

Legislative Committee Meeting
Wednesday, March 6, 2019 11:00 AM
ESU 9 plus Zoom
6949 South 110th Street
LaVista, NE 68128

1. Call to Order
Committee Chair
2. Roll Call
Committee Chair
3. Agenda Item
Committee Chair
 1. Bromm Legislative Update
Executive Director
 2. NCSA Update/Bill Summaries
Executive Director
 3. NCSA Coalition Meeting
Executive Director Ludwig
 4. Senator Luncheon - February 13, 2019 - Recap
Committee Chair
4. Next Meetings Agenda Items
Committee Chair
5. Adjournment
Committee Chair

TENTATIVE 2019 Legislative Session

Sun	Mon	Tue	Wed	Thur	Fri	Sat
January						
		1	2	3	4	5
6	7	8	9 DAY 1	10 DAY 2	11 DAY 3	12
13	14 DAY 4	15 DAY 5	16 DAY 6	17 DAY 7	18 DAY 8	19
20	21 HOLIDAY	22 DAY 9	23 DAY 10	24 DAY 11	25 DAY 12	26
27	28 DAY 13	29 DAY 14	30 DAY 15	31 DAY 16		

Sun	Mon	Tue	Wed	Thur	Fri	Sat
February						
					1	2
					DAY 17	
3	4 DAY 18	5 DAY 19	6 DAY 20	7 DAY 21	8 DAY 22	9
10	11 DAY 23	12 DAY 24	13 DAY 25	14 DAY 26	15 RECESS	16
17	18 HOLIDAY	19 DAY 27	20 DAY 28	21 DAY 29	22 DAY 30	23
24	25 RECESS	26 DAY 31	27 DAY 32	28 DAY 33		

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March						
					1	2
					DAY 34	
3	4 DAY 35	5 DAY 36	6 DAY 37	7 DAY 38	8 RECESS	9
10	11 RECESS	12 DAY 39	13 DAY 40	14 DAY 41	15 DAY 42	16
17	18 DAY 43	19 DAY 44	20 DAY 45	21 DAY 46	22 RECESS	23
24	25 DAY 47	26 DAY 48	27 DAY 49	28 DAY 50	29 RECESS	30
31						

Sun	Mon	Tue	Wed	Thur	Fri	Sat
April						
	1 RECESS	2 DAY 51	3 DAY 52	4 DAY 53	5 DAY 54	6
7	8 DAY 55	9 DAY 56	10 DAY 57	11 DAY 58	12 RECESS	13
14	15 DAY 59	16 DAY 60	17 DAY 61	18 DAY 62	19 RECESS	20
21	22 RECESS	23 DAY 63	24 DAY 64	25 DAY 65	26 DAY 66*	27
28	29 DAY 67	30 DAY 68				

Sun	Mon	Tue	Wed	Thur	Fri	Sat
May						
			1 DAY 69	2 DAY 70	3 RECESS	4
5	6 RECESS	7 DAY 71	8 DAY 72	9 DAY 73	10 DAY 74	11
12	13 DAY 75	14 DAY 76	15 DAY 77	16 DAY 78	17 RECESS	18
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						1
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Legislative Recess Days

February 15, 25
 March 8, 11, 22, 29
 April 1, 12, 19, 22
 May 3, 6, 17, 20

Federal & State Holidays

January 21 – Martin Luther King Jr. Day
 February 18 – Presidents' Day
 April 26 – Arbor Day*
 May 27 – Memorial Day

*The Legislature will be in session on Friday, April 26, the Arbor Day holiday.
 Any Legislative employees who work that day will receive compensatory time for hours worked on the holiday.



SCHOOL SAFETY

Creating safe and supportive schools is essential to student learning and well-being. Children who do not feel safe and supported at school, both physically and psychologically, cannot achieve and learn to their fullest potential.

- **Provide additional state funding for school safety and security improvements and give school districts additional flexibility to fund new security infrastructure.**

TEACHER RECRUITMENT, RETENTION AND DEVELOPMENT

Like all professions, teachers need a variety of skills and knowledge to develop and be effective. Through continuing education and mentoring programs, educators improve and become more proficient. Nebraska will soon face a teacher shortage and proactive steps must be taken now.

- **Provide state funding to increase teacher participation in national board certification and to incentivize mentor teacher programs.**
- **Change distribution provisions for teacher loan forgiveness programs.**

EXPANDED LEARNING OPPORTUNITIES

Expanded Learning Opportunities (ELO), meaning high quality school-based and school-linked afterschool and summer programs, can provide the additional supports and learning opportunities that all youth need to succeed in school and be prepared to contribute to a growing Nebraska.

- **Invest in quality programing and expand access by providing a state match of the current level of federal grant support for ELOs through the 21st Century Community Learning Center program.**

CAREER EDUCATION

Quality career education is substantially costlier than most core academic courses, especially in areas that require laboratories with industrial-grade equipment. Nebraska is one of only THREE states that does not provide additional state funding for career education.

- **Expand the number of career education programs across the state and provide greater state funding for schools offering career education courses.**

SCHOOL FUNDING

Too many students face a real and growing opportunity gap. We must address this and provide a high-quality education for ALL students. Low state funding for K-12 education also forces our schools to rely heavily on local property taxes.

- **Restore public education funding that was recently cut by lawmakers and increase allocated income tax reimbursements for public schools.**
- **Provide additional budget and tax levy authority for school districts and increase state aid funding for Educational Service Units' core services.**
- **Conduct a comprehensive, collaborative review of state public school financing.**



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Nebraska Association of School
Boards

Nebraska State Education
Association

STANCE

Greater Nebraska Schools
Association

Nebraska Rural Community
Schools Association

Educational Service Units
Coordinating Council

Beyond School Bells

Stand for Schools

Invest in Nebraska

Nebraska schools do an excellent job of educating our children, because Nebraskans know every child deserves a top-notch education. Nebraska public schools are the heart of our communities and are essential to our state's economy. Our schools lead the country on several important indicators of educational success, but we can do more. The following are ways we can invest in our students and our economy by providing a 21st century education.

EARLY CHILDHOOD

Early childhood education prepares young children for their transition into elementary school and improves their overall emotional, social and physical development. It has a long-term impact on the vitality of a community, setting a stronger base for kids to contribute to our economy by reducing the need for welfare, corrections, and other services later in life.

- **Expand access to early childhood education for working families and increase early childhood education reimbursement for public schools.**

STUDENT NUTRITION

Student nutrition plays a significant role in children's overall health. Ensuring access to nutrition programs is critically important to student growth and academic development.

- **Cover reduced price meals for all eligible students.**

SPECIAL EDUCATION

Children with special needs can grow up to be fully functioning, productive members of society. According to state law, 80% of special education expenses should be reimbursed by the state. However, most of this cost is now funded by local property taxes, which can cause large budget fluctuations in smaller school districts, and disparities in services between districts.

- **Increase special education reimbursement.**

BEHAVIORAL AND MENTAL HEALTH

Surveys of Nebraska teachers and school administrators have identified mental and behavioral health challenges as the #1 unmet need in schools. Increasingly, schools must join forces with community health, mental health, and social service agencies to promote student well-being and to prevent and treat mental health disorders.

- **Expand behavioral and mental health services available for students.**

Nebraska Council of School Administrators

NCSA Legislative Bill Summaries
106th Legislature, First Session

Prepared by
Dr. Michael Dulaney
NCSA Executive Director
 Updated January 27, 2019

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Criminal and Juvenile Codes

LB 54	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Lowe	Judiciary	Change provisions relating to carrying a concealed weapon

LB 54 changes the provision of the Nebraska Criminal Code related to carrying a concealed weapon. The bill provides that the law would not apply to possessing, carrying, transporting, shipping, or receiving a firearm for any lawful purpose to or from any place where the firearm may be lawfully possessed or carried by a person IF the firearm is unloaded and stored in a case and the person is not otherwise prohibited by state or federal law from possessing, carrying, transporting, shipping, or receiving a firearm.

The bill defines “case” as (i) a hard-sided or soft-sided box, container, or receptacle intended or designed for the purpose of storing or transporting a firearm or (ii) the firearm manufacturer’s original packaging.

LB 149	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Quick	General Affairs	Change provisions relating to vapor products

LB 149 amends the Criminal Code to prohibit a person under the age of 21 years from use of vapor products. The offense would be a Class V misdemeanor.

Whoever sells, gives, or furnishes, in any way, any vapor products or flavored liquids, to any individual under 21 years of age, is guilty of a Class III misdemeanor for each offense.

Curriculum, Assessment

LB 399	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Slama	Education	Change the name and provisions related to the committee on Americanism

LB 399 is nearly identical to LB 1069 (2018), which was introduced by former senator, Lydia Brasch. LB 1069 was placed on General File in 2018 by a floor motion. The Legislature briefly debated but did not advance the bill any further.

LB 399 changes provisions relating to: (a) duties of a committee on Americanism; (b) testing requirements for school districts; and, (c) administrative responsibilities for NDE.

Under LB 399, each school district committee on Americanism must hold no fewer than three public meetings annually, keep minutes of all meetings, and ensure social studies curriculum adequately stresses American values that give students the opportunity to become competent, responsible, patriotic, and civil citizens.

The measure also requires the State Board of Education to adopt and promulgate rules and regulations to carry out the provisions made in the bill. The bill removes an existing provision of law that states anyone who violates the Americanism law is guilty of a Class III misdemeanor.

Perhaps one of the more controversial provisions of the bill relates to a new assessment requirement. The bill requires school districts to administer the 100-question civics portion of the naturalization examination administered by the U.S. Citizenship and Immigration Services. The test must be administered to students no later than the eighth and eleventh grades. Scores would be reported to parents/guardians and aggregate scores for the district must be reported to NDE.

LB 488	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Howard	Education	Adopt school district requirements for mental health education and change school district requirements for drug awareness and prevention

LB 488 provides that, starting with school year 2020-21, each school district must incorporate age-appropriate mental health education into the school program.

Mental health education must include defining mental health, recognizing mental health warning signs, identifying characteristics of mental wellness, and utilizing resources for assistance with mental health issues.

In addition, also starting with school year 2020-21, each school district must incorporate age-appropriate comprehensive drug awareness and prevention education into the school program for students in each grade, which would include:

- a) Strategies to prevent illegal use of alcohol, tobacco, and other drugs;
- b) Strategies to reduce or eliminate the incidence and prevalence of student alcohol, tobacco, and drug abuse;
- c) Strategies to reduce the factors that place students at risk of abusing alcohol, tobacco, and other drugs;
- d) The development of school environments and alternative activities that are alcohol, tobacco, and drug-free; and
- e) At least sixty minutes of instruction for each student on the dangers of opioid use, the addictive characteristics of opioids, and safer alternatives to treat pain.

LB 640	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Howard	Education	Include study relative to the Holocaust and other genocides in provisions relating to multicultural education

LB 640 amends the multicultural education studies law, which was originally passed in 1992. The current law provides that schools must provide multicultural education studies relative to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans.

LB 640 would expand the required studies to include the Holocaust and other acts of genocide, which may include, but not be limited to, such acts in Armenia, Ukraine, Cambodia, Bosnia, Rwanda, and Sudan.

Early Childhood Education

LB 66	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hansen, M.	Urban Affairs	Provide for an early childhood element in a comprehensive plan developed by a city

LB 66 (2019) requires cities and villages that develop a new or updated comprehensive plan after the effective date of the bill, but not later than January 1, 2022, to include an early childhood element.

The early childhood element would have three requirements: 1) an assessment of the supply of quality licensed early childhood education programs for children under six, 2) an evaluation of the availability and utilization of licensed child care capacity and quality for children under six, and 3) promotion of early childhood health and education measures that benefit the community.

Note: In 2018 Senator Hansen introduced the same measure (LB 880), which was advanced to General File by the Urban Affairs Committee but advanced no further.

LB 160	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Quick	Urban Affairs	Redefine terms under the Local Option Municipal Economic Development Act to include early childhood infrastructure development and quality early childhood care and programs for certain cities and villages

The Holland Children’s Movement website provides an accurate short history of the Local Option Municipal Economic Development Act. In 1991, the Legislature passed the Local Option Municipal Economic Development Act (LB 840), which authorizes incorporated cities and villages to collect and appropriate local tax dollars for economic development purposes. Since the passage of LB 840 (1991), sixty-eight Nebraska communities have made use of this economic incentive. To this day, use of such incentives are often referred to as “840 funds.”

LB 160 is very similar to LB 768 (2018), which was advanced by the Urban Affairs Committee to General File but did not pass.

LB 160 would allow first and second-class cities and villages to carry out early childhood infrastructure development projects under the provisions of the Local Option Municipal Economic Development Act.

Early childhood infrastructure development pertains to early childhood education programs of recognized quality, as determined by the quality rating criteria provided under the Nebraska Step Up to Quality Child Care Act.

Note: Quality rating and improvement system incentives and support under the Step Up to Quality Child Care Act include:

- a) Tiered child care subsidy reimbursements as based upon quality scale ratings of step three or higher that reflect the cost of higher quality programs and promote affordability of high-quality child care and early childhood education programs for all families;
- b) Incentive bonuses given to providers of child care and early childhood education programs upon completion of specific requirements of step two ratings or higher to improve quality;
- c) Professional development, training, and scholarships developed in collaboration with community-based organizations, postsecondary education representatives, and other stakeholders;
- d) Support that expands family engagement in and understanding of high-quality early childhood education in ways that are inclusive and respectful of diversity of families and children with special needs; and
- e) Other incentives as necessary to carry out the Step Up to Quality Child Care Act.

LB 358	<i>Sponsor</i> Walz	<i>Committee</i> Education	<i>Subject</i> Change provisions related to early childhood education in the Tax Equity and Educational Opportunities Support Act
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LB 358 is identical to LB 521, also introduced by Senator Walz, in 2017. LB 521 was not advanced from the Education Committee.

Early Childhood Membership: LB 358 changes the calculation of qualified early childhood education membership for purposes of the school finance formula. Currently, early childhood membership is calculated based upon 60% of the students who are enrolled in an approved early childhood education grant program and who are eligible to attend kindergarten in the following school year. The bill changes the percentage to 80% of the early childhood membership.

Early Childhood Education Allowance: The bill includes an early childhood education allowance in the school aid formula. The allowance equals the qualified early childhood fall membership times the statewide average general fund operating expenditures per formula student. The amount of the early childhood education allowance is included in formula needs. An allowance in the formula attributes expenditures for a specific purpose, in this case, early childhood education, to school districts incurring the expenditure.

Early Childhood Transportation Costs: LB 521 also includes transportation costs for early childhood education. The costs are equal to the miles included in the current transportation allowance that were traveled to transport early childhood education students taken times 400% of the mileage rate established by the Department of Administrative Services plus in lieu of transportation expenditures paid exclusively to transport early childhood education students.

Early Childhood Education Aid: Fifty percent of the sum of the early childhood education allowance plus early childhood education transportation costs as calculated under the bill are to be paid to school districts as early childhood aid. The amount of early childhood education aid is included as a local resource in the formula.

Employment Issues

LB 217	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Pansing Brooks	Business/Labor	Prohibit retaliation against employees for communicating about wages

LB 217 adds a new section to the Nebraska Wage Payment and Collection Act.

The bill provides that an employer may not discharge or in any other manner retaliate against any employee because the employee inquired about, discussed, or disclosed comparative compensation information for the purpose of determining whether the employer is compensating any employee in a manner that provides equal pay for equal work.

The bill would not apply to instances in which an employee who has authorized access to the wage information of other employees as a part of the employee's job functions discloses the wages of other employees to an individual who does not otherwise have authorized access to the information, unless the disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or other action, including an investigation conducted by the employer.

LB 254	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	McCollister	Business/Labor	Adopt the Fair Chance Hiring Act

In 2014 the Legislature passed an omnibus criminal justice bill, LB 907, that did not immediately impact education in any major way. This changed with the inclusion of provisions from another bill relating to public employers and criminal records.

The controversial provision stated that a public employer may not ask an applicant for employment to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any inquiry on any employment application, until the public employer has determined the applicant meets the minimum employment qualifications. [Ref. § 48-202]

The legislation provided exceptions for (i) law enforcement agencies, (ii) any position for which a public employer is required by federal or state law to conduct a criminal history record information

check, or (iii) any position for which federal or state law specifically disqualifies an applicant with a criminal background.

The education lobby worked diligently to get some recognition and protection of public schools during the debate on LB 907. The “compromise” was the adoption of a provision stating that nothing would prevent a public employer that is a school district or ESU from requiring an applicant for employment to disclose an applicant’s criminal record or history relating to sexual or physical abuse.

LB 254 would create the Fair Chance Hiring Act, which would be comprised of a revised version of existing law, section 48-202, coupled with two new sections of law.

Under LB 254 the concept initially passed in 2014 remains the same. The bill adds employment agencies and includes private schools in certain aspects, and adds a new requirement for employers covered under the legislation.

