

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 272

Introduced by Stuhr, 24; Bohlke, 33; Connealy, 16; Hartnett, 45;
Hudkins, 21; Kremer, 34; Price, 26; Raikes, 25;
Redfield, 12; Suttle, 10; Vrtiska, 1; Wehrbein, 2

Read first time January 11, 1999

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 11-119, 11-125,
2 11-126, 23-120, 23-121, 23-1114.02 to 23-1114.06,
3 23-2518, 23-3302, 23-3311, 23-3312, 32-570, 32-608,
4 32-609, 48-302, 68-621, 79-205, 79-206, 79-208, 79-401,
5 79-414, 79-421, 79-425 to 79-427, 79-433, 79-435, 79-439,
6 79-448, 79-450, 79-452 to 79-455, 79-467, 79-470, 79-478,
7 79-480, 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499,
8 79-4,103, 79-524, 79-537, 79-544, 79-575, 79-577 to
9 79-579, 79-588, 79-598, 79-605, 79-709, 79-724, 79-804,
10 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044 to
11 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077, 79-1083,
12 79-1094, and 79-1605, Reissue Revised Statutes of
13 Nebraska, and sections 71-208, 71-212, 71-501, 79-203,
14 79-209, 79-413, 79-418, 79-419, 79-420, 79-424, 79-431,
15 79-441 to 79-447, 79-451, 79-458, 79-479, 79-528, 79-569,
16 79-611, 79-850, 79-902, 79-1024, 79-1033, 79-1035,

1 79-1036, 79-1078, 79-1089, and 79-1090, Revised Statutes
2 Supplement, 1998; to eliminate the office of county
3 superintendent of schools; to provide for county school
4 administrators; to provide operative dates; to harmonize
5 provisions; to repeal the original sections; and to
6 outright repeal sections 23-3301, 23-3303, 23-3304,
7 23-3306, 23-3307, 23-3308, 23-3310, 23-3313, 32-527,
8 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483,
9 and 79-484, Reissue Revised Statutes of Nebraska, and
10 sections 23-3305, 79-437, 79-438, 79-438.01, 79-440,
11 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes
12 Supplement, 1998.

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

1 Section 1. Section 11-119, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 11-119. The following named officers shall execute a
4 bond with penalties of the following amounts:

5 (1) The Governor, one hundred thousand dollars;

6 (2) The Lieutenant Governor, one hundred thousand
7 dollars;

8 (3) The Auditor of Public Accounts, one hundred thousand
9 dollars;

10 (4) The Secretary of State, one hundred thousand dollars;

11 (5) The Attorney General, one hundred thousand dollars;

12 (6) The State Treasurer, not less than one million
13 dollars and not more than double the amount of money that may come
14 into his or her hands, to be fixed by the Governor;

15 (7) Each county attorney, a sum not less than one
16 thousand dollars to be fixed by the county board;

17 (8) Each clerk of the district court, not less than five
18 thousand dollars or more than one hundred thousand dollars to be
19 determined by the county board;

20 (9) Each county clerk, not less than one thousand dollars
21 or more than one hundred thousand dollars to be determined by the
22 county board, except that when a county clerk also has the duties
23 of other county offices the minimum bond shall be two thousand
24 dollars;

25 (10) Each county treasurer, not less than ten thousand
26 dollars and not more than the amount of money that may come into
27 his or her hands, to be determined by the county board;

28 (11) Each sheriff, in counties of not more than twenty

1 thousand inhabitants, five thousand dollars, and in counties over
2 twenty thousand inhabitants, ten thousand dollars;

3 (12) Each county ~~superintendent of public instruction~~
4 school administrator or district superintendent of public
5 instruction, one thousand dollars;

6 (13) Each county surveyor, five hundred dollars;

7 (14) Each county commissioner or supervisor, in counties
8 of not more than twenty thousand inhabitants, one thousand dollars,
9 in counties over twenty thousand and not more than thirty thousand
10 inhabitants, two thousand dollars, in counties over thirty thousand
11 and not more than fifty thousand inhabitants, three thousand
12 dollars, and in counties over fifty thousand inhabitants, five
13 thousand dollars;

