AMENDMENTS TO LB548

Introduced by Nebraska Retirement Systems.

1. Strike the original sections and insert the following new sections:

   Section 1. Section 10-701, Reissue Revised Statutes of Nebraska, is amended to read:

   10-701 The district officers of any school district in Nebraska shall have power, on the terms and conditions set forth in sections 10-702 to 10-716, to issue the bonds of the district for the purpose of (1) purchasing a site for and erecting thereon a schoolhouse or schoolhouses or a teacherage or teacherages, or for such purchase or erection, or purchasing an existing building or buildings for use as a schoolhouse or schoolhouses, including the site or sites upon which such building or buildings are located, and furnishing the same, in such district, (2) retiring registered warrants, and (3) paying for additions to or repairs for a schoolhouse or schoolhouses or a teacherage or teacherages, and (4) payment of pension obligations other than those described in subsection (2) of section 79-958 or subdivision (1)(c) of section 79-9,113. For purposes of sections 10-701 to 10-719 and sections 2 and 3 of this act, pension obligations means the obligations of a school district to the retirement system imposed by the state retirement laws in the amounts determined by an actuary carrying out his or her obligations under section 79-966.01 or 79-984. Payments for such bonds shall be made from the general fund of the school district issuing such bonds and shall be included in general fund operating expenditures as defined in section 79-1003.

Sec. 2. The question of issuing school district bonds for payment of pension obligations other than those described in subsection (2) of section 79-958 or subdivision (1)(c) of section 79-9,113 may be decided...
upon the vote of a majority of the entire school board or board of education without being submitted to the qualified electors of the school district. Such issuance shall not be subject to the terms and conditions contained in sections 10-703 to 10-703.01.

Sec. 3. It shall be the duty of the proper district officers of any school district in which any bonds were authorized to be issued pursuant to section 2 of this act, before the issuance of such bonds, to make a written statement of the taxable valuation, the number of children of school age residing in the district, and the total bonded indebtedness of the school district. Such statement shall be certified to under oath by the proper school board or board of education of the district.

Sec. 4. Section 10-717, Reissue Revised Statutes of Nebraska, is amended to read:

10-717 Any school district in the State of Nebraska which has heretofore (1) voted and issued, or which shall hereafter vote and issue, bonds to build or furnish a schoolhouse, or for any other purpose or (2) issued, or which shall hereafter issue, bonds for the payment of pension obligations other than those described in subsection (2) of section 79-958 or subdivision (1)(c) of section 79-9,113, and which bonds, or any part thereof, still remain unpaid, and remain and are a legal liability against such district and are bearing interest, is hereby authorized to issue refunding bonds with which to call and redeem all or any part of such outstanding bonds at or before the maturity or the redemption date thereof, and may include various series and issues of the outstanding bonds in a single issue of refunding bonds, and issue refunding bonds to pay any redemption premium and interest to accrue and become payable on the outstanding bonds being refunded. The refunding bonds may be issued and delivered at any time prior to the date of maturity or the redemption date of the bonds to be refunded that the school district determines to be in the best interest of the district. The proceeds derived from the sale of refunding bonds issued pursuant to this section may be invested
in obligations of, or guaranteed by, the United States Government pending
the time the proceeds are required for the purposes for which such
refunding bonds were issued. To further secure the refunding bonds, the
school district may enter into a contract with any bank or trust company,
within or without the state, with respect to the safekeeping and
application of the proceeds of the refunding bonds and the safekeeping
and application of the earnings on the investment. Any outstanding bonds,
which shall have been called for redemption and which have sufficient
funds or obligations of, or guaranteed by, the United States Government
set aside in safekeeping to be applied for the complete payment of such
bonds, interest thereon, and redemption premium, if any on the redemption
date, shall not be considered as outstanding and unpaid bonds. All bonds
issued under the provisions of sections 10-717 to 10-719 must, on their
face, contain a clause that the district issuing such bonds shall have
the right to redeem such bonds at the expiration of five years from the
date of the issuance thereof.

Sec. 5. Section 77-3442, Revised Statutes Supplement, 2017, is
amended to read:

77-3442 (1) Property tax levies for the support of local governments
for fiscal years beginning on or after July 1, 1998, shall be limited to
the amounts set forth in this section except as provided in section
77-3444.

(2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this
section, school districts and multiple-district school systems may levy a
maximum levy of one dollar and five cents per one hundred dollars of
taxable valuation of property subject to the levy.

(b) For each fiscal year prior to fiscal year 2017-18, learning
communities may levy a maximum levy for the general fund budgets of
member school districts of ninety-five cents per one hundred dollars of
taxable valuation of property subject to the levy. The proceeds from the
levy pursuant to this subdivision shall be distributed pursuant to
section 79-1073.

(c) Except as provided in subdivision (2)(e) of this section, for each fiscal year prior to fiscal year 2017-18, school districts that are members of learning communities may levy for purposes of such districts' general fund budget and special building funds a maximum combined levy of the difference of one dollar and five cents on each one hundred dollars of taxable property subject to the levy minus the learning community levy pursuant to subdivision (2)(b) of this section for such learning community.