The general rule remains intact in that an employer or employment agency may not ask an applicant to disclose, orally or in writing, information concerning the applicant’s criminal record or history, including any inquiry on any employment application, until the employer or employment agency has determined the applicant meets the minimum employment qualifications.

The bill inserts new language stating that prior to determining whether an applicant meets the minimum employment qualifications, an employer or employment agency may ask the applicant to disclose, orally or in writing, information concerning the applicant’s criminal record or history, including any inquiry on any employment application, if:

- (a) The applicant is applying for a position for which: (i) A criminal history record information check is required by federal or state law; or (ii) Federal or state law specifically disqualifies an applicant with a criminal background even if such law allows for a waiver that would allow such applicant to be employed; and
- (b) The inquiry or request for disclosure is limited to the types of criminal offenses that the employer or employment agency is required to conduct a check for or that disqualify the applicant.

Existing law remains intact in that nothing would prevent a school district, an ESU, or a private school from requiring an applicant to disclose an applicant’s criminal record or history relating to sexual or physical abuse.

The bill leaves intact the provision that nothing would prevent an employer or employment agency from preparing or delivering an employment application that conspicuously states that a criminal history record information check is required by federal law, state law, or the employer’s or employment agency’s policy.

The bill leaves intact the provision that nothing would prevent an employer or employment agency from conducting a criminal history record information check after the employer or employment agency has determined that the applicant meets the minimum employment qualifications.

Important New Provision

Under LB 254, IF an employer or employment agency inquires about or requests disclosure of an applicant’s criminal history record information and the applicant is still eligible for the position under federal or state law, THEN the employer or employment agency must afford the applicant an opportunity to explain the information and the circumstances regarding any convictions or other criminal history, including the applicant’s rehabilitation.

The bill includes new definitions for purposes of the bill:

- a) “Applicant” means (i) any individual considered for, or who requests to be considered for, employment by an employer, or (ii) any employee considered for, or who requests to be considered for, another employment position with his or her employer;
- b) “Employee” means an individual employed by an employer;
- c) “Employer” means any person having in his or her employ fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and includes the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, any person acting for or in the interest of an employer, directly or indirectly, and any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act, but such term does not include (i) the United States, (ii) a corporation wholly owned by the government of the United States, (iii) an Indian tribe or (iv) a law enforcement agency;
- d) “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employee’s opportunities to work for an employer and includes an agent of such a person, but does not include an agency of the United States, except that such term does include the United States Employment Service and the system of state and local employment services receiving federal assistance;
- e) “Law enforcement agency” means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of the town marshal, an office of the county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned; and
- f) “Person” includes one or more individuals, partnerships, limited liability companies, associations, corporations, business trusts, legal representatives, or any organized group of persons.

LB 306	<i>Sponsor</i> Crawford	<i>Committee</i> Business/Labor	<i>Subject</i> Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law
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The Employment Security Law (§ 48-628.13) provides for “good cause” for voluntarily leaving employment for a variety of reasons. LB 306 adds another such good cause:

An individual left his/her employment to care for a family member with a serious health condition.

Family member means:

- a) A biological, adopted, or foster child, a stepchild, or a legal ward of the individual or the individual’s spouse or a person to whom the individual or the individual’s spouse stood in loco parentis when such person was a minor child, regardless of the age or dependency status of such child, stepchild, legal ward, or person;
- b) A biological, adoptive, or foster parent, a stepparent, or a legal guardian of the individual or the individual’s spouse or a person who stood in loco parentis to the individual or the individual’s spouse when the individual or the individual’s spouse was a minor child;
- c) The individual’s spouse or domestic partner; or
- d) A grandparent, grandchild, or sibling, whether of a biological, foster, adoptive, or step relationship, of the individual or the individual’s spouse.

Under the bill, “serious health condition” is defined using the existing federal law cited in 29 U.S.C. 2611.

LB 361	<i>Sponsor</i> Hansen, M.	<i>Committee</i> Business/Labor	<i>Subject</i> Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act
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Wage and Hour Act

LB 361 amends the Act such that an employer may not retaliate or discriminate against an employee or applicant for employment because the employee or applicant:

- (1) Files a complaint under the Wage and Hour Act; or
- (2) Testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the act.

In any action brought to enforce the above provision, the court will have jurisdiction to grant legal or equitable relief as the court deems appropriate to effectuate the purposes of the Wage and Hour Act, including temporary or permanent injunctive relief and general and special damages.

Nebraska Wage Payment and Collection Act

LB 361 provides that an employer may not retaliate or discriminate against an employee or applicant for employment because the employee or applicant:

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- (1) Files a complaint under the Nebraska Wage Payment and Collection Act; or
- (2) Testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the act.

LB 383	<i>Sponsor</i> Quick	<i>Committee</i> Business/Labor	<i>Subject</i> Provide for an annual adjustment to the minimum wage
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As set forth in previous legislation, the current minimum wage is \$9.00 per hour.

Under LB 383, the current minimum wage would sunset on April 1, 2020.

The bill establishes a new method for establishing a minimum wage. After April 1, 2020 and no later than January 31, 2020, the State Treasurer would adjust the minimum wage by an amount determined by the State Treasurer at the end of the preceding calendar year to reflect the average annual percentage change in the consumer price index for the most recent five-year period for which data is available. The minimum wage would be rounded to the nearest cent divisible by five. The minimum wage would become effective beginning April 1 of that year.

The process would be repeated each year by January 31st and effective April 1st.

An annual increase would not exceed 3.5%. The bill requires the Department of Labor to post on the department’s website, by February 1st each year the adjusted minimum wage that will take effect April 1 of that year. The consumer price index to be used is the Consumer Price Index for All Urban Consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics.

LB 487	<i>Sponsor</i> La Grone	<i>Committee</i> Business/Labor	<i>Subject</i> Require the Nebraska Workers’ Compensation Court to adopt an evidence-based drug formulary
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LB 487 amends the Nebraska Workers’ Compensation Act and requires the Nebraska Workers’ Compensation Court to adopt an evidence-based drug formulary consisting of prescription drugs listed in Schedules II, III, IV, and V of section 28-405. The formulary must apply to prescription drugs that are prescribed and dispensed for outpatient use in connection with any workers’ compensation claim with a date of injury on or after January 1, 2020.

A prescription drug that is included in the formulary adopted by the court and recommended in the formulary is presumed to be reasonable and may be prescribed and dispensed without obtaining prior authorization from the workers’ compensation insurer, risk management pool, or self-insured employer.

A prescription drug that is not included in the formulary adopted by the court or that is included but not recommended in the formulary is presumed to be reasonable if prior authorization for the

drug is obtained from the workers' compensation insurer, risk management pool, or self-insured employer.

LB 526	<i>Sponsor</i> McDonnell	<i>Committee</i> Business/Labor	<i>Subject</i> Change provisions relating to compensation for temporary disability under the Nebraska Workers' Compensation Act
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LB 526 amends the Nebraska Workers' Compensation Act (§ 48-121) relating to compensation for injuries resulting in disability.

Under current provisions, the compensation would be in addition to the amount paid for temporary disability, except that the compensation for temporary disability would cease as soon as the extent of the permanent disability is ascertainable.

LB 526 provides that compensation for temporary disability would continue until the later of (a) any permanent disability, as measured by permanent impairment for a scheduled member injury, has been determined or, in the event of a claim payable under a loss of earning capacity, until a loss of earning capacity evaluation has been issued or (b) 30 days after the employee has been given notice as provided below.

The bill provides that compensation for temporary disability may only cease after the employee has been given 30 days' notice. Upon termination of temporary disability benefits, the employer must provide copies of all evidence which were relied upon in making the determination to cease benefit payments. If the employer relies upon evidence from outside of the treating physicians, the employee must be entitled to seek a medical finding by an independent medical examiner to be paid for by the employer. Such independent medical examiner would be chosen by the employee.

LB 537	<i>Sponsor</i> Lathrop	<i>Committee</i> Education	<i>Subject</i> Change provisions relating to actions with regard to the performance or conduct of a certificated school district employee
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Under current law (§ 79-826), a superintendent or designee may take action with regard to a certificated employee's performance or conduct, which is deemed reasonably necessary to assist the certificated employee and further school purposes, including:

- 1) Counseling;
- 2) oral reprimand;
- 3) written reprimand; and
- 4) suspension without pay for not to exceed 30 working days.

LB 537 would add to this list of actions the imposition of a performance improvement plan or other form of administrative directive to address alleged performance deficiencies.

LB 627	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Pansing Brooks	Judiciary	Prohibit discrimination based upon sexual orientation and gender identity

LB 627 amends a series of statutes within the Nebraska Code to prevent sexual orientation, or gender identity in employment, public accommodation, and housing.

“Gender identity is defined in the bill as the actual or perceived appearance, expression, identity, or behavior of an individual, whether or not that appearance, expression, identity, or behavior is different from that traditionally or stereotypically associated with the individual’s assigned sex at birth.

“Sexual orientation” is defined as actual or perceived homosexuality, heterosexuality, or bisexuality.

Income Tax

LB 50	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Vargas	Revenue	Change individual income tax brackets and rates

Under LB 50, the income tax brackets for individuals earning under \$100,000 would remain the same. Those earning over \$100,000 or \$200,000 for married, filing jointly would fall under a new bracket of 7.84%.

The bill also imposes a 1% tax rate on that portion of the taxpayer’s Nebraska taxable income in excess of \$1 million and a tax at the rate of 2% on that portion of the taxpayer’s Nebraska taxable income in excess of \$2 million.

The new tax rates would be implemented on January 1, 2019.

LB 288	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Revenue	Change income tax rates

LB 288 is a placeholder bill offered by the Revenue Committee in the event a change in the income tax rates is required.

Learning Community

LB 161	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Erdman	Education	Eliminate learning communities

LB 161 dissolves the Learning Community effective July 1, 2020. The 143-page bill harmonizes Nebraska laws consistent with the intent of the bill.

Under the bill the learning community coordinating council must prepare for the dissolution by transferring all assets to member school districts and performing other tasks as may be necessary for an orderly dissolution. Any remaining records, books, papers, and personal property belonging to the learning community after the dissolution must be delivered to the State Board of Education to be distributed to the school districts that were members of the learning community immediately prior to its dissolution. Any liabilities of the learning community remaining after dissolution must be divided proportionately between former member school districts based on the taxable valuation of the school districts.

LB 398	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	DeBoer	Education	Change learning community levy and diversity plan requirements

Use of Levy: Under current law, a learning community may levy a maximum levy of 1.5¢ for (i) early childhood education programs for children in poverty, (ii) elementary learning center employees, (iii) contracts with other entities or individuals who are not employees of the learning community for elementary learning center programs and services, and (iv) pilot projects. However, no more than 10% of the levy authority may be used for elementary learning center employees.

LB 398 eliminates the stipulation that no more than 10% of the levy authority may be used for elementary learning center employees.

Report Deadline: Under current law, a learning community coordinating council must evaluate programs related to the community achievement plan developed with the assistance of the student achievement coordinator or other department staff designated by the Commissioner of Education and evaluate and research the progress of the learning community. A learning community must report the evaluation and research results electronically to the Education Committee of the Legislature by January 1st of each year.

LB 398 changes the reporting deadline to February 1st of each.

Diversity Plan: Current law requires a learning community, together with its member school districts, to develop a diversity plan to provide educational opportunities in each subcouncil district designed to attract students from diverse backgrounds, which plan may be revised from time to time.

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The goal of the diversity plan shall be to annually increase the socioeconomic diversity of enrollment at each grade level in each school building within the learning community until such enrollment reflects the average socioeconomic diversity of the entire enrollment of the learning community.

LB 398 modifies the goal of the diversity plan to increase the socioeconomic diversity of enrollment at each grade level in each school building within the learning community.

Current law requires a learning community coordinating council to report electronically to the Education Committee of the Legislature by January 1 of each odd-numbered year on the diversity and changes in diversity at each grade level in each school building within the learning community and on the academic achievement for different demographic groups in each school building within the learning community.

LB 398 changes the reporting deadline to February 1st.

Lottery Funds

LB 104	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Education	Change distribution of the Nebraska Education Improvement Fund

In 2015 the Legislature passed LB 519, introduced by Senator Sullivan, which, in part, required the Education Committee to submit recommendations to the Clerk of the Legislature regarding how the Nebraska Education Improvement Fund should be allocated to best advance the educational priorities of the state for the five-year period beginning with fiscal year 2021-22. The recommendations must be filed by December 31, 2019.

The foregoing provision remains intact under LB 104, however, the bill appears to tag or insert a placeholder for one particular interest.

The bill provides that for fiscal years 2021-22 through 2026-27, 62% of the revenue received by the Nebraska Education Improvement Fund will be allocated to the Nebraska Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in conjunction with appropriations from the General Fund. The grant program is used to award grants to individual students for expenses in conjunction with attending a Nebraska postsecondary institution.

Miscellaneous

LB 73	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Erdman	Education	Require display of the national motto in schools

LB 73 provides that each school board must prominently display the national motto of the United States, “In God We Trust,” written legibly in English, in each classroom or in another prominent

place in each school building where each student will be able to see and read it each day school is in session. A school board may accept contributions to defray the costs of implementing the provisions of the bill.

The bill further provides that upon the filing of an action seeking to invalidate this section in any state or federal court, the Attorney General must intervene on behalf of any school board and any other party named as a defendant for their role in implementing the legislation.

LB 115	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Blood	Education	Change provisions related to enrollment of children of members of the military

LB 115 amends current law (§ 79-215) to state that, in order to carry out the provisions of the Interstate Compact on Educational Opportunity for Military Children (passed in 2011), a school board must permit children of military families to enroll “preliminarily” in a school district if a parent presents evidence of military orders that the military family will be stationed in this state during the current or following school year. A student of a military family must be admitted to the school district without charge upon arrival in Nebraska if the requirements are met.

NDE is required to establish procedures and criteria for enrollment, admission, and related information needed for any student to attend a school district in this state, which must include having an adult with legal or actual charge or control of a student provide through electronic means or other means specified by the department (i) the name of the student, (ii) the name of the adult with legal or actual charge or control of the student, (iii) the address where the student is or will be residing, and (iv) information on how and where the adult may generally be reached during the school day.

Finally, the bill modifies existing law (§ 79-216) to state that, in all cases, when any person is on active duty as a member of the U.S. Army, Navy, Marine Corps, or Air Force in the State of Nebraska and is residing on federally owned property, any child of school age of such active duty member who also resides on such property must be considered a resident of the school district where the property is located and may be admitted under the provisions of the residency law (§ 79-215).

LB 174	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Bolz	Appropriations	State intent relating to appropriations for the Office of Violence Prevention

In 2009 legislation was passed to create the Office of Violence Prevention, which would be responsible for developing, fostering, promoting, and assessing violence prevention programs.

LB 174 would appropriate \$1.525 million for each fiscal year beginning with FY2019-20 to the Office of Violence Prevention. The office must use the appropriations to increase total grant

awards, develop an annual statewide strategic plan, increase administrative capacity, and develop a technical assistance partnership with the University of Nebraska.

LB 292	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Vargas	Appropriations	Appropriate funds to the State Department of Education

In 2009 the Legislature passed legislation to create the Center for Student Leadership and Expanded Learning Act. The purpose of the Act was to provide state support for establishing and maintaining within NDE the Center for Student Leadership and Expanded Learning.

The center would provide ongoing financial and administrative support for state leadership and administration of Nebraska career education student organizations, create and coordinate opportunities for students to participate in educational activities outside the normal classroom, and partner with state and local organizations to share research and identify best practices that can be disseminated to schools and community organizations.

LB 292 would propose a \$500,000 appropriation from the General Fund for FY2019-20 and \$500,000 for FY2020-21 to NDE to carry out the Nebraska Information Technology Initiative under the Center for Student Leadership and Expanded Learning Act.

LB 404	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Stinner	Appropriations	State intent relating to Medicaid budgeting

LB 404 appears to be a placeholder bill with regard to the obligation of the State to implement Medicaid expansion as per the wish of the voters in the 2018 General Election.

The bill is a simple intent bill for FY2019-20 and thereafter that appropriations for the Medicaid aid obligations of the state will be made in three separate and distinct appropriations programs.

The three programs will be titled as (i) Medicaid Expansion, (ii) Medicaid Long-Term Care (including a separate subprogram for nursing facilities appropriations and expenditures), and (iii) Other Medical Assistance.

LB 575	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Brewer	Education	Require school district policies regarding the provision of information to and access by military recruiters

Under 575 each school district must adopt a policy to provide access to routine directory information for each student in a high school grade upon a request made by a military recruiter.

A parent/guardian may submit a written request to the district that routine directory information for the student may not be released for such purposes without prior written consent of the parent/guardian. Upon receiving the request, a district may not release the routine directory information of the student without the prior written consent of the parent/guardian.

Each district must adopt a policy to provide military recruiters the same access to a student in a high school grade as is provided to postsecondary educational institutions or to prospective employers of such students.

LB 644	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	McDonnell	Business/Labor	Adopt the Nebraska Workforce Diploma Act

LB 644 creates the Nebraska Workforce Diploma Act and requires the Nebraska Department of Labor (DOL) to promote and administer the program.