14 (15) Each register of deeds in counties having a
15 population of more than sixteen thousand five hundred inhabitants,
16 not less than two thousand dollars or more than one hundred
17 thousand dollars to be determined by the county board;

18 (16) Each township clerk, two hundred fifty dollars;

19 (17) Each township treasurer, two thousand dollars;

20 (18) Each county assessor, not more than five thousand
21 dollars and not less than two thousand dollars;

22 (19) Each school district treasurer, not less than five
23 hundred dollars or more than double the amount of money that may
24 come into his or her hands, the amount to be fixed by the president
25 and secretary of the district;

26 (20) Each road overseer, two hundred fifty dollars;

27 (21) Each member of a county weed district board and the
28 manager thereof, such amount as may be determined by the county

1 board of commissioners or supervisors of each county with the same
2 amount to apply to each member of any particular board; and

3 (22) In any county, in lieu of the individual bonds
4 required to be furnished by county officers, a schedule, position,
5 or blanket bond or undertaking may be given by county officers, or
6 a single corporate surety fidelity, schedule, position, or blanket
7 bond or undertaking covering all the officers, including officers
8 required by law to furnish an individual bond or undertaking, may
9 be furnished. The county may pay the premium for the bond. The
10 bond shall be, at a minimum, an aggregate of the amounts fixed by
11 law or by the person or board authorized by law to fix the amounts,
12 and with such terms and conditions as may be required by sections
13 11-101 to 11-130.

14 All other state officers, department heads, and employees
15 shall be bonded under the blanket surety bond required by section
16 11-201.

17 Sec. 2. Section 11-125, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 11-125. If any county treasurer, county attorney, clerk
20 of the district court, county clerk, county judge, clerk
21 magistrate, county assessor, register of deeds, county sheriff,
22 county ~~superintendent of public instruction~~ school administrator,
23 county commissioner or supervisor, or acting officer who is
24 appointed as provided by section 32-561 furnishes a bond executed
25 by a surety company authorized by the laws of this state to execute
26 such bond and such bond is approved by the county board, then the
27 county may pay the premium for such bond. Any surety bond so
28 executed and approved shall contain a covenant to the effect that

1 when the stated term of the bond is reduced to a shorter term by
2 reason of the death, resignation, or removal from office of such
3 official for a cause not imposing liability on the bond, the
4 obligor shall refund to the county the unearned portion of the
5 premium so paid for the term of the bond subject to a reasonable
6 minimum premium charge.

7 Sec. 3. Section 11-126, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 11-126. Whenever any deputy or employee of any county
10 treasurer, county attorney, clerk of the district court, county
11 clerk, county assessor, register of deeds, county sheriff, ~~county~~
12 ~~superintendent of public instruction,~~ or county commissioner or
13 supervisor shall be required by law or the order of the county
14 board of any county to supply bond, either (1) such deputy or
15 employee shall furnish a bond by a surety company, which bond shall
16 be approved by the county board, and the county may pay the premium
17 for such bond; or (2) the county board may arrange and pay for the
18 writing of a blanket corporate surety bond for the benefit of the
19 county, bonding (a) all such employees of the county or (b) all
20 such deputy county officials or (c) both subdivisions (a) and (b)
21 of this subdivision.

22 Sec. 4. Section 23-120, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 23-120. (1) The county board shall acquire, purchase,
25 construct, renovate, remodel, furnish, equip, add to, improve, or
26 provide a suitable courthouse, jail, and other county buildings and
27 a site or sites therefor and for such purposes borrow money and
28 issue the bonds of the county to pay for the same. Agreements

1 entered into under section 25-412.03 shall be deemed to be in
2 compliance with this section. The board shall keep such buildings
3 in repair and provide suitable rooms and offices for the
4 accommodation of the several courts of record, Nebraska Workers'
5 Compensation Court or any judge thereof, Commissioner of Labor for
6 the conduct and operation of the state free employment service,
7 county board, county clerk, county treasurer, county sheriff, clerk
8 of the district court, ~~county superintendent~~, county surveyor,
9 county agricultural agent, and county attorney if the county
10 attorney holds his or her office at the county seat and shall
11 provide suitable furniture and equipment therefor. All such courts
12 which desire such accommodation shall be suitably housed in the
13 courthouse.