(d) Excluded from the limitations in subdivisions (2)(a) and (2)(c) of this section are (i) amounts levied to pay for current and future sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment occurring prior to September 1, 2017, (ii) amounts levied by a school district otherwise at the maximum levy pursuant to subdivision (2)(a) of this section to pay for current and future qualified voluntary termination incentives for certificated teachers pursuant to subsection (3) of section 79-8,142 that are not otherwise included in an exclusion pursuant to subdivision (2)(d) of this section, (iii) amounts levied by a school district otherwise at the maximum levy pursuant to subdivision (2)(a) of this section to pay for seventy-five percent of the current and future sums agreed to be paid to certificated employees in exchange for a voluntary termination of employment occurring between September 1, 2017, and August 31, 2018, as a result of a collective-bargaining agreement in force and effect on September 1, 2017, that are not otherwise included in an exclusion pursuant to subdivision (2)(d) of this section, (iv) amounts levied by a school district otherwise at the maximum levy pursuant to subdivision (2)(a) of this section to pay for fifty percent of the current and future sums agreed to be paid to certificated employees in exchange for a voluntary termination of employment occurring between September 1, 2018, and August 31, 2019, as a result of a collective-bargaining agreement in
force and effect on September 1, 2017, that are not otherwise included in
an exclusion pursuant to subdivision (2)(d) of this section, (v) amounts
levied by a school district otherwise at the maximum levy pursuant to
subdivision (2)(a) of this section to pay for twenty-five percent of the
current and future sums agreed to be paid to certificated employees in
exchange for a voluntary termination of employment occurring between
September 1, 2019, and August 31, 2020, as a result of a collective-
bargaining agreement in force and effect on September 1, 2017, that are
not otherwise included in an exclusion pursuant to subdivision (2)(d) of
this section, (vi) amounts levied in compliance with sections 79-10,110
and 79-10,110.02, and (vii) amounts levied to pay for special building
funds and sinking funds established for projects commenced prior to April
1, 1996, for construction, expansion, or alteration of school district
buildings. For purposes of this subsection, commenced means any action
taken by the school board on the record which commits the board to expend
district funds in planning, constructing, or carrying out the project.

(e) Federal aid school districts may exceed the maximum levy
prescribed by subdivision (2)(a) or (2)(c) of this section only to the
extent necessary to qualify to receive federal aid pursuant to Title VIII
of Public Law 103-382, as such title existed on September 1, 2001. For
purposes of this subdivision, federal aid school district means any
school district which receives ten percent or more of the revenue for its
general fund budget from federal government sources pursuant to Title
VIII of Public Law 103-382, as such title existed on September 1, 2001.

(f) For each fiscal year, learning communities may levy a maximum
levy of one-half cent on each one hundred dollars of taxable property
subject to the levy for elementary learning center facility leases, for
remodeling of leased elementary learning center facilities, and for up to
fifty percent of the estimated cost for focus school or program capital
projects approved by the learning community coordinating council pursuant
to section 79-2111.
(g) For each fiscal year, learning communities may levy a maximum
levy of one and one-half cents on each one hundred dollars of taxable
property subject to the levy for early childhood education programs for
children in poverty, for elementary learning center employees, for
contracts with other entities or individuals who are not employees of the
learning community for elementary learning center programs and services,
and for pilot projects, except that no more than ten percent of such levy
may be used for elementary learning center employees.

(3) For each fiscal year, community college areas may levy the
levies provided in subdivisions (2)(a) through (c) of section 85-1517, in
accordance with the provisions of such subdivisions. A community college
area may exceed the levy provided in subdivision (2)(b) of section
85-1517 by the amount necessary to retire general obligation bonds
assumed by the community college area or issued pursuant to section
85-1515 according to the terms of such bonds or for any obligation
pursuant to section 85-1535 entered into prior to January 1, 1997.

(4)(a) Natural resources districts may levy a maximum levy of four
and one-half cents per one hundred dollars of taxable valuation of
property subject to the levy.

(b) Natural resources districts shall also have the power and
authority to levy a tax equal to the dollar amount by which their
restricted funds budgeted to administer and implement ground water
management activities and integrated management activities under the
Nebraska Ground Water Management and Protection Act exceed their
restricted funds budgeted to administer and implement ground water
management activities and integrated management activities for FY2003-04,
not to exceed one cent on each one hundred dollars of taxable valuation
annually on all of the taxable property within the district.

(c) In addition, natural resources districts located in a river
basin, subbasin, or reach that has been determined to be fully
appropriated pursuant to section 46-714 or designated as overappropriated
pursuant to section 46-713 by the Department of Natural Resources shall also have the power and authority to levy a tax equal to the dollar amount by which their restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed their restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2005-06, not to exceed three cents on each one hundred dollars of taxable valuation on all of the taxable property within the district for fiscal year 2006-07 and each fiscal year thereafter through fiscal year 2017-18.

(5) Any educational service unit authorized to levy a property tax pursuant to section 79-1225 may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6)(a) Incorporated cities and villages which are not within the boundaries of a municipal county may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(b) Incorporated cities and villages which are within the boundaries of a municipal county may levy a maximum levy of ninety cents per one hundred dollars of taxable valuation of property subject to the levy. The maximum levy shall include amounts paid to a municipal county for county
services, amounts levied to pay for sums to support a library pursuant to section 51-201, a museum pursuant to section 51-501, a visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy. Unconsolidated sanitary and improvement districts which have been in existence for more than five years and are located in a municipal county may levy a maximum of eighty-five cents per hundred dollars of taxable valuation of property subject to the levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to other political subdivisions subject to allocation of property tax authority under subsection (1) of section 77-3443 and not specifically covered in this section to levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an agreement or agreements
to be levied by the political subdivision for the purpose of supporting
that political subdivision's share of revenue required under an agreement
or agreements executed pursuant to the Interlocal Cooperation Act or the
Joint Public Agency Act. If an allocation by a county would cause another
county to exceed its levy authority under this section, the second county
may exceed the levy authority in order to levy the amount allocated.

(9) Municipal counties may levy or authorize a maximum levy of one
dollar per one hundred dollars of taxable valuation of property subject
to the levy. The municipal county may allocate levy authority to any
political subdivision or entity subject to allocation under section
77-3443.