Under the bill, an eligible “workforce diploma program provider” would be an accredited or approved, public or private, high school provider. An eligible program provider must also have at least two years of experience providing adult dropout recovery services, including recruitment, learning plan development, and proactive coaching and mentoring culminating in qualification for a high school diploma.

An eligible program participant must be at least 22 years of age and must have not previously earned a high school diploma or high school equivalency diploma.

By August 15, 2019, and annually thereafter, DOL must request applications from eligible program providers to participate in the program. Applications must include evidence of the following:

- a) Experience providing adult dropout recovery services;
- b) The ability to provide academic skill intake assessment and transcript evaluation;
- c) The ability to develop a learning plan that integrates academic requirements and career goals;
- d) A course catalog that includes all of the courses necessary to meet graduation requirements;
- e) The ability to provide remediation coursework in literacy and numeracy;
- f) The ability to provide a research-validated academic resiliency assessment and intervention;
- g) The ability to provide employability skills development aligned to employer needs;
- h) The ability to provide career pathways coursework;
- i) The ability to provide preparation for industry-recognized credentials;
- j) The ability to provide career placement services; and

- k) Accreditation or approval by NDE or accreditation by a recognized regional accrediting body or consolidation thereof.

A workforce diploma program may be delivered in a campus-based, blended, or online modality. By September 15, 2019, and annually thereafter, DOL must announce the approved program providers.

DOL must reimburse each approved program provider participating in the program for the completion of the following milestones for each student:

- a) \$250 for the completion of five credit hours;
- b) \$250 for the completion of an employability skills certification program equal to at least 10 credit hours;
- c) \$250 for the attainment of an industry recognized credential requiring up to 50 hours of training;
- d) \$500 for the attainment of an industry recognized credential requiring 51 through 100 hours of training;
- e) \$750 for the attainment of an industry recognized credential requiring more than one 100 hours of training; and
- f) \$1,000 for the attainment of a high school diploma.

LB 644 provides intent language to appropriate \$2.5 million for fiscal years 2019-20 and 2020-21 to DOL to carry out the program.

LB 676	<i>Sponsor</i> Groene	<i>Committee</i> Education	<i>Subject</i> Change provisions relating to school districts and the reorganization of school districts
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LB 676 proposes to “clean up” statutes that were not included in LB 377 enacted in 2018 since the statutes did not specifically use the words “Class I”, “Class II”, or Class VI” regarding school districts or schools. In addition, this bill “cleans up” statutes on reorganization of school districts to remove outdated language and to put together in one act the “petition method” and “plan method” for reorganization of school districts that are not part of a learning community.

Open Meetings / Public Records

LB 19	<i>Sponsor</i> Briese	<i>Committee</i> Business/Labor	<i>Subject</i> Allow withholding from public of reports of injury under the Nebraska Workers’ Compensation Act as prescribed and provide duties for the Nebraska Workers’ Compensation Court
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LB 19 amends the Public Records Law (§ 84-712.05) to require the withholding of reports of injuries arising in the course of employment, except that the reports:

- a) must be made available for inspection or copying by the Nebraska Workers' Compensation Court upon request:
 - i. By the employee who is the subject of the report or by an attorney or authorized agent of such employee;
 - ii. By the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the report or an attorney or authorized agent of such party;
 - iii. By a third party for the purpose of identifying the number and nature of any injuries to any employees of an employer identified in the request, so long as the court redacts any information revealing the identity of any employee prior to releasing the reports; or
 - iv. By a nonprofit organization for the purpose of sending condolences to, providing memorials for, and offering grief counseling to family members of an employee whose death was caused by a workplace incident; and
- b) Must be disclosed by the court if the reports are requested for use in connection with a state or federal investigation or examination or for use by the state or federal government to compile statistical information.

LB 148	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Groene	Government	Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies

Nebraska Budget Act: LB 148 amends the Budget Act in several sections. The bill amends the definition of “governing body” to include joint entities created under the Interlocal Cooperation Act that receives tax funds generated under section 2-3226.05 (river-flow enhancement bonds).

The bill also amends budget hearing notice provisions. Under current law, each governing body must conduct a public hearing on its proposed budget statement each year or biennial period. The bill specifies that such hearing must be held separately from any regularly scheduled meeting of the governing body and may not be limited by time.

LB 148 further specifies that at the hearing, the governing body must make a detailed presentation of the proposed budget statement and must make at least three copies of the proposed budget statement available to the public. Any member of the public desiring to speak on the proposed budget statement must be allowed to address the governing body and must be given a reasonable amount of time to do so.

Open Meetings Act: Under current provisions of the Act, each public body must give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. LB 148 eliminates any discretion by the governing body in determining the method by which it publicizes notice.

Under the bill, for a political subdivision governing body or such body’s advisory committee, notice must be published in a newspaper of general circulation within the public body’s jurisdiction and, if available, in a digital advertisement on such newspaper’s web site. In addition to the required methods of notice, notice may also be provided by any other appropriate method designated by the public body or advisory committee.

In the case of any other public body, notice must be given by a method designated by the public body.

Each public body must record the methods and dates of notice in its minutes.

LB 150	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Brewer	Government	Change provisions relating to access to public records and provide for fees

As it relates to the Public Records Law, LB 150 differentiates residents from non-residents. The bill defines resident as person domiciled in this state and includes news media without regard to domicile.

For nonresidents of Nebraska, the bill provides that actual added cost used as the basis for the calculation of a fee for records may include a charge for the existing salary or pay obligation to the public officers or employees, including a charge for the services of an attorney to review the requested public records.

Property Tax

LB 103	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Revenue	Change provisions relating to property tax requests

LB 103 is modeled after Virginia legislation and attempts to clarify actual dollar increases regarding property taxes. In essence, a school district or other political subdivision cannot collect more dollars in property taxes without holding a separate public hearing. For example, if the valuation of property increased within a school district, the district would be required to lower its levy to collect only an equal amount of property tax dollars received the previous year. If the school wished to maintain the levy and keep additional dollars, the school board would need to follow the proposed language and hold a public hearing to explain/discuss the rationale. The school board would continue to have the final decision on raising, lowering or maintaining the levy.

LB 103 amends section 77-1601.02 relating to property tax requests. The bill provides that when the annual assessment of property would result in an increase in the total property taxes levied by a school district, learning community, ESU, or other political subdivision, as determined using the previous year's rate of levy, the political subdivision must reduce its rate of levy for the current tax year so as to cause the rate of levy to produce no more than the amount of property taxes raised in the previous year and must set its property tax request at the same amount as in the previous year unless the following provision is complied with.

The governing body of a political subdivision may increase the rate of levy and its property tax request above the reduced amounts as noted above if the increase is deemed to be necessary by the governing body after conducting a public hearing on the issue. The public hearing may not be held at the same time as the annual budget hearing. Notice of the public hearing must be given at least 30 days before the date of the hearing by the publication of a notice in at least one newspaper of general circulation in such political subdivision and in a prominent public location at which notices are regularly posted in the building where the governing body of the political subdivision regularly conducts its business. Any such notice must be at least the size of one-eighth page of a standard size or tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The notice must be in the following form and contain the following information, in addition to such other information as the governing body may elect to include:

NOTICE OF PROPOSED PROPERTY TAX INCREASE

The (name of political subdivision) proposes to increase property tax levies.

1. Assessment Increase: The total assessed value of property exceeds last year's total assessed value by percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.... per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The (name of political subdivision) proposes to adopt a tax rate of \$.... per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.... per \$100, or percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. Proposed Total Budget Increase: Based on the proposed property tax rate and changes in other revenue, the total budget of (name of political subdivision) will exceed last year's by percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

All hearings must be open to the public. The governing body of the political subdivision must permit persons desiring to be heard an opportunity to present oral testimony within reasonable time limits as determined by the governing body.

If the governing body deems it necessary to increase the rate of levy and the property tax request above the reduced amounts, as noted above, after conducting the public hearing, the governing body must pass a resolution or ordinance to that effect and, as part of the resolution or ordinance, must set the property tax request at no more than the amount specified in the public notice.

LB 158	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Brewer	Revenue	Change provisions relating to the assessed value of real property

LB 158 is perhaps a second version of a similar concept offered under previous legislation (LB 576, 2017), which was also introduced by Senator Brewer. Both the 2017 and 2019 bills have the intent to slow down increases in assessed value of real property.

Under LB 158, the assessed value of real property as of January 1, 2020 must be the same as the property's assessed value on January 1, 2019, plus the cost of any improvements made to the real property and minus the assessed value of any improvements to the real property that have been destroyed or removed.

The assessed value of real property as of January 1, 2021 must be the same as the property's assessed value on January 1, 2020, plus the cost of any improvements made to the real property since and minus the assessed value of any improvements to the real property that have been destroyed or removed.

The assessed value of real property as of January 1, 2022 must be the same as the property's assessed value on January 1, 2021 plus the cost of any improvements made to the real property since and minus the assessed value of any improvements to the real property that have been destroyed or removed.

The assessed value of real property as of January 1, 2023 must be the same as the property's assessed value on January 1, 2022 plus the cost of any improvements made to the real property and minus the assessed value of any improvements to the real property that have been destroyed or removed.

LB 183	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Briese	Revenue	Change the valuation of agricultural land and horticultural land for purposes of certain school district taxes

Under current provisions of Chapter 77, Nebraska Revised Statutes, agricultural land is valued at 75% of its actual value and special valuation land is valued at 75% of its special valuation.

LB 183 provides an exception to the rule such that for school district taxes levied to pay the principal and interest on bonds, such land would be valued at 1% of its actual value.

Under current law, the acceptable ranges for agricultural land is 69% to 75% of actual value and 69% to 75% of special valuation for special valuation land.

LB 183 provides an exception to the rule in that for school district taxes levied to pay the principal and interest on bonds, the acceptable range is 75 hundredths of 1% to 1% of actual value.

The bill would become operative on January 1, 2020.

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LB 303	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Lindstrom	Revenue	Change the amount of relief under the Property Tax Credit Act

LB 303 proposes to increase the appropriation to the Property Tax Credit fund from \$224 million to \$275 million for tax year 2019. The fund is used to distribute property tax credits to real property owners.

LB 314	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Briese	Revenue	Adopt the Remote Seller Sales Tax Collection Act and change revenue and taxation provisions

LB 314 represents the work of the Nebraskans United group comprised of ag and farm groups and education associations. The origin of the bill is LB 1084 (2018), which did not advance from the Revenue Committee.

The bill expands or increases various revenue sources to generate \$782.6 million to use toward reducing property taxes and funding public education.

Elimination of the following sales tax exemptions:

- Candy, soft drinks, and bottled water
- Tangible personal property repair (motor vehicles)
- Pet-related services
- Real property remodeling, painting and repair and interior design for residential housing
- Personal care services including hair care, massage, tanning, nail, spa, and tattoo services
- Storage and moving services
- Parking fees
- Clothing cleaning and repair
- Travel agency services
- Membership and admissions to zoos and aquariums
- Dating and escort services
- Taxi, limousine, and other transportation services
- Lawn care, landscaping, and gardening
- Tele-floral
- Tour operators
- Historic automobile museums
- Swimming pool cleaning and maintenance
- Music, dance, golf, and other recreational services

Other provisions;

- Raise sales tax by ½ cent
- Add 7.84 percent surcharge on income above \$250k for individuals, \$500k for MFJ
- Repeal special capital gains and extraordinary dividends exclusion
- End tangible personal property tax exemption
- Sunset New Markets Job Growth Investment Act Incentive Program
- Tax on internet sales
- Reinstate alternative minimum tax on high-income earners
- Increase cigarette sales tax by \$1.50 per pack
- Increase alcohol tax per gallon for: beer \$1.07, wine \$2.56, farm wine \$2.56, spirits \$8.53
- Eliminate itemized deductions (exempting medical)
- Increase real estate documentary stamp tax by 50 cents per \$1,000 valuation[i]
- End sales tax exemption on ride-sharing services such as Uber and Lyft
- Repeal property tax exemption for fraternal benefits societies
- End sales tax exemption for Airbnb type services
- Include e-cigarettes in the cigarette tax

LB 420	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Bolz	Revenue	Adopt the Property Tax Circuit Breaker Act

LB 420 is similar to LB 910, also introduced by Senator Bolz, in 2018. LB 910 was not advanced by the Revenue Committee.

LB 420 creates the Property Tax Circuit Breaker Act, the purpose of which is to provide a refundable income tax credit.

A qualifying residential or agricultural taxpayer may apply to the Department of Revenue for a refundable income tax credit based on the amount of property taxes paid and the income level of the applicant taxpayer.

The department may certify up to \$107 million in tax credits for qualifying agricultural taxpayers each taxable year. If the total amount of tax credits requested by all applicants exceeds the total amount available the department is to certify tax credits on a proportionate basis so that the limitation is not exceeded.

For qualifying residential taxpayers, the department may certify up to \$82.7 million of tax credits for each taxable year. If the total amount of tax credits requested by all applicants exceeds the total amount available the department is to certify tax credits on a proportionate basis so that the limitation is not exceeded. Qualifying residential taxpayers include both homeowners and renters.

The credit is to be available for tax years beginning January 1, 2020.

LB 482	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Erdman	Revenue	Provide for an adjustment to the assessed value of destroyed real property

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LB 482 is very similar to a previous measure, LB 899, introduced by Senator Erdman in 2018. LB 899 did not advance from committee.

LB 899 provides that the county board of equalization must adjust the value of real property that is destroyed by fire or other natural disaster between January 1 and October 1 upon receiving a report of such destroyed property from the county assessor.

The adjusted value is the sum of the following three factors:

- The assessed value of the property before it became destroyed multiplied by a percentage representing the portion of the year during which the property was intact and not yet destroyed;
- The assessed value of the property as of the date of its destruction multiplied by a percentage representing the portion of the year during which the property as destroyed and no replacement property as yet been completed;
- The assessed value of any replacement property as of the date of construction of such replacement property multiplied by a percentage representing the portion of the year during which construction of such property was complete.

The bill also provides a timetable for notice, decision, and appeals. The action of the county board may be appealed to the Tax Equalization and Review Commission.

The bill has an operative date of January 1, 2020.

LB 483	<i>Sponsor</i> Erdman	<i>Committee</i> Revenue	<i>Subject</i> Change the valuation of agricultural land and horticultural land
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LB 483 is very similar to LB 1100, also introduced by Senator Erdman, which did not advance from the Revenue Committee.

LB 483 changes the way agricultural land is valued for property tax purposes. The bill changes agricultural land valuations from the current market-based system to a productivity-based system. The reason for making the change to a productivity-based system, according to the introducer, is that the current market-based system is not fair.

The bill bases agricultural land valuations for sprinkler irrigated cropland, gravity irrigated cropland, and dryland cropland upon soil productivity ratings established by the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) and commodity price data provided by the Department of Agricultural Economics at the University of Nebraska-Lincoln.

LB 483 establishes the Agricultural Land Valuation Board, consisting of eight board members. Six of the eight board members are chosen by the Governor from each of the following categories:

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- Someone involved in livestock production,
- someone involved in agricultural crop production,
- someone from a farm advocacy organization,
- someone with a county assessor certificate,
- someone from the Department of Agricultural Economics at the University of Nebraska-Lincoln, and
- someone from the Nebraska Ethanol Board.

Nebraska’s Tax Commissioner would serve as the seventh member of the board. Nebraska’s Director of Agriculture would serve as the eighth member of the board and also serves as the board’s chair. The Board is charged with creating a manual detailing the methods to be used for agricultural land valuations across the state and for setting appropriate discount rates to be used for calculating agricultural land valuations.

LB 512	<i>Sponsor</i> Linehan	<i>Committee</i> Revenue	<i>Subject</i> Change revenue and taxation provisions
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LB 512 appears to have a mix of technical and substantive changes to revenue-related statutes. Of particular note is new language concerning reassessment of damaged or destroyed property.

LB 512 provides that if a property is destroyed or damaged by a “major calamity” between the assessment date and July 15, the owner of the property may petition the county assessor, on a form prescribed by the Tax Commissioner, for a reassessment of the property’s value for that year.

The county assessor may file a petition on behalf of the property owner. The county assessor must file a report of destroyed or damaged property, together with the reassessed value of any such property, with the county board of equalization on or before July 20. The county board of equalization must approve or deny the report on or before July 25. Upon approval of the report of destroyed or damaged property, the county assessor must immediately forward the report to the Property Tax Administrator.

The county clerk is required to mail to the property owner written notice of the county board of equalization’s decision within seven days of the decision. Any person whose petition for relief has been denied by the county board of equalization may appeal the decision of the county board of equalization by filing an appeal with the Tax Equalization and Review Commission within 30 days of the decision.

The bill defines “major calamity” as an event causing significant property damage, including, but not limited to, a fire, an earthquake, a flood, a tornado, or any event which affects an area such that the Governor declares that area to be in a state of emergency. Major calamity does not include an event causing significant property damage intentionally caused by the owner of the property.