14 (2) No levy exceeding (a) two million dollars in counties
15 having in excess of two hundred fifty thousand inhabitants, (b) one
16 million dollars in counties having in excess of one hundred
17 thousand inhabitants and not in excess of two hundred fifty
18 thousand inhabitants, (c) three hundred thousand dollars in
19 counties having in excess of thirty thousand inhabitants and not in
20 excess of one hundred thousand inhabitants, or (d) one hundred
21 fifty thousand dollars in all other counties shall be made within a
22 one-year period for any of the purposes specified in subsection (1)
23 of this section without first submitting the proposition to a vote
24 of the people of the county at a general election or a special
25 election ordered by the board for that purpose and obtaining the
26 approval of a majority of the legal voters thereon.

27 (3)(a) The county board of any county in this state may,
28 when requested so to do by petition signed by at least a majority

1 of the legal voters in the county based on the average vote of the
2 two preceding general elections, make an annual levy of not to
3 exceed seventeen and five-tenths cents on each one hundred dollars
4 upon the taxable value of all the taxable property in the county
5 for any of the purposes specified in subsection (1) of this
6 section.

7 (b) If a county on the day it first initiates a project
8 for any of the purposes specified in subsection (1) of this section
9 had no bonded indebtedness payable from its general fund levy, the
10 county board may make an annual levy of not to exceed five and
11 two-tenths cents on each one hundred dollars upon the taxable value
12 of all the taxable property of the county for a project or projects
13 for any of the purposes specified in subsection (1) of this section
14 without the filing of a petition described in subdivision (3)(a) of
15 this section. The county board shall designate the particular
16 project for which such levy shall be expended, the period of years,
17 which shall not exceed ten, for which the tax will be levied for
18 such project, and the number of cents of the levy for each year
19 thereof. The county board may designate more than one project and
20 levy a tax pursuant to this section for each such project,
21 concurrently or consecutively, as the case may be, if the aggregate
22 levy in each year and the duration of each levy will not exceed the
23 limitations specified in this subsection. Each levy for a project
24 which is authorized by this subdivision may be imposed for such
25 duration specified by the county board notwithstanding the
26 contemporaneous existence or subsequent imposition of any other
27 levy or levies for another project or projects imposed pursuant to
28 this subdivision and notwithstanding the subsequent issuance by the

1 county of bonded indebtedness payable from its general fund levy.

2 Sec. 5. Section 23-121, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 23-121. The county board shall provide and keep in
5 repair, when the finances of the county will permit, suitable
6 fireproof safes for the county clerk and county treasurer. It
7 shall provide suitable books and stationery for the use of the
8 county board, county clerk, county treasurer, county judge,
9 sheriff, clerk of the district court, county ~~superintendent~~ school
10 administrator, county surveyor, and county attorney.

11 Sec. 6. Section 23-1114.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 23-1114.02. In counties of Class 1, the county clerk,
14 treasurer, ~~superintendent~~, ~~except a part-time superintendent~~,
15 sheriff, attorney, and appointive full-time veterans service
16 officer shall each receive a minimum annual salary of five thousand
17 five hundred dollars, ~~and a minimum annual salary of three thousand~~
18 ~~dollars for a part-time superintendent~~, ~~with part-time service~~
19 ~~defined as less than forty hours per week~~, to be paid periodically
20 as other county employees out of the general fund.

21 Sec. 7. Section 23-1114.03, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 23-1114.03. In counties of Class 2, the county clerk,
24 assessor, treasurer, ~~superintendent~~, ~~except a part-time~~
25 ~~superintendent~~, sheriff, attorney, and appointive full-time
26 veterans service officer, shall each receive a minimum annual
27 salary of six thousand dollars, and in counties entitled by law to
28 have a clerk of the district court, the clerk of the district court

1 shall receive a minimum annual salary of fifty-four hundred
2 dollars, to be paid periodically as other county employees out of
3 the general fund.