(10) Beginning July 1, 2016, rural and suburban fire protection
districts may levy a maximum levy of ten and one-half cents per one
hundred dollars of taxable valuation of property subject to the levy if
(a) such district is located in a county that had a levy pursuant to
subsection (8) of this section in the previous year of at least forty
cents per one hundred dollars of taxable valuation of property subject to
the levy or (b) for any rural or suburban fire protection district that
had a levy request pursuant to section 77-3443 in the previous year, the
county board of the county in which the greatest portion of the valuation
of such district is located did not authorize any levy authority to such
district in the previous year.

(11) Property tax levies (a) for judgments, except judgments or
orders from the Commission of Industrial Relations, obtained against a
political subdivision which require or obligate a political subdivision
to pay such judgment, to the extent such judgment is not paid by
liability insurance coverage of a political subdivision, (b) for
preexisting lease-purchase contracts approved prior to July 1, 1998, (c)
for bonds as defined in section 10-134 approved according to law and
secured by a levy on property except as provided in section 44-4317 for
bonded indebtedness issued by educational service units and school
districts and except as provided in section 2 of this act for bonded indebtedness issued by school districts, and (d) for payments by a public airport to retire interest-free loans from the Division of Aeronautics of the Department of Transportation in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this section.

(12) The limitations on tax levies provided in this section are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this section are those provided by or authorized by sections 77-3442 to 77-3444.

(13) Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 unless approved under section 77-3444.

(14) For purposes of sections 77-3442 to 77-3444, political subdivision means a political subdivision of this state and a county agricultural society.

(15) For school districts that file a binding resolution on or before May 9, 2008, with the county assessors, county clerks, and county treasurers for all counties in which the school district has territory pursuant to subsection (7) of section 79-458, if the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, are in excess of the greater of (a) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (b) the maximum levy authorized by a vote pursuant to section 77-3444, all school district levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, shall be considered unauthorized levies under section 77-1606.

Sec. 6. Section 79-984, Revised Statutes Cumulative Supplement,
2016, is amended to read:

79-984 (1) The board of trustees shall contract for the services of an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system. The selection of the actuary shall be approved by the board of education. The actuary shall (a) (1) make a general investigation of the operation of the retirement system annually, which investigation shall cover mortality, retirement, disability, employment, turnover, interest, and earnable compensation, and (b) (2) recommend tables to be used for all required actuarial calculations. The actuary shall perform such other duties as may be assigned by the board of trustees.

(2) Beginning on January 1, 2026, and on January 1 every four years thereafter, in addition to the annual general investigations required under subsection (1) of this section, the board of trustees shall cause an actuarial valuation to be performed on the retirement system and ascertain whether additional contributions by the school district may be actuarially required to maintain the solvency of the system. If such actuarial valuation indicates that the actuarially required contribution rate to maintain the solvency of the retirement system exceeds the rate of all contributions required pursuant to the Class V School Employees Retirement Act, the actuary shall determine the additional contributions that are to be made by the school district by adjusting the employer contribution rate provided in subdivision (1)(c) of section 79-9,113. The school district's additional contributions pursuant to this adjusted contribution rate shall commence with the fiscal year that begins after the date of the actuarial valuation and continue for a period of four fiscal years through the fiscal year of the next actuarial valuation required by this subsection.

Sec. 7. Section 79-9,113, Revised Statutes Cumulative Supplement, 2016, is amended to read:

79-9,113 (1)(a) If, at any future time, a majority of the eligible
members of the retirement system votes to be included under an agreement
providing old age and survivors insurance under the Social Security Act
of the United States, the contributions to be made by the member and the
school district for membership service, from and after the effective date
of the agreement with respect to services performed subsequent to
December 31, 1954, shall each be reduced from five to three percent but
not less than three percent of the member's salary per annum, and the
credits for membership service under this system, as provided in section
79-999, shall thereafter be reduced from one and one-half percent to
nine-tenths of one percent and not less than nine-tenths of one percent
of salary or wage earned by the member during each fiscal year, and from
one and sixty-five hundredths percent to one percent and not less than
one percent of salary or wage earned by the member during each fiscal
year and from two percent to one and two-tenths percent of salary or wage
earned by the member during each fiscal year, and from two and four-
tenhs percent to one and forty-four hundredths percent of salary or wage
earned by the member during each fiscal year, except that after September
1, 1963, and prior to September 1, 1969, all employees of the school
district shall contribute an amount equal to the membership contribution
which shall be two and three-fourths percent of salary covered by old age
and survivors insurance, and five percent above that amount. Commencing
September 1, 1969, all employees of the school district shall contribute
an amount equal to the membership contribution which shall be two and
three-fourths percent of the first seven thousand eight hundred dollars
of salary or wages earned each fiscal year and five percent of salary or
wages earned above that amount in the same fiscal year. Commencing
September 1, 1976, all employees of the school district shall contribute
an amount equal to the membership contribution which shall be two and
nine-tenths percent of the first seven thousand eight hundred dollars of
salary or wages earned each fiscal year and five and twenty-five hundredths percent of salary or wages earned above that amount in the
same fiscal year. Commencing on September 1, 1982, all employees of the
school district shall contribute an amount equal to the membership
contribution which shall be four and nine-tenths percent of the
compensation earned in each fiscal year. Commencing September 1, 1989,
al employees of the school district shall contribute an amount equal to
the membership contribution which shall be five and eight-tenths percent
of the compensation earned in each fiscal year. Commencing September 1,
1995, all employees of the school district shall contribute an amount
equal to the membership contribution which shall be six and three-tenths
percent of the compensation earned in each fiscal year. Commencing
September 1, 2007, all employees of the school district shall contribute
an amount equal to the membership contribution which shall be seven and
three-tenths percent of the compensation paid in each fiscal year.
Commencing September 1, 2009, all employees of the school district shall
contribute an amount equal to the membership contribution which shall be
eight and three-tenths percent of the compensation paid in each fiscal
year. Commencing September 1, 2011, all employees of the school district
shall contribute an amount equal to the membership contribution which
shall be nine and three-tenths percent of the compensation paid in each
fiscal year. Commencing September 1, 2013, all employees of the school
district shall contribute an amount equal to the membership contribution
which shall be nine and seventy-eight hundredths percent of the
compensation paid in each fiscal year.