“Significant property damage” is defined as damage exceeding \$10,000 or 10% of the property’s value in the prior tax year, as determined by a professional appraisal, whichever is less.

LB 530	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Groene	Revenue	Change the valuation of agricultural land and horticultural land for property tax purposes

Under current law, ag land and special value land is valued for purposes of taxation at 75% of its actual value or special value respectively. LB 530 reduces this tax value to 65% for both ag land and special value land.

For purposes of state aid value means ag land and special value land is valued at 72% of actual value or special value respectively. LB 530 changes the value for purposes of state aid value to 62%.

The bill would become operative on January 1, 2020.

LR 3CA	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Erdman	Revenue	Constitutional amendment to provide income tax credits for property taxes paid

Similar to a previous legislative attempt, LR 3CA would amend the Nebraska Constitution to provide a refundable credit against the income tax imposed by the State of Nebraska in an amount equal to 35% of the property taxes that were:

- (a) Levied on real property located in this state; and
- (b) Paid by the taxpayer during the taxable year.

The tax credits would be available for taxable years beginning on January 1, 2021. If adopted by the Legislature, the measure would appear on the 2020 General Election ballot.

LR 5CA	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Brewer	Revenue	Constitutional amendment to limit the percentage of funding for schools that comes from property taxes

Article VII, Section 1 of the Nebraska Constitution requires that the Legislature provide for the free instruction in the common schools of this state of all persons between the ages of five and 21 years.

LR 5CA proposes to amend this section of the Constitution with language stating that no more than 35% of the funding for the free instruction in the common schools may derive from property taxes. The idea behind the constitutional amendment is that the state would need to dramatically increase funding for education.

If adopted by the Legislature, the measure would appear on the 2020 General Election ballot for approval by the voters.

LR 8CA	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Revenue	Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions

LR 8CA represents part of the Governor’s agenda to address the property tax issue in Nebraska.

The legislative resolution would amend Article VIII, Section 14 of the Nebraska Constitution and provides that the total amount of property tax revenue raised by a political subdivision in any fiscal year may not be more than 3% greater than the amount raised in the prior fiscal year, except as provided below.

The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation by an amount approved by a majority of legal voters voting on the issue at an election upon the recommendation of a majority of the governing body of the political subdivision. The recommendation must include the amount by which the property tax revenue would exceed the limitation for the fiscal year. All costs of the election would be paid by the political subdivision seeking to exceed the limitation.

The limitation would not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness that has been approved according to law.

The amendment defines “property tax revenue” as revenue raised from a tax that is assessed annually upon the value of real and personal property.

Retirement

LB 31	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Kolterman	Retirement	Provide for a work plan relating to a transfer of management of the retirement system operated under the Class V School Employees Retirement Act to the Nebraska Public Employees Retirement Systems and to require a report and provide duties

LB 31 amends the Class V School Employees Retirement Act. The bill requires the Public Employees Retirement Board (PERB) to develop a work plan, recommendations, cost estimates, and cost comparisons regarding the transfer of management and actuarial services of the class V (OPS) school employees retirement system to the PERB.

The work plan must include a detailed analysis and recommendations regarding:

- a) management, administration, actuarial service, information technology, computer infrastructure, accounting, member data and record transfer;
- b) necessary statutory changes to achieve the transfer of management and actuarial services;
- c) staff training and assessment of staffing needs;

- d) educational and communication plans to fully inform all system stakeholders and affected governmental entities regarding management changes;
- e) sufficient timeframes for an orderly transition and implementation of management and actuary changes;
- f) cost estimates associated with the tasks necessary to carry out the management transition; and
- g) a comparison of the current annual cost to administer any Class V school employees retirement system established under the Class V School Employees Retirement Act with an estimate of the annual cost for the Public Employees Retirement Board to administer the system after a management transfer occurs.

The PERB must electronically report the work plan, including any recommendations, cost estimates, and cost comparisons, to the Clerk of the Legislature no later than June 30, 2020.

The bill specifically states that management does not include:

- a) A merger or consolidation of any Class V school employees retirement system with the School Employees Retirement System or any other retirement system administered by the PERB; or
- b) An assumption of any of the liability for any Class V school employees retirement system by the State of Nebraska, the PERB, or the NPERS.

The bill permits the PERB to quarterly bill and receive payment within 45 calendar days from receipt of the bill from OPS for all work performed by the PERB for services and related expenses in completion of the work plan.

LB 565	<i>Sponsor</i> Bolz	<i>Committee</i> Retirement	<i>Subject</i> State legislative intent relating to a designated beneficiary determination under certain retirement systems
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LB 565 represents an attempt to address unfortunate instances when a member of one of the state-offered retirement programs dies and had neglected to designate a beneficiary.

The bill amends the School Employees, County, Class V (OPS), and State plans to provide intent if a member of the retirement system is married at the time of his or her death and there is no designated beneficiary on file with the board, then the spouse married to the member on the date of the member's death is determined to be the beneficiary. If the member is not married on the date of his or her death and there is no surviving designated beneficiary on file with the board, then the benefit would be paid to the member's estate.

LB 683	<i>Sponsor</i> Kolterman	<i>Committee</i> Retirement	<i>Subject</i> Provide for a work plan under the Class V School Employees Retirement Act relating to a one-time lump sum payment to certain retired members
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LB 683 would direct the Public Employees Retirement Board (PERB) to develop a work plan, recommendations, and cost estimates for a one-time option for certain members who have terminated employment to receive a lump sum payment of a specified percentage of the present value of such member’s deferred retirement allowance in lieu of all rights to receive retirement or other benefits from any Class V school employees retirement system established under the Class V (OPS) School Employees Retirement Act.

The bill is meant to be another idea to address the ongoing financial circumstances facing the Class V Retirement Plan.

LB 706	<i>Sponsor</i> Lindstrom	<i>Committee</i> Retirement	<i>Subject</i> Authorize a one-year freeze of cost-of-living adjustments under the Class V School Employees Retirement Act
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To help address the ongoing financial concerns in the Class V (OPS) Retirement Plan, LB 706 would provide authority for the plan’s board of trustees to approve an action to prohibit a cost-of-living adjustment (COLA) to existing retirees for one year (the period between January 1, 2020, and December 31, 2020).

Sales Tax

LB 18	<i>Sponsor</i> Briese	<i>Committee</i> Revenue	<i>Subject</i> Adopt the Remote Seller Sales Tax Collection Act
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LB 18 is essentially the same legislation offered by former Senator Watermeier in 2017 (LB 44). LB 44 was advanced by the Revenue Committee in 2017 and it appeared on Final Reading in 2018 but did not pass.

LB 18 would create the Remote Seller Sales Tax Collection Act. The bill would require remote sellers (online retailer without a physical presence in our state) to collect and remit sales tax if their gross revenue in Nebraska exceeds \$100,000 or their sales in Nebraska consist of 200 or more separate transactions.

In 2017 the Nebraska Department of Revenue commented that such legislation would yield anywhere from \$30 million to \$40 million in new revenue for the state.

LB 182	<i>Sponsor</i> Bolz	<i>Committee</i> Revenue	<i>Subject</i> Adopt the School District Local Option Income Surtax Act
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LB 182 is essentially the same bill offered by Senator Bolz in 2018 (LB 911). LB 911 was referred to the Revenue Committee but did not advance.

LB 182 creates the School District Local Option Income Surtax Act. The bill allows school boards to impose a local option income tax surtax rate of up to 20% which cannot exceed five years in duration. The surtax is equal to an individual's state income tax liability less nonrefundable credits multiplied by the rate chosen by the school board.

The surtax may be imposed if approved by a majority of voters in a school district at an election. The tax revenue may be used to reduce property taxes or for building construction, remodeling and site acquisition. Tax proceeds that are to be used to reduce property taxes are placed in the general fund of the school district and proceeds to be used for buildings and sites are deposited in a special building fund. The imposition of a surtax does not increase the budget authority for a school district.

NDE is permitted to adopt rules to carry out the legislation. If a vote to impose a surtax is acceptable, the school district must notify the Tax Commissioner by August 1 of the rate to be imposed for the following tax year. The proceeds of the tax are allocated to school districts by the Tax Commissioner.

Note: The Legislative Fiscal Office commented on LB 911 (2018) that the fiscal impact of the bill depends upon whether school districts opt to impose a surtax, the rate of surtax imposed and the use of the proceeds. It is not possible to determine what decisions will be made at the local level pursuant to the bill. If districts opt to impose a surtax for building and site needs, there will be increased expenditures for these purposes which may offset expenditures that would have been made from other sources of revenue. The degree to which a 20% local option income tax surtax will offset school property taxes varies by district depending upon the income tax liability of residents and amount of property taxes levied for school purposes. Imposition of the maximum 20% income tax surtax statewide would lower school district property taxes by 15.6% (in 2018). If a 20% surtax is imposed, the largest impact for a school district would be a 35.3% reduction in property taxes levied for schools and the smallest impact would be a 1.9% reduction in taxes levied.

LB 290	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Revenue	Change the sales and use tax rate

LB 290 is a placeholder bill offered by the Revenue Committee in the event a change in the state sales tax rate is necessary.

LB 291	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Linehan	Revenue	Change sales and use tax provisions

LB 291 would apply Nebraska sales tax collection to remote sellers that operate outside the State of Nebraska. The emergency clause is attached and the legislation would become operative on April 1, 2019.

LB 507	<i>Sponsor</i> Briese	<i>Committee</i> Revenue	<i>Subject</i> Impose sales tax on certain services and eliminate sales tax exemptions
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LB 507 removes sales tax exemptions on a long list of items and services, including:

- soft drinks, candy, or bottled water;
- Motor vehicle cleaning, maintenance, and repair services;
- cleaning and repair of clothing;
- cleaning, maintenance, and repair of other tangible personal property;
- maintenance, painting, and repair of real property;
- entertainment admissions;
- personal care services;
- lawn care, gardening, and landscaping services;
- pet-related services; storage and moving services;
- taxi, limousine, and other transportation services;
- legal services; and
- accounting services (among others).

The bill also imposes sales tax on prepared food and food and food ingredients served by public or private schools, school districts, student organizations, or parent teacher associations under an agreement with the proper school authorities, in an elementary or secondary school or at any institution of higher education, public or private, during the regular school day or at an approved function of any such school or institution.

The bill further imposes sales tax on fees and admissions charged by a public or private elementary or secondary school and fees and admissions charged by a school district, student organization, or parent-teacher association, pursuant to an agreement with the proper school authorities, in a public or private elementary or secondary school during the regular school day or at an approved function of any such school.

The bill contains on operative date of January 1, 2020.

LB 508	<i>Sponsor</i> Briese	<i>Committee</i> Revenue	<i>Subject</i> Impose sales and use taxes on certain services, eliminate sales tax exemptions, and use the increased revenue for property tax credits.
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LB 508 is essentially the same language contained in LB 507, also introduced by Senator Briese. The principle difference between the two bills is that LB 508 specially credits the new revenue generated from expanded sales tax to the Property Tax Credit Cash Fund for property tax relief.

LB 508 removes sales tax exemptions on a long list of items and services, including:

- soft drinks, candy, or bottled water;
- Motor vehicle cleaning, maintenance, and repair services;
- cleaning and repair of clothing;
- cleaning, maintenance, and repair of other tangible personal property;
- maintenance, painting, and repair of real property;
- entertainment admissions;
- personal care services;
- lawn care, gardening, and landscaping services;
- pet-related services; storage and moving services;
- taxi, limousine, and other transportation services;
- legal services; and
- accounting services (among others).

The bill also imposes sales tax on prepared food and food and food ingredients served by public or private schools, school districts, student organizations, or parent teacher associations under an agreement with the proper school authorities, in an elementary or secondary school or at any institution of higher education, public or private, during the regular school day or at an approved function of any such school or institution.

The bill further imposes sales tax on fees and admissions charged by a public or private elementary or secondary school and fees and admissions charged by a school district, student organization, or parent-teacher association, pursuant to an agreement with the proper school authorities, in a public or private elementary or secondary school during the regular school day or at an approved function of any such school.

The bill contains on operative date of January 1, 2020.

School Boards

LB 101	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Wayne	Government	Change provisions of the Nebraska Political Accountability and Disclosure Act relating to a potential conflict of interest by an elected office holder of cities/villages or a school district

The same piece of legislation was introduced by Senator Roy Baker in 2018 (LB 1037), which did not pass.

LB 101 would amend the Nebraska Political Accountability and Disclosure Act to permit elected officeholders of certain cities or villages, or a school district, to participate in voting on matters involving a business association conflict of interest when the business association exists because the city, village or school district is a member of an association of cities, villages or school districts.

Under current law the officeholder is not permitted to vote, and must report the conflict of interest based on the business association. Under this bill, the officeholder would still be required to report the conflict of interest, but would be allowed to vote.

LB 415	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Friesen	Government	Repeal recall provisions for political subdivisions

LB 415 amends the Nebraska Election Act and outright repeals relevant laws to eliminate recall provisions for political subdivisions.

School Budget and Finance

LB 191	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	La Grone	Government	Change provisions relating to budgets and public hearing notice for certain governmental entities

Under the current procedures to authorize a change in the property tax request from the previous year, a governing body of a political subdivision must pass by a majority vote a resolution or ordinance establishing the tax request at a different amount.

The resolution or ordinance may only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing. LB 191 changes this notice requirement to four calendar days. The bill clarifies that the four calendar days will include the day of publication but not the day of hearing.

LB 336	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hansen, M.	Government	Change the vote required to exceed certain budget limitations

The current base limitation is 1.5% for 2018-19. Unless the Legislature intervenes with new legislation to state otherwise, the base limitation will increase to 2.5% for 2019-20 and beyond.

Under the current provisions of the Nebraska Budget Act, a government unit may exceed the base limit for a fiscal year by up to an additional 1% upon the affirmative vote of at least 75% of the governing body.

LB 336 provides that a simple majority vote of the governing body may vote to exceed the base limitation by up to 1%.

LB 350	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Morfeld	Education	Provide a budget exception for expanded learning opportunity programs

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LB 350 provides a spending lid exception for expanded learning opportunity programs or for school-based or school-linked activities and programs that utilize school-community partnerships to expand opportunities for students to participate in educational activities outside the normal classroom.

Section 79-2503 defines “expanded learning opportunity program” as a school-community partnership that provides participating elementary-age and secondary-age students and their families with programming and other support activities and services after school and on weekends, holidays, and other hours when school is not in session through a mix of programs and services that (a) complement but do not duplicate elementary and secondary school day learning and (b) create opportunities to strengthen school-community partnerships that provide students and their families with the support they need to be successful in school.

The spending lid exception would be, for districts with more than 1,000 students, expenditures up to \$100,000, and for districts with 1,000 or fewer students, expenditures up to \$50,000.

LB 351	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Morfeld	Education	Provide for school district levy and bonding authority for cybersecurity and violence prevention

Current law (§ 79-10,110.02) permits a school board to determine that an additional property tax levy is necessary for a specific abatement project to address actual or potential environmental hazard, accessibility barrier, life safety code violation, life safety hazard, or mold which exists within one or more existing school buildings or the school grounds of existing school buildings controlled by the school district.

LB 351 adds to this law the abatement of cybersecurity vulnerabilities and violence prevention in one or more existing school buildings or on the school grounds of existing school buildings controlled by the school district.

The bill defines “cybersecurity vulnerability” as any potential data compromise resulting from the loss, theft, disposal, abandonment, accidental publication, or accidental release of personally identifiable information or material in any media or format that is not publicly available, including:

- a) Data created by or provided to an elementary school, middle school, high school, or school district in the course of a student’s attendance or application for attendance at an elementary school, middle school, or high school; and
- b) Data created by or provided to an elementary school, middle school, high school, or school district in the course of an employee’s employment or application for employment with the school district;

“Violence prevention” is defined as necessary equipment and modifications to existing school buildings or the school grounds of existing school buildings designed or used to deter any act of

violence from occurring or to protect students, school personnel, and the public from an act of violence should it occur in a school building or on the school grounds of a school building.

LB 430	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Groene	Education	Change dates related to certifications and distributions of state aid to schools

LB 430 is shell bill introduced by the chair of the Education Committee in the event that the state budget process requires a later certification date. The bill would delay certification of state aid, applicable allowable reserve percentages, and budget authority to no later than June 10th.

LB 431	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Groene	Education	Change school finance base limitation and local effort rate provisions

LB 431 is shell bill introduced by the chair of the Education Committee in the event that changes are pursued with regard to the base limitation for school districts, which is currently 1.5% and the local effort rate. The bill also proposes a later date, June 10, for certification of state aid, applicable allowable reserve percentages, and budget authority in the event the state budget process requires a later certification date.

LB 432	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Groene	Education	Include tax-increment financing valuation in adjusted valuations for purposes of state aid to schools and change school district levy authority

LB 432 provides an exception to the levy limitations for amounts levied by a school district up to the amount that would have been generated by a levy at the rate levied on taxable property for such fiscal year applied to the tax-increment financing (TIF) valuation, if the amounts levied are approved by at least 75% of the school board and the school district is receiving equalization aid under TEEOSA.