4 Sec. 8. Section 23-1114.04, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-1114.04. In counties of Class 3, the county clerk,
7 assessor, treasurer, ~~superintendent~~, ~~except a part-time~~
8 ~~superintendent~~, sheriff, attorney, appointive full-time veterans
9 service officer, and the clerk of the district court shall each
10 receive a minimum annual salary of six thousand five hundred
11 dollars, to be paid periodically as other county employees out of
12 the general fund.

13 Sec. 9. Section 23-1114.05, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 23-1114.05. In counties of Class 4, the county clerk,
16 register of deeds, assessor, treasurer, ~~superintendent~~, ~~except a~~
17 ~~part-time superintendent~~, sheriff, attorney, appointive full-time
18 veterans service officer, and the clerk of the district court shall
19 each receive a minimum annual salary of seventy-five hundred
20 dollars, to be paid periodically as other county employees out of
21 the general fund.

22 Sec. 10. Section 23-1114.06, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 23-1114.06. In counties of Class 5, the county clerk,
25 register of deeds, assessor, treasurer, ~~superintendent~~, ~~except a~~
26 ~~part-time superintendent~~, sheriff, attorney, appointive full-time
27 veterans service officer, and the clerk of the district court shall
28 each receive a minimum annual salary of eight thousand dollars, to

1 be paid periodically as other county employees out of the general
2 fund.

3 Sec. 11. Section 23-2518, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-2518. ~~As used in~~ For purposes of sections 23-2517 to
6 23-2533, unless the context otherwise requires:

7 (1) Appointing authority shall mean elected officials and
8 appointed department directors authorized to make appointments in
9 the county service;

10 (2) Board of county commissioners shall mean the board of
11 commissioners of any county with a population of one hundred fifty
12 thousand to three hundred thousand inhabitants;

13 (3) Classified service shall mean the positions in the
14 county service to which sections 23-2517 to 23-2533 apply;

15 (4) County personnel officer shall mean the employee
16 designated by the board of county commissioners to administer
17 sections 23-2517 to 23-2533;

18 (5) Department shall mean a major functional unit of the
19 county government headed by an elected official or established by
20 the board of county commissioners;

21 (6) Deputy shall mean an individual who serves as the
22 first assistant to and at the pleasure of an elected official; and

23 (7) Elected official shall mean an officer elected by the
24 popular vote of the people and known as the ~~superintendent of~~
25 ~~schools,~~ county attorney, public defender, county sheriff, county
26 treasurer, clerk of the district court, register of deeds, county
27 clerk, county assessor, and ~~the~~ county surveyor.

28 Sec. 12. Section 23-3302, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-3302. (1) Until June 30, 2000, the county board of
3 any county may elect to discontinue the office of county
4 superintendent upon expiration of the term of an incumbent. Such
5 decision shall be made not later than twelve months prior to the
6 expiration of such term and only after the county board has
7 discussed such discontinuance at a public hearing for which proper
8 notice has been duly given. If the county board elects to
9 discontinue the office, it may contract with the educational
10 service unit of which it is a part, with a Class II, III, IV, V, or
11 VI school district, or with an individual who meets the
12 qualifications described in section 23-3301 for performance of all
13 of the duties imposed by law upon the county superintendent.
14 Educational service units, Class II, III, IV, V, and VI school
15 districts, and qualified individuals may enter into such contracts
16 and perform such duties. Any contract entered into under this
17 subsection shall not exceed a period of one year. The annual cost
18 to the county of any such contract shall not exceed the proceeds of
19 a tax of three-tenths of one cent on each one hundred dollars on
20 the taxable valuation of all taxable property in the county or two
21 thousand five hundred dollars, whichever is greater.