(b) The contributions by the school district in any fiscal year
beginning on or after September 1, 1999, shall be the greater of (i) one
hundred percent of the contributions by the employees for such fiscal
year or (ii) such amount as may be necessary to maintain the solvency of
the system, as determined annually by the board of education upon
recommendation of the actuary and the board of trustees.

(c)(i) Before September 1, 2018, the (c) The contributions by the
2007, shall be the greater of (A) (i) one hundred one percent of the contributions by the employees for such fiscal year or (B) (ii) such amount as may be necessary to maintain the solvency of the system, as determined annually by the board of education upon recommendation of the actuary and after considering any amounts that will be, or are expected to be, transferred to the system pursuant to subdivision (1)(b) of section 79-966. For purposes of this section, solvency means the rate of all contributions required pursuant to the Class V School Employees Retirement Act is equal to or greater than the actuarially required contribution rate using a closed thirty-year amortization period beginning on the current valuation date for any unfunded actuarial accrued liability. The school district contributions specified in subdivision (A) (i) of this subdivision shall be made monthly and shall be immediately transmitted to the account of the retirement system; and

(ii) Beginning on or after September 1, 2018, except as provided in subsection (2) of section 79-984, the annual contributions by the school district in any fiscal year shall be one hundred one percent of the contributions by the employees for such fiscal year. The school district contributions specified in this subdivision (ii) shall be made monthly and shall be immediately transmitted to the account of the retirement system.

(d) The employee's contribution shall be made in the form of a monthly deduction from compensation as provided in subsection (2) of this section and shall be immediately transmitted to the account of the retirement system. Every employee who is a member of the system shall be deemed to consent and agree to such deductions and shall receive in full for compensation, and payment to such employee of compensation less such deduction shall constitute a full and complete discharge of all claims and demands whatsoever for services rendered by such employee during the period covered by such payment except as to benefits provided under the Class V School Employees Retirement Act.
(e) After September 1, 1963, and prior to September 1, 1969, all employees shall be credited with a membership service annuity which shall be nine-tenths of one percent of salary or wage covered by old age and survivors insurance and one and one-half percent of salary or wages above that amount, except that those employees who retire on or after August 31, 1969, shall be credited with a membership service annuity which shall be one percent of salary or wages covered by old age and survivors insurance and one and sixty-five hundredths percent of salary or wages above that amount for service performed after September 1, 1963, and prior to September 1, 1969. Commencing September 1, 1969, all employees shall be credited with a membership service annuity which shall be one percent of the first seven thousand eight hundred dollars of salary or wages earned by the employee during each fiscal year and one and sixty-five hundredths percent of salary or wages earned above that amount in the same fiscal year, except that all employees retiring on or after August 31, 1976, shall be credited with a membership service annuity which shall be one and forty-four hundredths percent of the first seven thousand eight hundred dollars of salary or wages earned by the employee during such fiscal year and two and four-tenths percent of salary or wages earned above that amount in the same fiscal year, and the retirement annuities of employees who have not retired prior to September 1, 1963, and who elected under the provisions of section 79-988 as such section existed immediately prior to February 20, 1982, not to become members of the system shall not be less than they would have been had they remained under any preexisting system to date of retirement.

(f) Members of this system having the service qualifications of members of the School Employees Retirement System of the State of Nebraska, as provided by section 79-926, who are members of the retirement system established pursuant to the Class V School Employees Retirement Act prior to July 1, 2016, shall receive the state service annuity provided by sections 79-933 to 79-935 and 79-951.
(g) In addition to the payments set forth in subdivision (1)(c) of this section, the school district shall make a single contribution or series of additional contributions totaling three hundred million dollars to the retirement system on or before August 31, 2019.

(2) The school district shall pick up the employee contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the school district shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The school district shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The school district shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase. Beginning September 1, 1995, the school district shall also pick up any contributions required by sections 79-990, 79-991, and 79-992 which are made under an irrevocable payroll deduction authorization between the member and the school district, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the school district shall continue to withhold federal and state income taxes based upon these contributions until the Internal Revenue Service rules that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed from the system. Employee contributions picked up shall be treated for all purposes of the Class V School Employees Retirement Act in the same manner and to the
extent as employee contributions made prior to the date picked up.

Sec. 8. Section 79-1003, Revised Statutes Supplement, 2017, is amended to read:

79-1003 For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted general fund operating expenditures means (a) for school fiscal years 2013-14 through 2015-16, the difference of the general fund operating expenditures as calculated pursuant to subdivision (23) of this section increased by the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, summer school allowance, instructional time allowance, teacher education allowance, and focus school and program allowance, (b) for school fiscal years 2016-17 through 2018-19, the difference of the general fund operating expenditures as calculated pursuant to subdivision (23) of this section increased by the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, summer school allowance, and focus school and program allowance, and (c) for school fiscal year 2019-20 and each school fiscal year thereafter, the difference of the general fund operating expenditures as calculated pursuant to subdivision (23) of this section increased by the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, summer school allowance, community achievement plan allowance, and focus school and program allowance;
(2) Adjusted valuation means the assessed valuation of taxable property of each local system in the state, adjusted pursuant to the adjustment factors described in section 79-1016. Adjusted valuation means the adjusted valuation for the property tax year ending during the school fiscal year immediately preceding the school fiscal year in which the aid based upon that value is to be paid. For purposes of determining the local effort rate yield pursuant to section 79-1015.01, adjusted valuation does not include the value of any property which a court, by a final judgment from which no appeal is taken, has declared to be nontaxable or exempt from taxation;