LB 497	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Friesen	Revenue	Adopt the School District Property Tax Authority Act and change revenue and taxation provisions

LB 497 creates the School District Property Tax Authority Act.

Under the bill, and beginning in 2020-21, the total amount of property taxes levied by a school district for a fiscal year may not exceed the school district’s property tax authority as determined by the Act.

The school board of each school district must calculate the school district's property tax authority each fiscal year as follows:

For fiscal year 2020-21, the following steps must be taken:

- 1) *Step one:* The school district's state and local resources must be calculated. The amount must be equal to the school district's property tax request for fiscal year 2019-20 plus the state aid distributed to the school district in fiscal year 2019-20 with the sum increased by the base growth percentage applicable to the school district;
- 2) *Step two:* The state aid to be distributed to the school district must be subtracted from the school district's state and local resources calculated under step one; and
- 3) *Step three:* The amount determined under step two would then be either:
 - a) Decreased by the amount by which other resources for fiscal year 2020-21 are expected to exceed other resources for fiscal year 2019-20; or
 - b) Increased by the amount by which other resources for fiscal year 2019-20 are expected to exceed other resources for fiscal year 2020-21; and

For fiscal year 2021-22 and thereafter, the following steps must be taken:

- 1) *Step one:* The school district's state and local resources must be calculated. The amount must be equal to the school district's state and local resources from the prior fiscal year increased by the base growth percentage applicable to the school district;
- 2) *Step two:* The state aid to be distributed to the school district for the current fiscal year would be subtracted from the school district's state and local resources calculated under step one; and
- 3) *Step three:* The amount determined under step two would then be either:
 - a) Decreased by the amount by which other resources for the current fiscal year are expected to exceed other resources for the prior fiscal year; or
 - b) Increased by the amount by which other resources for the prior fiscal year are expected to exceed other resources for the current fiscal year.

The school board must report the amount determined as provided in the Act to NDE upon forms prescribed by the department. The department must review the amount reported to determine if the amount was calculated correctly.

If the department determines that the amount was calculated correctly, it must approve and certify the amount to the school board. If the department determines that the amount was not calculated correctly, it must calculate the correct amount and certify that amount to the school board.

The amount certified by the department will be the school district's property tax authority, which would be used for setting the school district's maximum levy rate. The school board may set its property tax request at an amount equal to or less than the school district's property tax authority.

This amount does not apply to that portion of a school district’s property tax request that is needed to pay the principal and interest on approved bonds.

The Act provides the following definitions:

“Approved bonds” is defined as bonds that are issued by a school district after the question of issuing such bonds has been approved by the voters of such school district.

“Base growth percentage” is defined as whichever of the following percentages is the highest: (a) Two and one-half percent; (b) The percentage increase in the Consumer Price Index for All Urban Consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending on June 30 of the year in which the property tax authority is calculated; or (c) The annual percentage increase in the student enrollment of the school district.

“Other resources” is defined as revenue of a school district from all sources other than real and personal property taxes and state aid.

LB 506	<i>Sponsor</i> Briese	<i>Committee</i> Revenue	<i>Subject</i> Adopt the Property Tax Request Limitation Act
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LB 506 creates the Property Tax Request Limitation Act.

The bill provides that, with the exceptions noted below, a school district’s property tax request for any year may not exceed the school district’s property tax request authority. The school board of each school district would calculate the school district’s property tax request authority each year as follows:

- (a) The school district’s property tax request from the prior year shall be increased by whichever of the following percentages is the highest:
 - i. The base growth percentage;
 - ii. The annual percentage increase in the student enrollment of the school district multiplied by four-tenths;
 - iii. The percentage obtained by first dividing the annual increase in the total number of limited English proficiency students in the school district by the student enrollment of the school district and then multiplying the quotient by twenty-five hundredths; or
 - iv. The percentage obtained by first dividing the annual increase in the total number of poverty students in the school district by the student enrollment of the school district and then multiplying the quotient by twenty-five hundredths; and
- (b) The amount determined above would then be:
 - i. Decreased by an amount equal to the amount by which total non property-tax revenue for the current year exceeds the total non-property tax revenue for the prior year. In

determining the total non-property-tax revenue for the current year, any category of non-property-tax revenue for which there is insufficient data as of August 1 to make an accurate determination shall be deemed to be equal to the prior year's amount; or

- ii. Increased by an amount equal to the amount by which total non property-tax revenue for the prior year exceeds the total non-property tax revenue for the current year. In determining the total non-property tax revenue for the current year, any category of non-property-tax revenue for which there is insufficient data as of August 1 to make an accurate determination shall be deemed to be equal to the prior year's amount.

The school board must report the amount determined to NDE upon forms prescribed by the department. If the department determines that the amount was calculated correctly, the department must approve and certify the amount to the school board. The certified amount would be the school district's property tax request authority.

Exceptions

The Act would not apply to that portion of a school district's property tax request that is needed to pay the principal and interest on approved bonds.

A school district's property tax request may exceed its property tax request authority by an amount approved by a sixty percent majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the school board of such school district or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least 5% of the legal voters of the school district. The recommendation of the school board or the petition of the legal voters must include the amount by which the school board would increase its property tax request for the year over and above the property tax request authority of such school district. The county clerk or election commissioner must call for a special election on the issue within 30 days after the receipt of the school board recommendation or legal voter petition.

A school district's property tax request may exceed its property tax request authority by a percentage approved by an affirmative vote of at least 75% of the school board. The percentage may not exceed:

- a. 7% for school districts with an average daily membership of up to 471 students;
- b. 6% for school districts with an average daily membership of more than 471 students but no more than 3,044 students;
- c. 5% for school districts with an average daily membership of more than 3,044 students but no more than 10,000 students; or
- d. 4% for school districts with an average daily membership of more than 10,000 students.

A school district's property tax request may exceed its property tax request authority pursuant to any property tax authority approved by the voters at a levy override election prior to January 1, 2020.

This act becomes operative on January 1, 2020.

LB 513	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Briese	Education	Change requirements for the issuance of certain school district bonds

LB 513 provides that if the property tax valuation of the school district in the prior calendar year consists of 75% or more of ag land, then the question of issuing school district bonds must receive an affirmative vote in favor of issuing the bonds by at least 60% of those voting on the question. In all other school districts, the question must receive an affirmative vote in favor of issuing the bonds by at least 50% of those voting on the question.

LB 581	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Albrecht	Government	Require the use of generally accepted accounting principles in preparing budgets under the Nebraska Budget Act

Under the Nebraska Budget Act (§ 13-504), each governing body of a political subdivision must annually or biennially, as the case may be, prepare a proposed budget statement on forms prescribed and furnished by the auditor.

LB 581 stipulates that the proposed budget statement must be made in accordance with generally accepted accounting principles using the accrual basis, except that such requirement shall not apply to any political subdivision that has been granted a waiver of audit requirements granted by the State Auditor.

LB 588	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Stinner	Education	Change the local effort rate pursuant to the Tax Equity and Educational Opportunities Support Act

The current local effort is set at the maximum levy minus 2.97¢. LB 588 provides that, beginning for school fiscal year 2019-20, the local effort rate would be set at the maximum levy minus 3¢. The emergency clause is attached.

LB 647	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Wayne	Education	Include virtual school students in the state aid to schools formula

LB 647 is very similar to LB 634, also introduced by Senator Wayne, in 2017. LB 634 carried over to the 2018 Session but did not advance from committee.

LB 647 defines virtual school to mean any school or educational program that:

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- a) Is operated by a school district;
- b) Offers courses for credit;
- c) Uses predominately Internet-based methods to deliver instruction;
- d) Involves instruction that occurs asynchronously with the teacher and student in separate locations;
- e) Requires the student to make academic progress toward the next grade level or high school graduation;
- f) Requires the student to demonstrate subject matter competence for each course or subject in which the student is enrolled as part of the virtual school; and
- g) Requires the student, when age-appropriate, to complete state assessments; and

The bill provides that virtual schools and virtual school programs must be offered by a school district for credit, use primarily internet-based methods to deliver instruction, involve asynchronous instruction, require students to demonstrate subject matter competency and to progress toward the next grade level or high school graduation, and require completion of state assessment tests.

“Virtual school student” is defined as a student who is a resident of Nebraska enrolled in and attending a virtual school on at least a part time basis.

The bill provides for virtual students to be included in average daily membership and fall membership which are used to determine formula students for purposes of computing state aid to schools through the Tax Equity and Educational Opportunities Support Act (TEEOSA).

LB 674	<i>Sponsor</i> Linehan	<i>Committee</i> Education	<i>Subject</i> Change the base limitation for school districts
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Beginning for school fiscal year 2020-21, LB 674 provides that the base limitation for each school district is the inflation rate certified by the Tax Commissioner for the school fiscal year plus the student growth rate certified by NDE for the school district.

By November 1st each year, beginning in 2019, the Tax Commissioner must certify to NDE and to the State Auditor the inflation rate for the immediately following school fiscal year, which would be equal to the percent change from the most recent CPI for All Urban Consumers published by the federal Bureau of Labor Statistics as of August 31 of the year immediately preceding the year in which the certification is being made to the most recent CPI as of August 31 of the year in which the certification is being made.

By December 1st each year, beginning in 2019, NDE must certify to each school district and to the State Auditor the student growth rate and the base limitation for the school district for the immediately following school fiscal year. The student growth rate for each school district for the immediately following school fiscal year would be equal to the percent change from the fall

membership reported in October of the year immediately preceding the year in which the certification is being made to the fall membership reported in October of the year in which the certification is being made, except that the student growth rate for any school district may not be less than zero percent.

LB 679	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	DeBoer	Education	Create the School Financing Review Commission

LB 679 creates the School Financing Review Commission and would consist of 20 members, including:

- a) Three members of the Legislature, appointed by the Executive Board;
- b) the Property Tax Administrator or designee, as a nonvoting, ex officio member;
- c) the council director of the ESUCC;
- d) the Commissioner of Education or designee;
- e) a representative of the Governor selected by the Governor;
- f) one member representing postsecondary education with expertise in the area of school finance;
- g) two members who reside in a Class III school district, one school administrator and one school board member;
- h) two members who reside in a Class IV school district, one school administrator and one school board member;
- i) two members who reside in a Class V school district, one school administrator and one school board member; and
- j) six members from the state at large, two from each congressional district, who reside in school districts of varied sizes and with varying percentages of limited English proficiency students and poverty students.

At least one of the members appointed must have experience in the teaching profession in public schools, at least one must have experience in business, and at least one must have experience in agriculture-related business.

The Commission would conduct an in-depth review of the financing of the public elementary and secondary schools. The commission must:

- a) Examine methods of financing public elementary and secondary schools, including methods used in other states, which would provide equitable educational opportunities across the state and offer alternatives to heavy reliance on property tax;
- b) Examine the option of using income as a component in the financing of public elementary and secondary schools;
- c) Examine the option of using sales tax as a component in the financing of public elementary and secondary schools, including an examination of the experience of any other states with such option;

- d) Examine financing issues as they relate to the quality and performance of public elementary and secondary schools;
- e) Examine options for funding expanded public prekindergarten services;
- f) Examine options for funding college-readiness and career readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;
- g) Examine the costs and resources necessary to meet the diverse and growing needs of students across the state, including, but not limited to, the needs of poverty students and limited English proficiency students;
- h) Examine methods used by other states to fund public elementary and secondary school infrastructure needs;
- i) Examine other issues related to public elementary and secondary school finance as necessary and as determined by the chairperson;
- j) Prepare a report on the progress of the work of the commission and submit it electronically to the Legislature on or before December 31, 2019; and
- k) Prepare a preliminary report and present it to the Legislative Council in November 2020. A final report with recommendations on maintaining adequate and equitable funding for public schools in light of information gathered through the review must be presented to the Governor, the State Board of Education, and electronically to the Legislature by December 1, 2020.

By December 1, 2020, to assure that every Nebraskan is educated for success, the Commission must:

- a) Review the mission of providing Nebraskans the opportunity to acquire the necessary skills and knowledge to be productive individuals;
- b) Review, make recommendations on, and report on the progress of the goals established by the Legislature and NDE. The committee may solicit comments, concerns, and case studies from all sizes of schools in Nebraska and develop best practices for implementing and achieving such goals; and
- c) Review the implementation of TEEOSA and the implementation of any recommendations contained in reports.

By July 1st of each even-numbered year beginning in 2020 and ending in 2028, the Commission must report to the Governor, State Board of Education, and Legislature on the adequacy of school funding sources. NDE and the staff of the Revenue Committee, the Education Committee, and the Appropriations Committee of the Legislature, with the consent of the chairpersons of such committees, may assist as needed and requested by the chairperson of the commission in accordance with guidelines developed by the commission.

The Commission may:

- a. Hire staff, including, but not limited to, consultants; and

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- b. Obtain assistance from NDE and the Department of Revenue in acquiring data needed to carry out its duties.

The bill intends for an appropriation of \$100,000 from the General Fund to the Commission to carry out its duties. The commission would be housed within the State Department of Education. The commission shall cease to exist on December 31, 2028, unless extended by the Legislature.

The emergency clause is attached.

Special Education

LB 346	<i>Sponsor</i> Wishart	<i>Committee</i> Education	<i>Subject</i> Change special education reimbursements
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LB 346 is similar to LB 876 (2018) and relates to the amount of aid appropriated for special education programs and support services. The bill requires that General Funds must be appropriated to fund at least 80% of the excess allowable costs for all special education programs and support services plus the amount set aside for the reimbursement of residential settings.

The bill provides a phase-in process so that by 2022-23 the reimbursement rate would be at 80% of the excess allowable costs for all special education programs and support services.

State Budget

LB 294	<i>Sponsor</i> Speaker Scheer	<i>Committee</i> Appropriations	<i>Subject</i> Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2021
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LB 294 represents the mainline appropriations bill for the 2019-21 biennium budget. Within this bill are line-items for TEEOSA, special education, ESU funding, etc.

Student Discipline

LB 147	<i>Sponsor</i> Groene	<i>Committee</i> Education	<i>Subject</i> Provide for the use of physical force or physical restraint or removal from a class in response to student behavior.
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LB 147 amends the Nebraska Student Discipline Act to provide for the use of physical force or physical restraint or removal from a class in response to student behavior. The bill is very similar but not identical to LB 595 (2017), also introduced by Senator Groene, which was advanced to General File by a 5-2 vote of the Education Committee but advanced no further.

Use of Restraint/Contact: Under the legislation, “physical restraint” is defined as holding the hands, wrists, or torso of a student to control the movements of the student and may not include the use of any mechanical device or binding a student to any object.

If a student becomes physically violent toward himself/herself, a teacher, an administrator, or another student, a teacher or administrator may use the necessary physical contact or physical restraint to control the student until the student no longer presents a danger to himself/herself, the teacher, the administrator, or the other student.

If a student exhibits destructive behavior toward school property, a teacher or administrator may use the necessary physical contact or physical restraint to control the student until the student ceases the destructive behavior or the student is removed from the classroom.

The bill provides that any such action by a teacher or administrator would not be considered corporal punishment.

In addition, a teacher or administrator defending himself/herself, another teacher or administrator, or a student, or protecting school property would not be subject to legal action or administrative discipline if the teacher or administrator was acting in a reasonable manner.

Removal from Classroom: Under LB 149, a teacher would be granted the authority to have a student removed from the classroom by an administrator, administrator’s designee, or school resource officer if the teacher:

- a) Has documented that the student has repeatedly interfered with the teacher’s ability to communicate effectively with the students in the class or with the ability of students in the class to learn;
- b) Determines the student’s behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to communicate effectively with the students in the class or with the ability of the students in the class to learn; or
- c) Determines the student has committed other disruptive acts that merit discipline under the Student Discipline Act.

If a teacher has a student removed from a classroom as prescribed in the bill, the principal of the school may place the student into another appropriate classroom or into in-school suspension or suspend the student as provided in the Student Discipline Act.

The principal may not return the student to a class taught by the teacher without the teacher’s consent unless such return is required under the Special Education Act or the federal Individuals with Disabilities Education Act (IDEA).

If the teacher does not consent to the student’s return to the teacher’s classroom, within two school days following the student’s removal a conference must be held with the teacher and the parent/guardian in the presence of the principal or the principal’s designee for the purpose of determining the causes of the problem and developing a plan to implement possible student behavior improvement mechanisms. Following the conference, the principal may readmit the

student to the teacher's class. A principal or other administrator may not coerce a teacher to consent to the return of a student to a class from which the student was removed.

A teacher may not be subject to legal action or administrative discipline for having a student removed from a class if the teacher was acting in a reasonable manner.

LB 165	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hunt	Education	Adopt the Too Young to Suspend Act

LB 165 creates the Too Young to Suspend Act with the purpose to prohibit early childhood education and kindergarten students from being suspended or expelled from school except in limited circumstances. The intent of the bill is to prevent suspensions or expulsions of difficult young students who may disrupt school activities or willfully defy school authorities, but who are not a danger to other students.