22 (2) On and after June 30, 2000, the county board of any
23 county may contract with the educational service unit of which it
24 is a part, with a Class II, III, IV, V, or VI school district, or
25 with an individual who meets the qualifications described in
26 section 23-3301 for performance of all the duties imposed by law
27 upon the county superintendent. Educational service units, Class
28 II, III, IV, V, and VI school districts, and qualified individuals

1 may enter into such contracts and perform such duties an individual
2 who holds a Nebraska Administrative and Supervisory Certificate to
3 be a county school administrator for Class I school districts in
4 the county and to perform other designated county educational
5 activities. Any contract entered into under this subsection shall
6 not exceed a period of one year. The county school administrator,
7 with the approval of the county board, shall have the authority to
8 employ such other persons as may be necessary to assist the county
9 school administrator in the performance of his or her duties. ~~The~~
10 ~~annual cost to the county of any such contract shall not exceed the~~
11 ~~proceeds of a tax of three-tenths of one cent on each one hundred~~
12 ~~dollars on the taxable valuation of all taxable property in the~~
13 ~~county or two thousand five hundred dollars, whichever is greater.~~

14 Sec. 13. Section 23-3311, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 23-3311. When it is necessary for the county
17 ~~superintendent or a deputy school administrator~~ to travel on
18 business of the county, he or she shall be allowed mileage at the
19 rate allowed by the provisions of section 81-1176 for each mile
20 actually and necessarily traveled by the most direct route if the
21 trip or trips are made by automobile, but if travel by rail or bus
22 is economical and practical, he or she shall be allowed only the
23 actual cost of rail or bus transportation upon the presentation of
24 the bill for the same accompanied by a proper voucher to the county
25 board of his or her county in like manner as is provided for as to
26 all other claims against the county.

27 Sec. 14. Section 23-3312, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 23-3312. The ~~elected~~ office of county superintendent of
2 schools shall be eliminated ~~by~~ on June 30, 2000. The records of
3 the office of county superintendent of schools shall be transferred
4 to and maintained by the county clerk in each county. The State
5 Department of Education shall make recommendations on which of the
6 duties assigned to county superintendents should be eliminated,
7 which of such duties should be retained, and to whom the retained
8 duties should be assigned. The department shall report its
9 recommendations to the clerk of the Legislature not later than
10 December 1, 1997.

11 Sec. 15. Section 32-570, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-570. (1) A vacancy in the membership of a school
14 board shall occur as set forth in section 32-560 or when a member
15 is absent from the district for a continuous period of sixty days
16 at one time or from more than two consecutive regular meetings of
17 the board unless excused by a majority of the remaining members of
18 the board.

19 (2) A person appointed to fill a vacancy on the school
20 board of a Class I school district by the remaining members of the
21 board shall hold office until the beginning of the next school
22 year. A board member of a Class I school district elected to fill
23 a vacancy at a regular or special school district meeting shall
24 serve for the remainder of the unexpired term or until a successor
25 is elected and qualified.

26 (3) Except as provided in subsection (4) of this section,
27 a vacancy in the membership of a school board of a Class II, III,
28 IV, V, or VI school district resulting from any cause other than

1 the expiration of a term shall be temporarily filled by appointment
2 of a qualified registered voter by the remaining members of the
3 board. A registered voter shall be nominated at the next primary
4 election and elected at the following general election for the
5 remainder of the unexpired term. A registered voter appointed or
6 elected pursuant to this subsection shall meet the same
7 requirements as the member whose office is vacant.

8 (4) Any vacancy in the membership of a school board of a
9 school district which does not nominate candidates at a primary
10 election and elect members at the following general election shall
11 be temporarily filled by appointment of a qualified registered
12 voter by the remaining members of the board. A registered voter
13 shall be nominated and elected to fill the vacancy for the
14 remainder of the term in the manner provided for nomination and
15 election of board members in the district.

16 (5) If any school board fails to fill a vacancy on the
17 board, the vacancy may be filled by election at a special election
18 or school district meeting called for that purpose. Such election
19 or meeting shall be called in the same manner and subject to the
20 same procedures as other special elections or school district
21 meetings.

22 (6) If there are vacancies in the offices of a majority
23 of the members of a school board, the Secretary of State shall
24 conduct a special school district election to fill such vacancies.