(3) Allocated income tax funds means the amount of assistance paid to a local system pursuant to section 79-1005.01 as adjusted, for school fiscal years prior to school fiscal year 2017-18, by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the local system, as provided in each district's annual statistical summary, and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(5) Base fiscal year means the first school fiscal year following the school fiscal year in which the reorganization or unification occurred;

(6) Board means the school board of each school district;

(7) Categorical funds means funds limited to a specific purpose by federal or state law, including, but not limited to, Title I funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, Head Start funds, and funds from the Education Innovation Fund;

(8) Consolidate means to voluntarily reduce the number of school districts providing education to a grade group and does not include dissolution pursuant to section 79-498;
(9) Converted contract means an expired contract that was in effect for at least fifteen school years beginning prior to school year 2012-13 for the education of students in a nonresident district in exchange for tuition from the resident district when the expiration of such contract results in the nonresident district educating students, who would have been covered by the contract if the contract were still in effect, as option students pursuant to the enrollment option program established in section 79-234;

(10) Converted contract option student means a student who will be an option student pursuant to the enrollment option program established in section 79-234 for the school fiscal year for which aid is being calculated and who would have been covered by a converted contract if the contract were still in effect and such school fiscal year is the first school fiscal year for which such contract is not in effect;

(11) Department means the State Department of Education;

(12) District means any Class I, II, III, IV, V, or VI school district or unified system as defined in section 79-4,108;

(13) Ensuing school fiscal year means the school fiscal year following the current school fiscal year;

(14) Equalization aid means the amount of assistance calculated to be paid to a local system pursuant to sections 79-1007.11 to 79-1007.23, 79-1007.25, 79-1008.01 to 79-1022, and 79-1022.02;

(15) Fall membership means the total membership in kindergarten through grade twelve attributable to the local system as reported on the fall school district membership reports for each district pursuant to section 79-528;

(16) Fiscal year means the state fiscal year which is the period from July 1 to the following June 30;

(17) Formula students means:

(a) For state aid certified pursuant to section 79-1022, the sum of the product of fall membership from the school fiscal year immediately
preceding the school fiscal year in which the aid is to be paid multiplied by the average ratio of average daily membership to fall membership for the second school fiscal year immediately preceding the school fiscal year in which the aid is to be paid and the prior two school fiscal years plus sixty percent of the qualified early childhood education fall membership plus tuitioned students from the school fiscal year immediately preceding the school fiscal year in which aid is to be paid minus the product of the number of students enrolled in kindergarten that is not full-day kindergarten from the fall membership multiplied by 0.5; and

(b) For the final calculation of state aid pursuant to section 79-1065, the sum of average daily membership plus sixty percent of the qualified early childhood education average daily membership plus tuitioned students minus the product of the number of students enrolled in kindergarten that is not full-day kindergarten from the average daily membership multiplied by 0.5 from the school fiscal year immediately preceding the school fiscal year in which aid was paid;

(18) Free lunch and free milk calculated students means, using the most recent data available on November 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, (a) for schools that did not provide free meals to all students pursuant to the community eligibility provision, students who individually qualified for free lunches or free milk pursuant to the federal Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such acts and sections existed on January 1, 2015, and rules and regulations adopted thereunder, plus (b) for schools that provided free meals to all students pursuant to the community eligibility provision, (i) for school fiscal year 2016-17, the product of the students who attended such school multiplied by the identified student percentage calculated pursuant to such federal provision or (ii) for school fiscal year 2017-18 and each
school fiscal year thereafter, the greater of the number of students in
such school who individually qualified for free lunch or free milk using
the most recent school fiscal year for which the school did not provide
free meals to all students pursuant to the community eligibility
provision or one hundred ten percent of the product of the students who
qualified for free meals at such school pursuant to the community
eligibility provision multiplied by the identified student percentage
calculated pursuant to such federal provision, except that the free lunch
and free milk students calculated for any school pursuant to subdivision
(18)(b)(ii) of this section shall not exceed one hundred percent of the
students qualified for free meals at such school pursuant to the
community eligibility provision;

(19) Free lunch and free milk student means, for school fiscal years
prior to school fiscal year 2016-17, a student who qualified for free
lunches or free milk from the most recent data available on November 1 of
the school fiscal year immediately preceding the school fiscal year in
which aid is to be paid;

(20) Full-day kindergarten means kindergarten offered by a district
for at least one thousand thirty-two instructional hours;

(21) General fund budget of expenditures means the total budget of
disbursements and transfers for general fund purposes as certified in the
budget statement adopted pursuant to the Nebraska Budget Act, except that
for purposes of the limitation imposed in section 79-1023 and the
calculation pursuant to subdivision (2) of section 79-1027.01, the
general fund budget of expenditures does not include any special grant
funds, exclusive of local matching funds, received by a district;

(22) General fund expenditures means all expenditures from the
general fund;