The bill requires each school board to adopt a policy prohibiting the suspension or expulsion of any early childhood education or kindergarten student unless the school principal determines that the student has committed one of the following acts:

- a) The student willfully caused, attempted to cause, or threatened serious bodily injury to another student or person while in a school building, on school grounds, in a school-owned vehicle, or at a school sponsored activity or athletic event and the action was not an act of self-defense; or
- b) The student possessed or furnished to another person a firearm, knife, explosive, or other dangerous weapon, substance, or object while in a school building, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event.

The bill permits the superintendent of a district to:

- a) Use a mandatory reassignment to transfer an early childhood education or kindergarten student to another school within the school district, if the transfer would result in a more appropriate placement due to any disability or special need of the student; or
- b) Suspend an early childhood education or kindergarten student during the pendency of an investigation into whether a student can be lawfully suspended or expelled.

Guidelines: By March 1, 2020, the Commissioner of Education must issue guidelines for the implementation of the Too Young to Suspend Act, including recommendations on the length of a suspension for acts described in the bill.

Reporting: By July 15, 2021, and each July 15th thereafter, each school district must submit a report to NDE detailing any suspension or expulsion of an early childhood education or kindergarten student.

LB 495	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Wayne	Education	Provide for collection of data on student disciplinary actions

LB 495 is very similar to LB 1056, introduced by Senator Matt Hansen. LB 1056 did not advance.

LB 495 requires the State Board of Education to work with schools to collect data on school disciplinary measures and law enforcement interactions in order to better examine the circumstances that lead to young people entering the criminal justice system.

Data would include:

- The number of students sent to in-school suspensions, out-of-school suspensions, and expelled and the number of school days missed as a result;
- The number of students subject to mandatory school transfers due to disciplinary reasons;
- The number of students referred to law enforcement;
- The number of students ticketed, arrested, or detained at school or a school-sponsored activity;
- The use of restraints by staff or officers and room confinement or seclusion; and
- Whether a law enforcement officer is assigned to the school Schools would report this data to the state board so that it can be analyzed by various demographic indicators such as race/ethnicity, gender, grade level and whether the student has a learning or behavioral disability.

LB 515	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Vargas	Education	Change provisions relating to the Student Discipline Act

LB 515 represents a second attempt by Senator Vargas to provide comprehensive modifications to the Nebraska Student Discipline Act. His first attempt was LB 999 (2018), which was not advanced by the Education Committee.

Credits Earned

At the conclusion of an expulsion, a school district shall reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of his or her expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.

Grounds for Disciplinary Action

One of the existing grounds for disciplinary action is causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. LB 515 provides that personal

injury must be considered caused by accident when the damage or consequences of the act that caused the injury were unintentional, unforeseen, or unexpected.

Under the existing ground of engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, the bill specifies that it must be the unlawful knowing possession.

Section 79-268 sets out procedures to be followed if a principal decides to discipline a student by long-term suspension, expulsion, or mandatory reassignment. LB 515 requires that the decision as to the recommended discipline must be made within two school days after learning of the alleged student misconduct and initiating proceedings. The written notice provision to notify the right to a hearing, LB 515 provides that if the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension under district guidelines that may not require the student to attend the school district's alternative programs for expelled students.

Hearing Officer Selection

Under the bill, if a hearing is requested within five school days after receipt of the notice as provided in section 79-268, the superintendent shall recommend appointment of a hearing examiner within two school days after receipt of the hearing request.

The student or the student's parent or guardian may request designation of a hearing officer other than that selected by the superintendent, if notice to the superintendent of this request is given within two school days after receipt of the superintendent's recommended appointment.

Upon receiving the request, the superintendent must provide a list of at least five qualified hearing officers who are not employees of the school district, or otherwise currently under contract with the school district, and whose impartiality may not otherwise be reasonably questioned.

The student or the student's parent or guardian must, within five school days, select a hearing officer from the list and notify the superintendent in writing of the selection and the superintendent must appoint the selected hearing officer upon receipt of the notice.

Individuals whose impartiality may be reasonably questioned would include, but not be limited to, individuals who:

- a) Have a personal bias or prejudice concerning a party;
- b) Have personal knowledge of evidentiary facts concerning the proceeding;
- c) Have served as legal counsel to the school district; or
- d) Have a spouse who is an employee of, or is under contract with, the school district.

A qualified hearing officer must be an individual who has knowledge of the Student Discipline Act, training in its statutory requirements, and experience conducting student hearings.

If a hearing is requested by the student or the student’s parent or guardian within five school days following receipt of the written notice, and the student has been suspended pending the outcome of such hearing, the student must be given the opportunity to complete any classwork, including, but not limited to, examinations missed during the period of suspension.

The school district must make available those witnesses who have knowledge of or were involved in the alleged misconduct and subsequent discipline of the student if the witnesses are requested by the student or the student’s parent, guardian, or representative and such witnesses are employees or under contract with the school district.

LB 515 stipulates that the superintendent must notify the student or the student’s parent or guardian of the superintendent’s determination within five school days after receipt of the hearing examiner’s report.

Student Health and Welfare

LB 60	<i>Sponsor</i> Cavanaugh	<i>Committee</i> Health	<i>Subject</i> Change terminology relating to shaken baby syndrome
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In 2002, the Legislature passed LB 326 to require NDE, with cooperation from the Department of Health and Human Services (DHHS), to develop a packet of materials entitled: “Learning Begins at Birth”. The packet was to be distributed by DHHS to parents of children born in Nebraska beginning on January 1, 2003.

In 2006 the law was modified under LB 994 to require that the packets contain information on the prevention of sudden infant death syndrome and shaken baby syndrome, services available to children and parents, and any other information deemed relevant by DHHS or NDE.

LB 60 (2019) modifies the law and modernizes the terminology to information on decreasing the risk of “sudden unexplained infant death syndrome” and “abusive head trauma in infants and children.”

LB 120	<i>Sponsor</i> Crawford	<i>Committee</i> Education	<i>Subject</i> Require teacher and school staff to receive training on behavioral and mental health
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LB 120 changes some terminology relevant to the duties of the state school security director. The director, among many other duties, must oversee suicide awareness and prevention training in public schools. The bill strikes the term “suicide awareness” and inserts “behavioral and mental health.”

The bill also changes current training requirements related to suicide awareness. Since 2015 all public school nurses, teachers, counselors, school psychologists, administrators, school social

workers, and any other appropriate personnel must receive at least one hour of suicide awareness and prevention training each year. [§ 79-2,146]

The bill changes the training requirement terminology from suicide awareness and prevention to behavioral and mental health training and specifies that the training is conducted each year during contract hours.

LB 120 specifies that such training must include suicide awareness and prevention training. The training may also include topics such as identification of early warning signs and symptoms of behavioral and mental health issues in students, appropriate and effective responses for educators, trauma-informed care, and procedures for making students and parents or guardians aware of services and supports.

The bill includes an emergency clause.

LB 167	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hunt	Judiciary	Prohibit conversion therapy

LB 167 amends the Uniform Credentialing Act and provides that a person holding a credential under the Uniform Credentialing Act may not provide conversion therapy to any individual under 18 years of age.

Conversion therapy is defined as practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.

The bill stipulates that conversion therapy does not include:

- a) Counseling that provides support to an individual undergoing gender transition;
- b) Counseling that provides acceptance, support, and understanding of an individual or facilitates an individual’s coping, social support, and identity exploration and development, including sexual-orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

The bill states that no state funds nor any funds belonging to a political subdivision of this state may be expended for the purpose of:

- a) Conducting conversion therapy;
- b) Referring a person for conversion therapy;
- c) Health benefits coverage for conversion therapy; or
- d) Providing a grant to or contracting with any entity that conducts conversion therapy or refers individuals for conversion therapy.

LB 251	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Walz	Education	Adopt the Child Hunger Workforce Readiness Act

A similar bill was introduced by Senator Walz in 2018 (LB 771). The bill was referred to the Education Committee but did not advance.

LB 251 creates the Child Hunger and Workforce Readiness Act. The bill requires public schools which are participating in the National School Lunch Program and School Lunch Breakfast Program to provide free meals to all students who are eligible for reduced-price lunches and reduced-price breakfasts. NDE would be required to reimburse school districts the amount that would be charged for each meal provided to a student who qualifies for a reduced-price lunch or reduced-price breakfast. The bill provides intent language to appropriate general funds to NDE for this purpose but no amount is specified.

LB 281	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	McCollister	Education	Provide for posting by public schools of a toll-free number set up to report child abuse or neglect

A similar bill was offered by Senator McCollister in 2018, LB 912, which was advanced to General File by a unanimous vote of the Education Committee but advanced no further.

LB 281 would permit but not require each public school in Nebraska to post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and Spanish, using terminology appropriate for posting in schools, that contains the statewide toll-free number established by the Department of Health and Human Services (§ 28-711) to receive reports of child abuse or neglect.

A school may choose to post online, in lieu of displaying the poster, a link to the poster on its web site.

NDE may contract with an appropriate entity to create the poster. The department would ensure that schools have free and easy access to a digital image of such poster. NCSA has volunteered to be the entity that would house the digital image of the poster and also produce the poster for distribution as a member service.

LB 343	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Halloran	Judiciary	Adopt the School Safety Rapid Response Option Act and authorize schools to allow employees to carry concealed handguns

LB 343 creates the School Safety Rapid Response Option Act and applies to public and private schools, public and private colleges, and the University.

The bill provides that the governing authority of a school may develop a program authorizing school employees who hold a concealed handgun permit to carry concealed handguns in or upon the school's building, grounds, vehicle, or school-sponsored activity or athletic event.

A program may:

- a) Require school employees to undergo additional training;
- b) Be limited to specific classes or types of employees;
- c) Limit the authority to carry a concealed handgun to specific places, events, or circumstances; or
- d) Impose any other additional requirements or conditions as determined by the governing body.

LB 390	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Pansing Brooks	Judiciary	Provide duties regarding school resource officers and security guards

LB 390 creates the Commission on Law Enforcement and Criminal Justice. By December 1, 2019, the commission must develop and distribute a model memorandum of understanding that includes the policies noted below.

The memorandum of understanding would govern the use of school resource officers or security guards and must include policies that:

- (1) Require each school resource officer or security guard to attend a minimum of 40 hours of training focused on school-based law enforcement, including coursework focused on (a) school law, (b) student rights, (c) understanding special needs students and students with disabilities, (d) conflict de-escalation techniques, (e) ethics for school resource officers, (f) teenage brain development, (g) adolescent behavior, (h) diversity and cultural awareness, (i) trauma-informed responses, and (j) preventing violence in school settings;
- (2) Require a minimum of one administrator and one teacher to attend a minimum of 20 hours of training focused on school-based law enforcement, including coursework focused on (a) school law, (b) student rights, (c) understanding special needs students and students with disabilities, (d) conflict de-escalation techniques, (e) ethics for school resource officers and security guards, (f) teenage brain development, (g) adolescent behavior, (h) diversity and cultural awareness, (i) trauma-informed responses, and (j) preventing violence in school settings;
- (3) Ensure records are kept on each student referral for prosecution from a school resource officer or security guard and that the records allow for analysis of related data and delineate:
 - (a) The reason for the referral;

- (b) If the occurrence prompting such referral occurred at school, on school grounds, or at a school-sponsored event; and
 - (c) Demographic characteristics of such student and any other students involved in the occurrence prompting such referral, including race, ethnicity, national origin, gender, grade level, and whether the student has an identified disability.
- (4) Specify when parents or guardians are to be notified or present, in a language that the parent or guardian understands, if a student is subjected to questioning or interrogation by a school official or by a school resource officer or security guard operating in conjunction with a school official;
 - (5) Specify under what circumstances school resource officers and security guards are to advise students of their constitutional rights prior to being questioned or interrogated by a school official or by a school resource officer or security guard operating in conjunction with a school official;
 - (6) Specify the type or category of student conduct or actions that will be referred to law enforcement for prosecution and the type of student conduct or actions that will be resolved as a disciplinary matter by a school official and not subject to referral to law enforcement; and
 - (7) Accommodate a student and parent complaint process to express a concern or file a complaint about a school resource officer or security guard and the practices of such school resource officer or security guard with the school district or the law enforcement agency or security agency.

The bill provides that any law enforcement agency that provides school resource officers or security agency that provides security guards to schools as of January 1, 2020, must, by January 1, 2021, adopt a written memorandum of understanding with the school district.

The memorandum of understanding must include provisions in conformance with the minimum standards established in the model policy developed by the commission and may include any other procedures and provisions the school district and the law enforcement agency or security agency mutually deem appropriate.

The bill defines “school resource officer” as any peace officer or security guard with apparent authority to act as a peace officer who is assigned, as his/her primary duty, to any school district to provide law enforcement and security services to any public elementary or secondary schools.

“Security agency” is defined as a contractor that employs security guards used by a school district.

“Security guard” is defined as a person employed to protect buildings and people and may include off-duty peace officers.

LB 568	<i>Sponsor</i> Morfeld	<i>Committee</i> Education	<i>Subject</i> Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds
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LB 568 would require NDE to establish a mental health first aid training program for teachers and other personnel employed by a school district or an ESU participating in a grant provided through lottery funds.

The mental health first aid training is to be delivered by trainers who are properly certified by a national organization for behavioral health to provide training. The program must also provide an opportunity for teachers and other designated personnel to complete the training necessary to become certified by a national organization for behavioral health to provide mental health first aid training to other teachers and designate personnel.

Mental health first aid training must include:

- a) The skills, resources, and knowledge necessary to assist students in crisis to connect with appropriate local mental health care services;
- b) Mental health resources, including the location of local community mental health centers; and
- c) Action plans and protocols for referral to such resources.

A recipient of mental health first aid training must also receive instruction preparing him/her to:

- a) Safely de-escalate crisis situations;
- b) Recognize the signs and symptoms of mental illness, including such psychiatric conditions as schizophrenia, bipolar disorder, major clinical depression, and anxiety disorders; and
- c) Timely refer a student to mental health services in the early stages of the development of a mental disorder to avoid subsequent behavioral health care and to enhance the effectiveness of mental health services.

The bill changes relevant lottery law to provide a funding source for grants to be issued by State Board of Education. The State Board is then authorized to establish a competitive innovation grant programs in areas including: (a) mental health first aid, (b) early literacy, (c) quality instructional materials, (d) personalized learning through digital education, or (e) other innovation areas identified by the board.

LB 589	<i>Sponsor</i> Chambers	<i>Committee</i> Judiciary	<i>Subject</i> Prohibit peace officers from serving as school resource officers
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With a few exceptions noted below, LB 589 provides that no peace officer may serve or work as a school resource officer, whether or not the officer is on duty as an employee of a law enforcement agency at the time of the service or work.

The bill would not apply to a peace officer who is:

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- a) Responding to a specific request for assistance from a student, school employee, or member of the public regarding a safety threat or a criminal act; or
- b) Providing security for an extracurricular event or activity.

LB 619	<i>Sponsor</i> Kolowski	<i>Committee</i> Banking	<i>Subject</i> Require coverage under insurance policies for mental health services delivered in schools
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LB 619 attempts to address an issue experienced in some school districts in which some insurance companies are unwilling to pay for services provided by practitioners (not school employees) if the service was provided within the school.

The bill states that individual or group sickness and accident insurance policy, certificate, or subscriber contract delivered, issued for delivery, or renewed in this state, (2) hospital, medical, or surgical expense-incurred policy, except for a policy that provides coverage for a specified disease or other limited benefit coverage, or (3) self-funded employee benefit plan to the extent not preempted by federal law that provides coverage for behavioral health treatment must provide coverage for behavioral health services delivered in a school or other educational setting.

LB 725	<i>Sponsor</i> Walz	<i>Committee</i> Education	<i>Subject</i> Provide for reimbursements to school districts and educational service units for mental health expenditures
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LB 725 requires NDE to reimburse each qualifying school district and ESU for allowable mental health expenditures in the immediately following school fiscal year a pro rata amount based on the reimbursement percentage as determined by the department.

The reimbursement percentage would be equal the ratio of the money in the School Mental Health Resources Fund, created under the bill, available for reimbursements divided by the total allowable mental health expenditures for the preceding school fiscal year, except that if the ratio is greater than 80%, the reimbursement percentage would equal 80%.

The bill provides intent language such that the Legislature that \$12 million be transferred from the General Fund to the School Mental Health Resources Fund annually for reimbursements beginning with the 2020-21 fiscal year.

To qualify for reimbursement, a school district or ESU must:

- a) Designate an employee of the school district or ESU as a community-based mental health resource liaison and provide the appropriate training and resources for the employee to assist students, families, teachers, and schools in locating the resources necessary to address the mental health needs of individual students in the district or ESU; and

- b) Submit allowable mental health expenditures in a manner prescribed by the department.