25 ~~(7) When a school district is divided and no more than~~
26 ~~one board member is left in the old district, the county~~
27 ~~superintendent shall appoint qualified registered voters to hold~~
28 ~~the vacant offices until the second Monday in July after the next~~

1 ~~annual election or meeting and until their successors are elected~~
2 ~~and qualified.~~

3 Sec. 16. Section 32-608, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-608. (1) Except as provided in subsection (4) or (5)
6 of this section, a filing fee shall be paid by or on behalf of each
7 candidate prior to filing for office. The filing fee shall be paid
8 to the county treasurer or, in the case of a city or village
9 office, the city or village treasurer of the county, city, or
10 village in which the candidate resides or, if the candidate does
11 not reside at the time of filing in the county in which such
12 candidate is seeking office, in the county where the office is
13 sought. The fee shall be placed in the general fund of the county,
14 city, or village. No candidate filing forms shall be filed until
15 the proper treasurer's receipt showing the payment of such filing
16 fee is presented to the filing officer. On the day of the filing
17 deadline, the county, city, or village treasurer's office shall
18 remain open to receive filing fees until the hour of the filing
19 deadline.

20 (2) Notwithstanding the provisions of subsection (4) of
21 this section, the filing fees shall be as follows:

22 (a) For the office of United States Senator, state
23 officers, including members of the Legislature, Representatives in
24 Congress, county officers, ~~including county superintendents of~~
25 ~~schools,~~ and city or village officers, except the mayor or council
26 members of cities having a home rule charter, a sum equal to one
27 percent of the annual salary such candidate will receive if he or
28 she is elected and qualifies for the office for which he or she

1 files as a candidate;

2 (b) For directors of public power and irrigation
3 districts in districts receiving annual gross revenue of forty
4 million dollars or more, twenty-five dollars, and in districts
5 receiving annual gross revenue of less than forty million dollars,
6 ten dollars;

7 (c) For directors of reclamation districts, ten dollars;
8 and

9 (d) For Regents of the University of Nebraska, members of
10 the State Board of Education, and directors of metropolitan
11 utilities districts, twenty-five dollars.

12 (3) All declared write-in candidates shall pay the filing
13 fees that are required for the office at the time that they present
14 the write-in affidavit to the filing officer. Any undeclared
15 write-in candidate who is nominated or elected by write-in votes
16 shall pay the filing fee required for the office within ten days
17 after the canvass of votes by the county canvassing board and shall
18 file the receipt with the person issuing the certificate of
19 nomination or the certificate of election prior to the certificate
20 being issued.

21 (4) No filing fee shall be required for any candidate
22 filing for an office in which a per diem is paid rather than a
23 salary or for which there is a salary of less than five hundred
24 dollars per year. No filing fee shall be required for any
25 candidate for membership on a school board, on the board of an
26 educational service unit, on the board of governors of a community
27 college area, on the board of directors of a natural resources
28 district, or on the board of trustees of a sanitary and improvement

1 district.

2 (5) No filing fee shall be required of any candidate
3 completing an affidavit requesting to file for elective office in
4 forma pauperis. A pauper shall mean a person whose income and
5 other resources for maintenance are found under assistance
6 standards to be insufficient for meeting the cost of his or her
7 requirements and whose reserve of cash or other available resources
8 does not exceed the maximum available resources that an eligible
9 individual may own. Available resources shall include every type
10 of property or interest in property that an individual owns and may
11 convert into cash except:

12 (a) Real property used as a home;

13 (b) Household goods of a moderate value used in the home;
14 and

15 (c) Assets to a maximum value of three thousand dollars
16 used by a recipient in a planned effort directed towards
17 self-support.

18 (6) If any candidate dies prior to an election, the
19 spouse of the candidate may file a claim for refund of the filing
20 fee with the proper governing body prior to the date of the
21 election. Upon approval of the claim by the proper governing body,
22 the filing fee shall be refunded.