(23) General fund operating expenditures means for state aid
calculated for school fiscal years 2012-13 and each school fiscal year
thereafter, as reported on the annual financial report for the second
school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the total general fund expenditures minus (a) the amount of all receipts to the general fund, to the extent that such receipts are not included in local system formula resources, from early childhood education tuition, summer school tuition, educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities, private foundations, individuals, associations, charitable organizations, the textbook loan program authorized by section 79-734, federal impact aid, and levy override elections pursuant to section 77-3444, (b) the amount of expenditures for categorical funds, tuition paid, transportation fees paid to other districts, adult education, community services, redemption of the principal portion of general fund debt service, retirement incentive plans authorized by section 79-855, and staff development assistance authorized by section 79-856, (c) the amount of any transfers from the general fund to any bond fund and transfers from other funds into the general fund, (d) any legal expenses in excess of fifteen-hundredths of one percent of the formula need for the school fiscal year in which the expenses occurred, (e)(i) for state aid calculated for school fiscal years prior to school fiscal year 2018-19, expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009, occurring on or after the last day of the 2010-11 school year and prior to the first day of the 2013-14 school year, or, to the extent that a district has demonstrated to the State Board of Education pursuant to section 79-1028.01 that the agreement will result in a net savings in salary and benefit costs to the school district over a five-year period, occurring on or after the first day of the 2013-14 school year or (ii) for state aid calculated for school fiscal year 2018-19 and each school fiscal year thereafter, expenditures to pay for incentives agreed to be paid by a school district
to certificated employees in exchange for a voluntary termination of
employment for which the State Board of Education approved an exclusion
pursuant to subdivisions (1)(h), (i), (j), or (k) of section 79-1028.01,
(f)(i) expenditures to pay for employer contributions pursuant to
subsection (2) of section 79-958 to the School Employees Retirement
System of the State of Nebraska to the extent that such expenditures
exceed the employer contributions under such subsection that would have
been made at a contribution rate of seven and thirty-five hundredths
percent, or (ii) before September 1, 2018, expenditures to pay for school
district contributions pursuant to subdivision (1)(c)(i)(A) (1)(c)(i) of
section 79-9,113 to the retirement system established pursuant to the
Class V School Employees Retirement Act to the extent that such
expenditures exceed the school district contributions under such
subdivision that would have been made at a contribution rate of seven and
thirty-seven hundredths percent, or (iii) beginning September 1, 2018,
expenditures to pay for school district contributions pursuant to
subdivision (1)(c)(i) of section 79-9,113 to the retirement system
established pursuant to the Class V School Employees Retirement Act to
the extent that such expenditures exceed the school district
contributions under such subdivision that would have been made at a
contribution rate of seven and thirty-seven hundredths percent but are
less than a contribution rate of nine and eighty-nine hundredths percent,
and (g) any amounts paid by the district for lobbyist fees and expenses
reported to the Clerk of the Legislature pursuant to section 49-1483.

For purposes of this subdivision (23) of this section, receipts from
levy override elections shall equal ninety-nine percent of the difference
of the total general fund levy minus a levy of one dollar and five cents
per one hundred dollars of taxable valuation multiplied by the assessed
valuation for school districts that have voted pursuant to section
77-3444 to override the maximum levy provided pursuant to section
77-3442;
(24) High school district means a school district providing instruction in at least grades nine through twelve;

(25) Income tax liability means the amount of the reported income tax liability for resident individuals pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(26) Income tax receipts means the amount of income tax collected pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(27) Limited English proficiency students means the number of students with limited English proficiency in a district from the most recent data available on November 1 of the school fiscal year preceding the school fiscal year in which aid is to be paid plus the difference of such students with limited English proficiency minus the average number of limited English proficiency students for such district, prior to such addition, for the three immediately preceding school fiscal years if such difference is greater than zero;

(28) Local system means a learning community for purposes of calculation of state aid for each school fiscal year prior to school fiscal year 2017-18, a unified system, a Class VI district and the associated Class I districts, or a Class II, III, IV, or V district and any affiliated Class I districts or portions of Class I districts. The membership, expenditures, and resources of Class I districts that are affiliated with multiple high school districts will be attributed to local systems based on the percent of the Class I valuation that is affiliated with each high school district;

(29) Low-income child means (a) for school fiscal years prior to 2016-17, a child under nineteen years of age living in a household having an annual adjusted gross income for the second calendar year preceding the beginning of the school fiscal year for which aid is being calculated equal to or less than the maximum household income that would allow a student from a family of four people to be a free lunch and free milk
student during the school fiscal year immediately preceding the school fiscal year for which aid is being calculated and (b) for school fiscal year 2016-17 and each school fiscal year thereafter, a child under nineteen years of age living in a household having an annual adjusted gross income for the second calendar year preceding the beginning of the school fiscal year for which aid is being calculated equal to or less than the maximum household income pursuant to sections 9(b)(1) and 17(c) (4) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4), respectively, and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966, 42 U.S.C. 1772(a)(6) and 42 U.S.C. 1773(e)(1)(A), respectively, as such acts and sections existed on January 1, 2015, for a household of that size that would have allowed the child to meet the income qualifications for free meals during the school fiscal year immediately preceding the school fiscal year for which aid is being calculated;

(30) Low-income students means the number of low-income children within the district multiplied by the ratio of the formula students in the district divided by the total children under nineteen years of age residing in the district as derived from income tax information;

(31) Most recently available complete data year means the most recent single school fiscal year for which the annual financial report, fall school district membership report, annual statistical summary, Nebraska income tax liability by school district for the calendar year in which the majority of the school fiscal year falls, and adjusted valuation data are available;

(32) Poverty students means (a) for school fiscal years prior to 2016-17, the number of low-income students or the number of students who are free lunch and free milk students in a district plus the difference of the number of low-income students or the number of students who are free lunch and free milk students in a district, whichever is greater, minus the average number of poverty students for such district, prior to
such addition, for the three immediately preceding school fiscal years if such
difference is greater than zero and (b) for school fiscal year
2016-17 and each school fiscal year thereafter, the unadjusted poverty
students plus the difference of such unadjusted poverty students minus
the average number of poverty students for such district, prior to such
addition, for the three immediately preceding school fiscal years if such
difference is greater than zero;