The bill provides that allowable mental health expenditures must be:

- a) Directly related to meeting the mental health needs of an individual student or group of students;
- b) Directly related to a focused strategy approved by the department to reduce the mental health needs of students by improving the overall educational environment; or
- c) Directly related to the training or work of the community-based mental health resource liaison.

The State Board of Education is required to adopt and promulgate rules and regulations to carry out provisions of the bill, including criteria to further define allowable mental health expenditures.

In addition to funds from the Legislature, the bill permits donations, gifts, bequests, or other contributions to the fund from public or private entities or made available by any department or agency of the U.S. if so directed.

LB 727	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Walz	Education	Provide duties for school districts, the State Department of Education, and the Department of Health and Human Services with respect to mental health services

LB 727 provides that by August 1st of each year, NDE in consultation with the DHHS must provide each school district with a registry of state and local mental health resources available to work with students and families by geographic area. The registry must be updated at least annually and include resources for both school-based services and services accessed by families and individuals outside of schools.

Each school district is required to designate one or more mental health points of contact for each school building or other division as determined by the school district. A mental health point of contact may be an administrator, a school nurse, a school psychologist, or another designated school employee. Each mental health point of contact must be trained in mental health issue identification and have knowledge of community service providers and other resources available for students and families.

Each mental health point of contact must facilitate access to mental health services during the school day at the school the student attends whenever possible.

Each school district must report the designated mental health points of contact to NDE prior to the beginning of each school year.

LB 728	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Walz	Education	Provide duties relating to school meals

LB 728 amends the school breakfast program (§ 79-10,138) and expands the duties of NDE and school districts.

The bill requires the department to promote practices to prevent and reduce student debt for school breakfasts and lunches. By January 1, 2020, the department must create and disseminate a uniform meal charge policy that school districts may implement. The meal policy must include the following provisions:

- a) Each student must be served a reimbursable meal upon request at each meal during each school day, regardless of whether the student can immediately pay for the meal or has accrued debt for school meals;
- b) Each school district must communicate directly with a parent/guardian of a student to address outstanding debt for school meals, rather than communicate with or through a student, and may not engage in practices directed at the student that may stigmatize the student, including requiring the student to work off a debt;
- c) A school district may not discard any school meal after it is served to a student on the basis that the student is unable to pay for the meal or has debt for school meals;
- d) Each school district must endeavor to ensure that student meals are not being charged to students eligible for free or reduced priced school meals by attempting to directly certify student eligibility or by encouraging parents and guardians to apply for eligibility through the application process; and
- e) Each school district must evaluate their unpaid meal charge collection policies and consider whether collection is appropriate based on the income and circumstances of the family with the unpaid debt for school meals.

The department may include or create additional school meal charge policies consistent with the requirements of the bill.

Student Speech / Expression

LB 206	<i>Sponsor</i> Morfeld	<i>Committee</i> Judiciary	<i>Subject</i> Protect free speech rights of student journalists and student media advisers
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A similar bill, LB 886, was introduced by Senator Morfeld in 2018. The bill did not advance from committee.

Section 1 of LB 206 relates to free speech rights of students in postsecondary institutions.

Section 2 applies to public high schools. The bill provides that all school-sponsored media are deemed to be public forums. With the exceptions noted below, a student journalist has a right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the

media is supported financially by the public high school, supported by the use of the facilities of such school, or produced in conjunction with a class in which the student journalist is enrolled.

With the exceptions noted below, student journalist is responsible for determining the news, opinion, feature, sports, and advertising content the student produces for school sponsored media. Nothing would prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

Exceptions: The bill would not authorize or protect expression by a student journalist that:

- a) Is libelous or slanderous;
- b) Constitutes an unwarranted invasion of privacy;
- c) Violates federal or state law; or
- d) So incites students as to create a clear and present danger of (i) the commission of an unlawful act or (ii) a violation of the policies of a public high school that could cause the material and substantial disruption of the orderly operation of such school.

Protections: A student journalist may not be disciplined for acting in accordance with provisions of the bill. A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

- a) Acting to protect a student journalist engaged in conduct; or
- b) Refusing to infringe upon conduct that is protected by the bill or the First Amendment to the U.S. Constitution.

The bill provides that no publication or other expression of matter by a student journalist in the exercise of rights would be deemed to be an expression of a public high school's policy. No public high school, member of a school board, or employee of the school or board would be held responsible in any civil or criminal action for any publication or other expression of matter by a student journalist in the exercise of rights as provided in the bill.

Training and Advice: LB 206 provides that public high schools and student media advisers must make efforts to utilize the resources and programs of state public and private universities and colleges and of state professional journalism organizations to obtain training and advice on mass media law and ethics for student media advisers and student journalists.

Definitions: "School-sponsored media" means any material that is (i) prepared, substantially written, published, or broadcast by a student journalist at a public high school, (ii) distributed or generally made available to members of the student body, and (iii) prepared under the direction of a student media adviser. School-sponsored media does not include any media intended for distribution or transmission solely for the class in which the media is produced.

"Student journalist" means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information of a journalistic nature for dissemination in school sponsored media.

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“Student media adviser” means an individual employed, appointed, or designated by a public high school to supervise or provide instruction relating to school-sponsored media.

Student Transportation

LB 40	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hilkemann	Transportation	Change provisions related to provisional operator’s permits, LPD and LPE learner’s permits, and interactive wireless communication devices

Under current law, the holder of an LPD-learner’s permit, school permit, or LPE-learner’s permit may not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. The Enforcement is accomplished only as a secondary action when the holder of the permit has been cited or charged with a violation of some other law.

LB 40 changes such an offense from a secondary to a primary offense.

LB 269	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Friesen	Transportation	Change provisions relating to school permits

Under current law (§ 60-4,124), a person holding a school permit may operate a motor vehicle, moped, or motorcycle or an auticycle to and from where he/she attends school and between schools of enrollment over the most direct and accessible route by the nearest highway from his/her place of residence to transport the person or any family member who resides with the person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school he/she attends.

LB 269 modifies this provision to state that permit holder may travel to and from where he/she attends school, or property used by the school he or she attends for purposes of school events or functions, over the most direct and accessible route by the nearest highway from his/her place of residence to transport the person or any family member who resides with the person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school he/she attends or on property used by the school he/she attends.

LB 634	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Hilkemann	Transportation	Require three-point safety belt systems for school vehicles as prescribed

With exceptions noted below, LB 634 provides that any vehicle, regardless of the manufacturer’s rated seating capacity, used by or on behalf of a school district or ESU for the transportation of students must be equipped with three-point safety belt systems sufficient to allow each passenger, including the operator, to use a separate three point safety belt system.

The bill provides the following exceptions:

- a) The vehicle was purchased prior to the effective date of the bill by the school district or ESU using the vehicle for the transportation of students;
- b) the vehicle is used by or on behalf of a school district or an ESU for the transportation of students under a contract entered into prior to the effective date of the bill and the contract is not modified by the effective date of the bill; or
- c) Prior to the purchase of or contract for the use of the vehicle, a determination is agreed upon by a majority vote in an open public session of the school board or the board of the ESU that there is not capacity in the school district or ESU budget for the budget year to accommodate the additional cost to purchase or contract for the use of a vehicle or vehicles meeting the requirements noted above.

The bill adds language such that nothing should be construed to change any existing liability or to create any new liability for a school district or ESU with respect to any personal injury to a passenger in a vehicle used by or on behalf of a school district or ESU for the transportation of students.

Teachers, Certification

LB 241	<i>Sponsor</i>	<i>Committee</i>	<i>Subject</i>
	Bolz	Education	Provide for teacher mentoring program grants using income from solar and wind agreements on school lands

The Teacher Mentor program in Nebraska was created in 1998 by LB 1228. The education lobby at the time believed the program would be a good initiative for the state to undertake. LB 1228 (1998) set forth intent that the program would be funded through lottery funds in the now defunct Education Innovation Fund. The program would occasionally receive some minor political support over the years but ultimately it failed to win a permanent funding pledge.

LB 241 represents a revitalization of the concept with a new proposed funding stream. The bill provides that, starting with the 2020-21 school year, a school district may apply to NDE for a teacher mentoring program grant for a period of up to three years to implement a teacher mentoring program. The bill provides that 75% of the grant funds received by the school district must be used to pay stipends to mentor teachers.

The new proposed funding stream for the teacher mentoring program would be income from solar and wind agreements on school lands. Under the bill provides that, beginning July 1, 2020, the amount of income from solar and wind agreements on school lands must be used to fund teacher mentoring program grants.

Under LB 241 the State Board of Education is required to develop guidelines for teacher mentoring programs in school districts in order to provide ongoing support for beginning teachers entering

the teaching profession. The guidelines for school district teacher mentoring programs must include:

- a) A requirement that a mentor teacher must not (i) participate in a formal evaluation or remediation process involving a beginning teacher he/she is mentoring, (ii) advise an evaluating administrator regarding the performance of a beginning teacher he/she is mentoring, or (iii) participate in termination, nonrenewal, or cancellation proceedings of a beginning teacher he/she is mentoring, which is the responsibility of school administrators;
- b) The development of effective teacher mentoring programs with evidenced-based teacher mentoring standards that help frame the purpose for teacher mentoring;
- c) Training for mentor teachers regarding effective strategies and support for beginning teachers;
- d) An allocation of dedicated time during the school day for beginning teachers and their mentor teachers to meet on a monthly basis;
- e) The development of criteria for selecting excellent, experienced, and qualified teachers to be participants in a school district teacher mentoring program; and
- f) The development of an assessment to determine whether the school district teacher mentoring program has improved the retention of beginning teachers.

LB 668	<i>Sponsor</i> Vargas	<i>Committee</i> Education	<i>Subject</i> Adopt the Alternative Certification for Quality Teachers Act
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LB 668 creates the Alternative Certification for Quality Teachers Act. Citing a 2016 survey conducted by NDE, the bill notes the survey showed the state continues to have hundreds of unfilled teaching positions across the state.

The bill provides that, in addition to certificates issued under existing law, a certificate to teach in the public schools may be granted by the State Board of Education to any person in good standing who possesses a valid teaching certificate from another state and who annually completes the requirements to maintain certification.

Issuance of a certificate to teach in the public schools must be subject to a criminal history record information check and any rules and regulations adopted and promulgated by the board to carry out provisions of the bill.

The bill further provides that, in addition to certificates issued under existing law, a “temporary certificate” to teach in the public schools may be granted by the State Board of Education to any person who has:

- a) Presented to the board a valid bachelor’s degree, or higher, from an accredited degree-awarding college or university;

- b) Passed the basic skills examination and appropriate subject area examination as designated by the board; and
- c) Enrolled in an alternative teacher certification program approved by the board.

A temporary certificate to teach would be valid for a period not to exceed two years, during which the holder of such temporary certificate must obtain a valid certificate to teach in the public schools through an alternative teacher certification program approved by the board.

Issuance of a temporary certificate to teach would be subject to a criminal history record information check and any rules and regulations adopted and promulgated by the board.

Temporary School Fund

LB 416	<i>Sponsor</i> Friesen	<i>Committee</i> Education	<i>Subject</i> Change distribution of funds from the temporary school fund and from fines and licenses
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Under current law, the Commissioner of Education must annually make the apportionment of the temporary school fund to each school district by a prescribed formula. LB 416 provides that the remainder of funds should be apportioned to school districts proportionally based on the average daily membership for each school district for the most recently available complete data year. The bill acts as a sort of foundation aid system.

LB 491	<i>Sponsor</i> Wayne	<i>Committee</i> Judiciary	<i>Subject</i> Authorize punitive damages as prescribed
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LB 491 points out that Article VII, section 5, of the Nebraska Constitution provides in part that “all fines, penalties, and license money arising under the general laws of the state . . . shall belong and be paid over to the counties respectively where the same may be levied or imposed.”

The Constitution further provides that “All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same accrue”

Senator Wayne believes that punitive damages are “in the nature” of fines, penalties, and license money. Punitive damages are awarded both to deter the defendant and others from conduct similar to the conduct that gave rise to the lawsuit, and to punish the defendant. Punitive damages are appropriate in many situations where compensatory damages would be inadequate because the defendant acted in a truly egregious fashion.

Senator Wayne also points out that additional funds available for the public schools could be used to provide property tax relief.

The bill provides that a court may award punitive damages when the defendant has displayed actual intent to cause harm or causes an injury through action taken in reckless disregard for the lives and safety of others. Punitive damages may be awarded to punish the defendant and provide retribution, to act as a deterrent to the defendant and others inclined to behave in a similar manner, and to demonstrate the court's disapproval of such conduct.

An award of punitive damages must be specifically prayed for in the complaint. Upon an award of punitive damages, the court must notify the county. The county attorney may become a party solely to protect the interests of the common schools in the damages.

LB 491 requires that any award of punitive damages must be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Nebraska Constitution.

The bill defines "compensatory damages" as damages intended to make good the loss of an injured party and no more. The term includes general and special damages and does not include nominal, exemplary, or punitive damages.

"Nominal damages" is defined as damages that are not designed to compensate a plaintiff and are less than \$1,000.

"Punitive damages" is defined as damages awarded against a party in a civil action based on aggravating circumstances and to penalize a defendant and to provide additional deterrence and discourage similar conduct in the future. Punitive damages do not include compensatory damages or nominal damages.

Investment Area	Initiative	Previous Bill	Introducer	Action Steps	Status	Notes	New Bill No.
Early Childhood	Change early childhood education in TEEOSA	LB 877 (2018)	Walz (confirmed)				
Early Childhood	Redefine econ dev to include early childhood infrastructure for 1st/2nd class	LB 768 (2018)	Quick (confirmed)		Drafting		
Early Childhood	Provide for early childhood element in city comprehensive plan	LB 880 (2018)	Matt Hansen (confirmed)		Drafting		
School Nutrition	Adopt the Child Hunger and Workforce Readiness Act	LB 771 (2018)	Walz				
School Nutrition	Increase SNAP program	LB 770 (2018)	McCollister (confirmed)			Colby	
Special Ed	Change Sped Reimbursements	LB 876 (2018)	Wishart (confirmed-Neal)		Drafting	Move reimburse to 80% over 10 yrs.	
Special Ed	Appropriations bill for Sped Reimbursements		Wishart	Dulaney			
Behavioral Health	Behavioral and mental health training for school employees	n/a	Crawford (confirmed)		Drafting	2nd draft received	
Behavioral Health	Create state reimbursement for school behavioral health services	n/a	Combine Walz/Linehan plans	Confirm w/ Walz (Hayes)			
Behavioral Health	Rate increase for mental health providers	n/a	Bolz (confirmed)	follow up at 12/6 meeting			
Behavioral Health	Adopt the Panhandle Beginnings Act for services to school-age children	LB 801 (2018)	Stinner (confirmed)		Drafting		
Behavioral Health	Change insurance provision for school therapy coverage	n/a	Kolowski? (needs more detail to draft)	Ann follow-up w NSEA			
Behavioral Health	School dist./ESU designated person for connecting community resources		Walz plan includes point person				
Behavioral Health	Create NDE Cordinated School Health Specialist staff position		Budget request; no separate introducer				
School Safety	Authorize districts to levy tax and exceed budget authority for school safety	LB 633 (2018)	Hilkemann	Ask Hilkemann (Nolan)		Ann follow up--Kolowski?	
School Safety	Expand QCPUF to include building safety/security upgrades		Kolterman?	Ask Kolterman (M. Dulaney)		Ann follow up--Kolowski?	
School Safety	Define role of SROs		Pansing Brooks (confirmed)				
High Quality Staff	Appropriate wind energy \$\$ to NDE for Rule 26 mentor teacher program	LB 274 (2015)	Bolz (confirmed)		Drafting		
High Quality Staff	Change distribution provisions related to Ed. Innovation Fund	LB 1399 (2000)	(wait for ed chair elections)				
Expanded Learning	Provide a budget exception for ELO	LB 246 (2017)	Morfeld (confirmed)		Drafting		
Expanded Learning	YOLO	LB 248 (2017)	Wait for committee selections	Coash to follow up			
Career Education	Provide \$\$ for schools offering programs/courses	LB 575 (2017)	Matt Hansen (confirmed)	Need to introduce to Hansen			
School Funding	Provide a review of School Funding	LB 1001 (2018)	Patty Pansing Brooks?	Ann confirm			
School Funding	Additional budget and tax levy authority for districts	LB 326 (2017)	Morfeld?	Ann confirm			
School Funding	Increase allocated income tax reimbursement for schools		(United bill)				
School Funding	Increase State aid for ESU core services		Walz	Dulaney will contact Walz			

XX-XXXX. School board; board of educational service unit; property tax relief plan; publication; contents; budget approval; publication.

(1) Before the school board of any school district or the board of any educational service unit approves a budget for the ensuing fiscal year, the board shall publish a property tax relief plan including a summary of proposed reductions to staff or services, and provide a reasonable estimate and description of all current and future cost savings the school district or educational service unit will realize if the proposed property tax relief plan were to be approved, at least three days before the meeting of the board at which such proposal will be considered. Such publication shall also specify the date, time, and place of the public meeting at which the proposed property tax relief plan will be considered. Electronic publication on the web site of the school district or educational service unit shall satisfy the requirement of this subsection if such electronic publication is prominently displayed and allows public access to the entire proposed contract or amendment.