23 Sec. 17. Section 32-609, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-609. The candidate filing form filed pursuant to
26 sections 32-606 and 32-607 by each candidate for the State Board of
27 Education, ~~county superintendent of schools,~~ member of the
28 Legislature, Regent of the University of Nebraska, director of a

1 public power and irrigation district, reclamation district, or
2 natural resources district, every other nonpartisan office created
3 by law, member of a school board ~~of education~~ of a Class IV or V
4 school district, and candidate for elective office of a city of the
5 first or second class or a village shall not in any way refer to or
6 designate the political affiliation of the candidate except as
7 otherwise provided pursuant to section 32-557.

8 Sec. 18. Section 48-302, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-302. No child under sixteen years of age shall be
11 employed, or permitted or suffered to work, in any employment as
12 defined in section 48-301 within this state unless the person or
13 corporation employing the child procures and keeps on file,
14 accessible to the attendance officers and to the Department of
15 Labor and its assistants and employees, an employment certificate
16 as prescribed in section 48-304 and keeps two complete lists of all
17 such children employed in the building, one on file and one
18 conspicuously posted near the principal entrance of the building in
19 which such children are employed. Upon the termination of the
20 employment of a child so registered, ~~and~~ whose certificate is so
21 filed, such certificate shall be transmitted by the employer to the
22 ~~city or~~ county school administrator of the county in which the
23 child resides or the superintendent of schools of the ~~county~~ school
24 district in which the child resides and shall be turned over to the
25 child named upon demand. Any attendance officer or the Department
26 of Labor or its assistants and employees may ~~make demand on~~ demand
27 that any employer in whose place of business a child apparently
28 under the age of sixteen years is employed or permitted or suffered

1 to work, and whose employment certificate is not then filed as
2 required by this section, ~~that such employer shall~~ either furnish,
3 within ten days, satisfactory evidence that such child is in fact
4 over sixteen years of age or ~~shall~~ cease to employ or permit or
5 suffer such child to work in such place of business. The same
6 evidence of the age of such child may be required from such
7 employer as is required on the issuance of an employment
8 certificate as provided in section 48-304, and the employer
9 furnishing such evidence shall not be required to furnish any
10 further evidence of the age of the child. In case such employer
11 fails to produce and deliver to the attendance officer or the
12 Commissioner of Labor within ten days after demand ~~for the same,~~
13 such evidence of the age of any child as may be required under the
14 provisions of section 48-304 and continues to employ such child or
15 permit or suffer such child to work in such place of business,
16 proof of the giving of such notice and of such failure to produce
17 and file such evidence shall be prima facie evidence in any
18 prosecution brought for a violation of this section that such child
19 is under sixteen years of age and is unlawfully employed.

20 Sec. 19. Section 68-621, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 68-621. (1) A referendum group, as referred to in
23 sections 68-621 to 68-630, shall consist of the employees of the
24 state, a single political subdivision of this state, or any
25 instrumentality jointly created by this state and any other state
26 or states, the employees of which are or may be members of a
27 retirement system covering such employees, except that: (a) The
28 employees of the University of Nebraska shall constitute a

1 referendum group; (b) the employees of a Class V school district
2 shall constitute a referendum group; (c) all employees of the State
3 of Nebraska who are or may be members of the School Retirement
4 System of the State of Nebraska, including employees of
5 institutions operated by the Board of Trustees of the Nebraska
6 State Colleges, employees of institutions operated by the
7 Department of Correctional Services and the Department of Health
8 and Human Services, and employees subordinate to the State Board of
9 Education, shall constitute a referendum group; and (d) all
10 employees of school districts of the State of Nebraska, ~~and~~ county
11 superintendents, and county school administrators, who are or may
12 be members of the School Retirement System of the State of
13 Nebraska, shall constitute a single referendum group.

14 (2) The managing authority of a political subdivision or
15 educational institution shall be the board, committee, or council
16 having general authority over a political subdivision, university,
17 college, or school district whose employees constitute or are
18 included in a referendum group; the managing authority of the state
19 shall be the Governor; and insofar as sections 68-601 to 68-618 and
20 68-621 to 68-630 may be applicable to county superintendents, ~~the~~
21 ~~term~~ managing authority shall mean the board of county
22 commissioners or county supervisors of the county in which the
23 county superintendent was elected.

