under this section is made, except that when a school district is to receive a monthly payment of less than one thousand dollars, such payment shall be one lump-sum payment on the last business day of December during the ensuing school fiscal year.

Sec. 3. Original section 79-1029, Revised Statutes Supplement, 1999, is repealed.