(2) After the school board of any school district or the board of any educational service unit approves the property tax relief plan, the board shall publish a summary of proposed reductions to staff or services in the current year's property tax relief plan, and a reasonable estimate and description of all current and future cost savings to the school district or educational service unit as a result of approving such plan within two days after the meeting of the board at which such plan was approved. Electronic publication on the web site of the school district or educational service unit shall satisfy the requirement of this subsection if such electronic publication is prominently displayed and allows public access to the entire contract.

XX-XXXX. Failure to file property tax relief plan; Commissioner of Education; withhold funds; duties; county treasurer; duty.

If the school board of any school district or the board of any educational service unit fails to timely file a copy of the property tax relief plan, with the State Department of Education as required in section XX-XXXX, the Commissioner of Education, after notice to the board president and either the superintendent or educational service unit administrator and an opportunity to be heard, shall direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act to the school district or core services and technology infrastructure funds granted pursuant to section 79-1241.03 to the educational service unit be withheld until such time as the property tax relief plan is received by the department. In addition, the commissioner shall direct each county treasurer of a county with territory in the school district or educational service unit to withhold all money

belonging to the school district or educational service unit until such time as the commissioner notifies such county treasurer of receipt of such plan. Each such county treasurer shall withhold such money. If the board does not comply with this section prior to October 1 following the school fiscal year for which the state aid or core services and technology infrastructure funding was calculated, the funds shall revert to the General Fund. The amount of any reverted funds shall be included in data provided to the Governor, the Appropriations Committee of the Legislature, and the Education Committee of the Legislature in accordance with section 79-1031.

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Educational Service Unit Council
Weekly Report for Bills of Interest on 01/24/2019

Document	Description	Position	Committee	Hearing Date	Status
LB20	(Briese) Require voter approval of public building commission bonds		Government, Military and Veterans Affairs	01/24/2019	In Committee Notice of hearing for January 24, 2019 Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB31	(Kolterman) Provide for a work plan relating to a transfer of management of the retirement system operated under the Class V School Employees Retirement Act to the Nebraska Public Employees Retirement Systems and to require a report and provide duties		Nebraska Retirement Systems	01/10/2019	In Committee Referred to Nebraska Retirement Systems Committee Date of introduction
LB33	(Kolterman) Change various provisions relating to retirement and the Nebraska Investment Council and the Public Employees Retirement Board		Nebraska Retirement Systems	01/22/2019	In Committee Notice of hearing for January 22, 2019 Referred to Nebraska Retirement Systems Committee Date of introduction
LB36	(Kolterman) Redefine creditable service, change a payment deadline for restoration of relinquished creditable service, and change payment requirements and service credit computation provisions under the School Employees Retirement Act		Nebraska Retirement Systems	01/10/2019	In Committee Referred to Nebraska Retirement Systems Committee Date of introduction
LB66	(Hansen, M.) Provide for an early childhood element in a comprehensive plan developed by a city		Urban Affairs	01/29/2019	In Committee Notice of hearing for January 29, 2019 Hunt name added Referred to Urban Affairs Committee Date of introduction
LB73	(Erdman) Require display of the national motto in schools		Education	01/22/2019	In Committee Notice of hearing for January 22, 2019 Referred to Education Committee Date of introduction
LB101	(Wayne) Change provisions of the Nebraska Political Accountability and Disclosure Act relating to a potential conflict of interest by an elected office holder of certain cities or villages or a school district		Government, Military and Veterans Affairs	01/10/2019	In Committee

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Document	Description	Position	Committee	Hearing Date	Status
					Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB103	(Linehan) Change provisions relating to property tax requests		Revenue	01/24/2019	In Committee Notice of hearing for January 24, 2019 Referred to Revenue Committee Date of introduction
LB104	(Linehan) Change distribution of the Nebraska Education Improvement Fund		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB115	(Blood) Change provisions related to enrollment of children of members of the military		Education	01/22/2019	In Committee Linehan name added Notice of hearing for January 22, 2019 Gragert name added Referred to Education Committee Date of introduction
LB120	(Crawford) Require teacher and school staff to receive training on behavioral and mental health		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB147	(Groene) Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB148	(Groene) Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies		Government, Military and Veterans Affairs	01/10/2019	In Committee Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB150	(Brewer) Change provisions relating to access to public records and provide for fees <i>In calculating the fee for non residents obtaining public records, the calculation may include the pay obligation or salary to public employees and the cost of attorney fees for review of the records.</i>		Government, Military and Veterans Affairs	01/10/2019	In Committee Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB151	(Brewer) Adopt the Government Neutrality in Contracting Act <i>Prohibits 'discrimination' in state contracts due to the presence of a Collective Bargaining Agreement.</i>		Government, Military and Veterans Affairs	01/10/2019	In Committee Referred to Government, Military and Veterans Affairs Committee

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Document	Description	Position	Committee	Hearing Date	Status
					Date of introduction
LB160	(Quick) Redefine terms under the Local Option Municipal Economic Development Act to include early childhood infrastructure development and quality early childhood care and education programs for certain cities and villages		Urban Affairs	01/29/2019	In Committee Notice of hearing for January 29, 2019 Referred to Urban Affairs Committee Date of introduction
LB161	(Erdman) Eliminate learning communities		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB165	(Hunt) Adopt the Too Young to Suspend Act		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB180	(Bolz) Change program eligibility criteria under the Community College Gap Assistance Program Act		Education	01/10/2019	In Committee Referred to Education Committee Date of introduction
LB182	(Bolz) Adopt the School District Local Option Income Surtax Act		Revenue	01/10/2019	In Committee Referred to Revenue Committee Date of introduction
LB183	(Briese) Change the valuation of agricultural land and horticultural land for purposes of certain school district taxes		Revenue	01/24/2019	In Committee Notice of hearing for January 24, 2019 Referred to Revenue Committee Date of introduction
LB185	(Friesen) Change provisions relating to the special valuation of agricultural and horticultural land		Revenue	01/30/2019	In Committee Notice of hearing for January 30, 2019 Referred to Revenue Committee Date of introduction
LB204	(Briese) Require approval of voters for bonds under the Interlocal Cooperation Act		Government, Military and Veterans Affairs	01/24/2019	In Committee Notice of hearing for January 24, 2019 Referred to Government, Military and Veterans Affairs Committee Date of introduction

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Educational Service Unit Council
Weekly Report for Bills of Interest on 01/24/2019

Document	Description	Position	Committee	Hearing Date	Status
LB212	(Government, Military and Veterans Affairs) Change requirements for videoconferencing and telephone conferencing under the Open Meetings Act		Government, Military and Veterans Affairs	01/10/2019	In Committee Kolowski name added Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB220	(Wishart) Change provisions regarding vending facility programs in state buildings for blind vendors		Health and Human Services		In Committee Referred to Health and Human Services Committee Date of introduction
LB230	(Pansing Brooks) Provide for room confinement of juveniles as prescribed		Judiciary		In Committee Referred to Judiciary Committee Date of introduction
LB231	(Pansing Brooks) Change provisions relating to legal defense of juveniles		Judiciary		In Committee Referred to Judiciary Committee Date of introduction
LB241	(Bolz) Provide for teacher mentoring program grants using income from solar and wind agreements on school lands		Education	01/28/2019	In Committee Notice of hearing for January 28, 2019 Referred to Education Committee Date of introduction
LB242	(Lindstrom) Adopt the Infrastructure Improvement and Replacement Assistance Act and provide for a turnback of state sales tax revenue		Revenue		In Committee Referred to Revenue Committee Date of introduction
LB251	(Walz) Adopt the Child Hunger and Workforce Readiness Act		Education	01/28/2019	In Committee Notice of hearing for January 28, 2019 Referred to Education Committee Date of introduction
LB255	(McCollister) Change provisions relating to the Supplemental Nutrition Assistance Program		Health and Human Services		In Committee Referred to Health and Human Services Committee Date of introduction
LB266	(Lindstrom) Change the School Readiness Tax Credit Act		Revenue	01/15/2019	In Committee Referred to Revenue Committee Date of introduction

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Educational Service Unit Council
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Document	Description	Position	Committee	Hearing Date	Status
LB269	(Friesen) Change provisions relating to school permits <i>Provides that a person holding a school permit may operate a motor vehicle moped or motorcycle to and from the school or property used by the school he or she attends for purposes of school events or function.</i>		Transportation and Telecommunications	01/15/2019	In Committee Referred to Transportation and Telecommunications Committee Date of introduction
LB293	(Scheer) Provide, change, and eliminate provisions relating to appropriations		Appropriations	01/15/2019	In Committee Referred to Appropriations Committee Date of introduction
LB294	(Scheer) Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2021		Appropriations	01/15/2019	In Committee Referred to Appropriations Committee Date of introduction
LB386	(Erdman) Change provisions relating to cash reserves under the Nebraska Budget Act		Government, Military and Veterans Affairs		In Committee Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB390	(Pansing Brooks) Provide duties regarding school resource officers and security guards		Judiciary		In Committee Referred to Judiciary Committee Date of introduction
LB391	(Hansen, M.) Change duties of peace officers taking juveniles into custody or interrogating juveniles and prohibit use of statements taken in violation of juvenile rights		Judiciary		In Committee Referred to Judiciary Committee Date of introduction
LB398	(DeBoer) Change learning community levy and diversity plan requirements		Education		In Committee Referred to Education Committee Date of introduction
LB399	(Slama) Change the name and provisions related to the committee on Americanism		Education	01/29/2019	In Committee Notice of hearing for January 29, 2019 Referred to Education Committee Date of introduction
LB405	(Hunt) Adopt updates to building and energy codes <i>(4) A county, city, or village shall notify the State Energy Office if it amends or modifies its local building or construction code in such a way as to delete any portion of (a) chapter 13 of the 2018 edition of the International Building Code or (b) chapter 11 of the 2018 edition of the International Residential Code. The notification shall be made within</i>		Urban Affairs	01/17/2019	In Committee Referred to Urban Affairs Committee Date of introduction

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Weekly Report for Bills of Interest on 01/24/2019

Document	Description	Position	Committee	Hearing Date	Status
	<i>thirty days after the adoption of such amendment or modification.</i>				
LB412	(Geist) Require an election regarding creation of a joint public agency		Government, Military and Veterans Affairs		In Committee Referred to Government, Military and Veterans Affairs Committee Date of introduction
LB416	(Friesen) Change distribution of funds from the temporary school fund and from fines and licenses		Education		In Committee Referred to Education Committee Date of introduction
LB420	(Bolz) Adopt the Property Tax Circuit Breaker Act		Revenue		In Committee Referred to Revenue Committee Date of introduction
LB423	(Howard) Change and eliminate provisions relating to school-based health centers under the Medical Assistance Act		Health and Human Services		In Committee Referred to Health and Human Services Committee Date of introduction
LB430	(Groene) Change dates related to certifications and distributions of state aid to schools		Education		In Committee Referred to Education Committee Date of introduction
LB431	(Groene) Change school finance base limitation and local effort rate provisions		Education		In Committee Referred to Education Committee Date of introduction
LB432	(Groene) Include tax-increment financing valuation in adjusted valuations for purposes of state aid to schools and change school district levy authority		Education		In Committee Referred to Education Committee Date of introduction
LB483	(Erdman) Change the valuation of agricultural land and horticultural land			01/23/2019	Introduced Date of introduction
LB488	(Howard) Adopt school district requirements for mental health education and change school district requirements for drug awareness and prevention				Introduced Date of introduction

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Weekly Report for Bills of Interest on 01/24/2019

Document	Description	Position	Committee	Hearing Date	Status
LB495	(Wayne) Provide for collection of data on student disciplinary actions				Introduced Date of introduction
LB497	(Friesen) Adopt the School District Property Tax Authority Act and change revenue and taxation provisions				Introduced Date of introduction
LB506	(Briese) Adopt the Property Tax Request Limitation Act				Introduced Date of introduction
LB507	(Briese) Impose sales tax on certain services and eliminate sales tax exemptions			01/22/2019	Introduced Date of introduction
LB508	(Briese) Impose sales and use taxes on certain services, eliminate sales tax exemptions, and use the increased revenue for property tax credits.			01/22/2019	Introduced Date of introduction
LB512	(Linehan) Change revenue and taxation provisions				Introduced Date of introduction
LB513	(Briese) Change requirements for the issuance of certain school district bonds				Introduced Date of introduction
LB515	(Vargas) Change provisions relating to the Student Discipline Act				Introduced Date of introduction
LB521	(McDonnell) Change and eliminate provisions relating to automated vehicles				Introduced Date of introduction
LB530	(Groene) Change the valuation of agricultural land and horticultural land for property tax purposes				Introduced Date of introduction
LB537	(Lathrop) Change provisions relating to actions with regard to the performance or conduct of a certificated school district employee				Introduced Date of introduction
LB568	(Morfeld) Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds				Introduced Date of introduction

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Document	Description	Position	Committee	Hearing Date	Status
LB575	(Brewer) Require school district policies regarding the provision of information to and access by military recruiters				Introduced
					Date of introduction
LB588	(Stinner) Change the local effort rate pursuant to the Tax Equity and Educational Opportunities Support Act				Introduced
					Date of introduction
LB589	(Chambers) Prohibit peace officers from serving as school resource officers				Introduced
					Date of introduction
LB590	(Briese) Provide for reporting of staff training for early childhood education				Introduced
					Date of introduction
LB614	(Crawford) Change revenue and taxation provisions				Introduced
					Date of introduction
LB634	(Hilkemann) Require three-point safety belt systems for school vehicles as prescribed				Introduced
					Date of introduction
LB647	(Wayne) Include virtual school students in the state aid to schools formula				Introduced
					Date of introduction
LB650	(Wayne) Adopt the Teach for Nebraska Program Act and change provisions relating to the Nebraska Education Improvement Fund and the Excellence in Teaching Cash Fund				Introduced
					Date of introduction
LB656	(Wayne) Adopt the Nebraska Education Formula, terminate the Tax Equity and Educational Opportunities Support Act, and change levy limits and the base limitation for school districts				Introduced
					Date of introduction
LB661	(Friesen) Change income tax provisions and the distribution of certain income tax revenue				Introduced
					Date of introduction
LB662	(Friesen) Terminate the Tax Equity and Educational Opportunities Support Act				Introduced
					Date of introduction
LB667	(Vargas) Adopt the Youth Opportunities in Learning and Occupations Act				Introduced
					Date of introduction
LB668	(Vargas) Adopt the Alternative Certification for Quality Teachers Act				Introduced

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Educational Service Unit Council
Weekly Report for Bills of Interest on 01/24/2019

Document	Description	Position	Committee	Hearing Date	Status
					Date of introduction
LB670	(Linehan) Adopt the Opportunity Scholarships Act and provide tax credits				Introduced
					Date of introduction
LB671	(Linehan) Provide for sparsity aid in the Tax Equity and Educational Opportunities Support Act				Introduced
					Date of introduction
LB674	(Linehan) Change the base limitation for school districts				Introduced
					Date of introduction
LB675	(Groene) Change provisions relating to education				Introduced
					Date of introduction
LB676	(Groene) Change provisions relating to school districts and the reorganization of school districts				Introduced
					Date of introduction
LB677	(Groene) Change provisions of the Property Tax Credit Act and provide school district property tax relief aid				Introduced
					Date of introduction
LB679	(DeBoer) Create the School Financing Review Commission				Introduced
					Date of introduction
LB695	(Groene) Change provisions relating to the Tax Equity and Educational Opportunities Support Act, the Property Tax Credit Act, levy limits, and the base limitation				Introduced
					Date of introduction
LB725	(Walz) Provide for reimbursements to school districts and educational service units for mental health expenditures				Introduced
					Date of introduction
LB727	(Walz) Provide duties for school districts, the State Department of Education, and the Department of Health and Human Services with respect to mental health services				Introduced
					Date of introduction
LB728	(Walz) Provide duties relating to school meals				Introduced
					Date of introduction
LR10	(Scheer) Recognize the hard work of school board members across the state				Introduced

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Document	Description	Position	Committee	Hearing Date	Status
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					Date of introduction
					Laid over



Omaha Office
6949 South 110th Street
Omaha, NE 68128

Ainsworth Office
1292 East 4th Street
Ainsworth, NE 69210

October 30, 2018

Nebraska Legislature - Clerk's Office
1445 K St
Lincoln, NE 68508

To whom it may concern:

The Educational Service Unit Coordinating Council will host an event for Senators Friday, Feb. 13, 2019 from 7:30 AM-2:00PM across the street from the Capitol in the State Bar Association Conference Room, 635 South 14th Street, Lincoln, NE 68508, for Senators, staff and ESU administrators. We will be offering coffee/donuts in the morning and sack lunches during lunch. Please add this event to the Legislature's social calendar.

Thank you,

David Ludwig
Executive Director
ESU Coordinating Council