(33) Qualified early childhood education average daily membership
means the product of the average daily membership for school fiscal year
2006-07 and each school fiscal year thereafter of students who will be
eligible to attend kindergarten the following school year and are
enrolled in an early childhood education program approved by the
department pursuant to section 79-1103 for such school district for such
school year multiplied by the ratio of the actual instructional hours of
the program divided by one thousand thirty-two if: (a) The program is
receiving a grant pursuant to such section for the third year; (b) the
program has already received grants pursuant to such section for three
years; or (c) the program has been approved pursuant to subsection (5) of
section 79-1103 for such school year and the two preceding school years,
including any such students in portions of any of such programs receiving
an expansion grant;

(34) Qualified early childhood education fall membership means the
product of membership on the last Friday in September 2006 and each year
thereafter of students who will be eligible to attend kindergarten the
following school year and are enrolled in an early childhood education
program approved by the department pursuant to section 79-1103 for such
school district for such school year multiplied by the ratio of the
planned instructional hours of the program divided by one thousand
thirty-two if: (a) The program is receiving a grant pursuant to such
section for the third year; (b) the program has already received grants
pursuant to such section for three years; or (c) the program has been
approved pursuant to subsection (5) of section 79-1103 for such school
year and the two preceding school years, including any such students in
portions of any of such programs receiving an expansion grant;
(35) Regular route transportation means the transportation of
students on regularly scheduled daily routes to and from the attendance
center;
(36) Reorganized district means any district involved in a
consolidation and currently educating students following consolidation;
(37) School year or school fiscal year means the fiscal year of a
school district as defined in section 79-1091;
(38) Sparse local system means a local system that is not a very
sparse local system but which meets the following criteria:
(a)(i) Less than two students per square mile in the county in which
each high school is located, based on the school district census, (ii)
less than one formula student per square mile in the local system, and
(iii) more than ten miles between each high school attendance center and
the next closest high school attendance center on paved roads;
(b)(i) Less than one and one-half formula students per square mile
in the local system and (ii) more than fifteen miles between each high
school attendance center and the next closest high school attendance
center on paved roads;
(c)(i) Less than one and one-half formula students per square mile
in the local system and (ii) more than two hundred seventy-five square
miles in the local system; or
(d)(i) Less than two formula students per square mile in the local
system and (ii) the local system includes an area equal to ninety-five
percent or more of the square miles in the largest county in which a high
school attendance center is located in the local system;
(39) Special education means specially designed kindergarten through
grade twelve instruction pursuant to section 79-1125, and includes
special education transportation;
(40) Special grant funds means the budgeted receipts for grants, including, but not limited to, categorical funds, reimbursements for wards of the court, short-term borrowings including, but not limited to, registered warrants and tax anticipation notes, interfund loans, insurance settlements, and reimbursements to county government for previous overpayment. The state board shall approve a listing of grants that qualify as special grant funds;

(41) State aid means the amount of assistance paid to a district pursuant to the Tax Equity and Educational Opportunities Support Act;

(42) State board means the State Board of Education;

(43) State support means all funds provided to districts by the State of Nebraska for the general fund support of elementary and secondary education;

(44) Statewide average basic funding per formula student means the statewide total basic funding for all districts divided by the statewide total formula students for all districts;

(45) Statewide average general fund operating expenditures per formula student means the statewide total general fund operating expenditures for all districts divided by the statewide total formula students for all districts;

(46) Teacher has the definition found in section 79-101;

(47) Temporary aid adjustment factor means (a) for school fiscal years before school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, the local system's special receipts allowance, and the product of the local system's adjusted formula students multiplied by the average formula cost per student in the local system's cost grouping and (b) for school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, special receipts allowance, and distance education and telecommunications allowance and the product of the local system's adjusted formula students multiplied by the average formula cost.
per student in the local system's cost grouping;

(48) Tuition receipts from converted contracts means tuition receipts received by a district from another district in the most recently available complete data year pursuant to a converted contract prior to the expiration of the contract;

(49) Tuitioned students means students in kindergarten through grade twelve of the district whose tuition is paid by the district to some other district or education agency;

(50) Unadjusted poverty students means, for school fiscal year 2016-17 and each school fiscal year thereafter, the greater of the number of low-income students or the free lunch and free milk calculated students in a district; and

(51) Very sparse local system means a local system that has:

(a)(i) Less than one-half student per square mile in each county in which each high school attendance center is located based on the school district census, (ii) less than one formula student per square mile in the local system, and (iii) more than fifteen miles between the high school attendance center and the next closest high school attendance center on paved roads; or

(b)(i) More than four hundred fifty square miles in the local system, (ii) less than one-half student per square mile in the local system, and (iii) more than fifteen miles between each high school attendance center and the next closest high school attendance center on paved roads.

