

## COMMITTEE STATEMENT

LB 345

HEARING DATE: January 27, 1997

COMMITTEE ON: EDUCATION

TITLE: LB 345 (Bohlke, McKenzie) Define and redefine terms relating to schools

### ROLL CALL VOTE. FINAL COMMITTEE ACTION

Advanced to General File

Y Advanced to General File with amendments

Indefinitely Postponed

### Vote results:

7 Yes Senators McKenzie, Beutler, Bromm, Bohlke, Stuhr, Suttle, Wickersham

0 No

0 Present, not voting

1 Absent Senator Warner

### PROPOSERS

Thomasin Barry

Larry J. Scherer

Representing

For the Introducer

Consultant

### OPPOSERS

Representing

### NEUTRAL

Representing

### Summary of purpose and/or changes:

Legislative Bill 345 clarifies language regarding school funds, school governing bodies, and voters. General bill drafting conventions were also applied to simplify and clarify language throughout the bill. Three new definition sections regarding school funds are specified to be codified in Chapter 79, article 10. School lands, permanent school fund, and temporary school fund are defined in this proposal. School lands are those lands owned or acquired by the state in trust for the support of common schools. The permanent school fund holds and invests the principal from lands that are sold and other sources in perpetuity for the support of the public schools. The temporary school fund is the holding fund for interest, dividend, and other income. The entire balance of the temporary school fund shall be used for the support and maintenance of the common schools annually or at time intervals specified by the Legislature. Language referring to the school fund as provided in Article VII, section 5 of the Constitution ... is clarified by adding that it is the temporary school fund to be used for the support of the public schools as provided in Article VII, section 5 of the Constitution ... Elsewhere in the bill school funds are distinguished as temporary or permanent. Section 79-10.101 is amended to clarify that money collected pursuant to special levies shall be invested in U.S. Government bonds or such securities as the state investment officer may invest the permanent school fund. The existing language referred to the Board of Educational Lands and Funds investing the permanent school fund. The definition of legal voter is rewritten for the purposes of Chapter 79. The existing definition defined legal voters as all who are eligible to vote at an election for school district officers. The new definition clarifies that a legal voter is a voter who is properly registered and domiciled in a precinct or ward which lies in whole or in part within the school district. Throughout the bill other terms referring

to voters or electors are replaced with the term legal voters. Chapter 79 has many references to both school boards and boards of education. School boards are defined as the governing bodies for Class I and II districts and boards of education as governing bodies for Class III, IV, and V districts. The governing bodies for Class VI districts are not currently specified. This proposal simplifies the terminology by defining school boards as the governing body of any district, and boards of education are defined as having the same meaning as school boards. The distinctions made in § 79-102 for the different classes of school districts are eliminated by replacing the term board of education with school board. Additional language clarifies that Class VI districts operate under the direction of a single school board. In sections that are opened up in the bill, board of education is replaced with school board for consistency and simplification. The presumption is that the change will be made in other sections as they are opened up in future legislation. One reference in § 79-10,111 to school board trustees is amended to clarify that they are school board members. Annual and special meeting provisions are deleted from the opportunities for voters to extend the Class VI grade offerings pursuant to § 79-411. Because Class VI school boards are not subject to the annual and special meetings provisions of Class I and II districts, the deleted provisions did not represent actual opportunities for the voters. Legislative Bill 1015 from 1996 was similar to LB 345 and was advanced to general file. These bills are trailer bills produced from the recodification process that resulted in LB 900 in 1996, which was passed and signed by the Governor last year. Section 79-1154 is amended to clarify that teacher aides working with special education shall have the qualifications required by the school district, educational service unit, or combination of the two. Currently, only the school can prescribe qualifications.

Section 79-11,113 is amended to clarify that the Department of Education's responsibility for sanitary conditions and medical services for visually impaired students only extends to students who receive educational programs at the Nebraska School for the visually Handicapped. Current language is unclear, but indicates that the provisions would apply to any visually impaired student for whom Department provides an educational program.

Explanation of Amendments, if any:

The committee amendments for LB 345 make technical corrections. The first amendment strikes the qualification of present from present and voting for determining the majority in special elections to extend the Class VI grade offerings pursuant to § 79-411. The second amendment clarifies that public districts and school districts are public school districts in the permanent and temporary school fund definitions. The amendment also clarifies that the funds in the temporary school fund shall be distributed annually. The third amendment cleans up the language regarding the investment of money collected pursuant to special levies pursuant to § 79-10,101.

Ardyce Bohlke  
Chairperson