Sec. 9. Section 79-1028.01, Revised Statutes Supplement, 2017, is amended to read:

79-1028.01 (1) For each school fiscal year, a school district may exceed its budget authority for the general fund budget of expenditures as calculated pursuant to section 79-1023 for such school fiscal year by a specific dollar amount for the following exclusions:

(a) Expenditures for repairs to infrastructure damaged by a natural
disaster which is declared a disaster emergency pursuant to the Emergency
Management Act;

(b) Expenditures for judgments, except judgments or orders from the
Commission of Industrial Relations, obtained against a school district
which require or obligate a school district to pay such judgment, to the
extent such judgment is not paid by liability insurance coverage of a
school district;

(c) Expenditures pursuant to the Retirement Incentive Plan
authorized in section 79-855 or the Staff Development Assistance
authorized in section 79-856;

(d) Expenditures of amounts received from educational entities as
defined in section 79-1201.01 for providing distance education courses
through the Educational Service Unit Coordinating Council to such
educational entities;

(e) Expenditures to pay for employer contributions pursuant to
subsection (2) of section 79-958 to the School Employees Retirement
System of the State of Nebraska to the extent that such expenditures
exceed the employer contributions under such subsection that would have
been made at a contribution rate of seven and thirty-five hundredths
percent;

(f)(i) Before September 1, 2018, expenditures (f) Expenditures to
pay for school district contributions pursuant to subdivision (1)(c)(i)
(A) (i) (ii) of section 79-9,113 to the retirement system established
pursuant to the Class V School Employees Retirement Act to the extent
that such expenditures exceed the school district contributions under
such subdivision that would have been made at a contribution rate of
seven and thirty-seven hundredths percent or (ii) beginning September 1,
2018, expenditures to pay for school district contributions pursuant to
subdivision (1)(c)(ii) of section 79-9,113 to the retirement system
established pursuant to the Class V School Employees Retirement Act to
the extent that such expenditures exceed the school district
contributions under such subdivision that would have been made at a contribution rate of seven and thirty-seven hundredths percent but are less than a contribution rate of nine and eighty-nine hundredths percent;

(g) Expenditures for incentives agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment occurring prior to July 1, 2009, occurring on or after the last day of the 2010-11 school year and prior to the first day of the 2013-14 school year, or, to the extent that a district demonstrates to the State Board of Education pursuant to subsection (3) of this section that the agreement will result in a net savings in salary and benefit costs to the school district over a five-year period, occurring on or after the first day of the 2013-14 school year and prior to September 1, 2017;

(h) Expenditures by a school district with budgeted expenditures otherwise equal to the budget authority for the general fund budget of expenditures for such school district as calculated pursuant to section 79-1023 for such school fiscal year for current and future qualified voluntary termination incentives for certificated teachers pursuant to subsection (3) of section 79-8,142 that are not otherwise included in an exclusion pursuant to this subsection;

(i) Expenditures by a school district with budgeted expenditures otherwise equal to the budget authority for the general fund budget of expenditures for such school district as calculated pursuant to section 79-1023 for such school fiscal year for seventy-five percent of incentives agreed to be paid to certificated employees in exchange for a voluntary termination of employment occurring between September 1, 2017, and August 31, 2018, as a result of a collective-bargaining agreement in force and effect on September 1, 2017, that are not otherwise included in an exclusion pursuant to this subsection;

(j) Expenditures by a school district with budgeted expenditures otherwise equal to the budget authority for the general fund budget of
expenditures for such school district as calculated pursuant to section 79-1023 for such school fiscal year for fifty percent of incentives agreed to be paid to certificated employees in exchange for a voluntary termination of employment occurring between September 1, 2018, and August 31, 2019, as a result of a collective-bargaining agreement in force and effect on September 1, 2017, that are not otherwise included in an exclusion pursuant to this subsection;

(k) Expenditures by a school district with budgeted expenditures otherwise equal to the budget authority for the general fund budget of expenditures for such school district as calculated pursuant to section 79-1023 for such school fiscal year for twenty-five percent of incentives agreed to be paid to certificated employees in exchange for a voluntary termination of employment occurring between September 1, 2019, and August 31, 2020, as a result of a collective-bargaining agreement in force and effect on September 1, 2017, that are not otherwise included in an exclusion pursuant to this subsection;

(l) The special education budget of expenditures;

(m) Expenditures of special grant funds; and

(n) Expenditures of funds received as federal impact aid pursuant to 20 U.S.C. 7701 to 7714, as such sections existed on January 1, 2016, due to a district having land within its boundaries that is federal property classified as Indian lands under 20 U.S.C. 7713(7), as such section existed on January 1, 2016, and funds received as impact aid due to children in attendance who resided on Indian lands in accordance with 20 U.S.C. 7703(a)(1)(C), as such section existed on January 1, 2016.

(2) For each school fiscal year, a school district may exceed its budget authority for the general fund budget of expenditures as calculated pursuant to section 79-1023 for such school fiscal year by a specific dollar amount and include such dollar amount in the budget of expenditures used to calculate budget authority for the general fund budget of expenditures pursuant to section 79-1023 for future years for
the following exclusions:

(a) The first school fiscal year the district will be participating in Network Nebraska for the full school fiscal year, for the difference of the estimated expenditures for such school fiscal year for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks as such expenditures are defined by the department for purposes of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the second school fiscal year preceding the first full school fiscal year the district participates in Network Nebraska;

(b) Expenditures for new elementary attendance sites in the first year of operation or the first year of operation after being closed for at least one school year if such elementary attendance site will most likely qualify for the elementary site allowance in the immediately following school fiscal year as determined by the state board;

(c) For the first school fiscal year for which early childhood education membership is included in formula students for the calculation of state aid, expenditures for early childhood education equal to the amount the school district received in early childhood education grants pursuant to section 79-1103 for the prior school fiscal year, increased by the basic allowable growth rate; and

(d) For school fiscal year 2013-14, an amount not to exceed two percent over the previous school year if such increase is approved by a seventy-five percent majority vote of the school board of such district.

(3) The state board shall approve, deny, or modify the amount allowed for any exclusions to the budget authority for the general fund budget of expenditures pursuant to this section.

Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.
Sec. 11. Original sections 10-701 and 10-717, Reissue Revised Statutes of Nebraska, sections 79-984 and 79-9,113, Revised Statutes Cumulative Supplement, 2016, and sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Supplement, 2017, are repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.