24 (3) Eligible employees as referred to in sections 68-621
25 to 68-630 shall mean those employees of the state or any political
26 subdivision thereof who at or during the time of voting in a
27 referendum as herein provided are in positions covered by a
28 retirement system, are members of such retirement system, and were

1 in such positions at the time of giving of the notice of such
2 referendum, as herein required, except that no such employee shall
3 be considered an eligible employee if at the time of such voting
4 such employee is in a position to which the state agreement applies
5 or if such employee is in service in a police officer or
6 firefighter position.

7 (4) State agreement as referred to in sections 68-621 to
8 68-630 shall mean the agreement between the State of Nebraska and
9 the designated officer of the United States of America entered into
10 pursuant to section 68-603.

11 Sec. 20. Section 71-208, Revised Statutes Supplement,
12 1998, is amended to read:

13 71-208. No school or college of barbering shall be
14 approved by the board unless (1) as a prerequisite to graduation it
15 requires graduation from high school or its equivalent as
16 determined by ~~an examination conducted by the county superintendent~~
17 ~~of schools or~~ successfully passing a general educational
18 development test, (2) as a prerequisite to graduation it requires a
19 course of instruction of not less than two thousand one hundred
20 hours, to be completed in a period of not less than one year, of
21 not more than ten hours in any one working day, and (3) the school
22 meets the standards of the Barber Act and any rules and regulations
23 of the board. Such course of instruction shall include scientific
24 fundamentals for barbering, hygiene, massaging, sterilization,
25 haircutting, and shaving, except that when a school or college of
26 barbering is a part of a high school accredited by the State Board
27 of Education or the University of Nebraska, the Board of Barber
28 Examiners shall provide in its rules and regulations that credit in

1 the school of barbering shall be given for hours spent and courses
2 pursued in the high school and that credit shall be given for
3 courses in barbering taken in high school prior to formal
4 enrollment in such school of barbering.

5 Sec. 21. Section 71-212, Revised Statutes Supplement,
6 1998, is amended to read:

7 71-212. A person who (1) is of good moral character and
8 temperate habits, (2) has a diploma showing graduation from high
9 school or its equivalent as determined by ~~an examination conducted~~
10 ~~by the county superintendent of schools or~~ successfully passing a
11 general educational development test, ~~either of which shall be~~
12 ~~optional with the applicant,~~ and (3) has a license and certificate
13 of registration as a practicing barber from another state or
14 country which has substantially the same requirements for licensing
15 or registering barbers as required by the Barber Act, shall upon
16 payment of the required fee be given an examination by the board at
17 the next regular examination to determine his or her fitness to
18 receive a certificate of registration to practice barbering. If
19 any person fails to pass a required examination, he or she shall be
20 entitled to submit himself or herself for examination by the board
21 at the next examination given by the board. If he or she fails at
22 the third examination, no further examination shall be granted. If
23 an applicant fails to appear when requested for an examination, he
24 or she shall be notified by the board as to the time of the next
25 regular examination, at which he or she shall appear.

26 Sec. 22. Section 71-501, Revised Statutes Supplement,
27 1998, is amended to read:

28 71-501. The county boards of the ~~several~~ counties shall

1 make and enforce regulations to prevent the introduction and spread
 2 of contagious, infectious, and malignant diseases in their
 3 respective counties. To that end a board of health shall be
 4 created, consisting of three members: The sheriff, who shall be
 5 chairperson and quarantine officer; a physician who resides
 6 permanently in the county, but if the county has no resident
 7 physician, then one conveniently situated, who shall be medical
 8 adviser, and who shall be chosen by the board of county
 9 commissioners or supervisors; and the county clerk, ~~or~~
 10 ~~superintendent,~~ to be appointed by the county board of
 11 ~~commissioners or supervisors~~ who shall be secretary. The county
 12 board may pay the chairperson of the board of health a salary for
 13 such services not to exceed fifty dollars per month, as fixed by
 14 the county board. The board shall make rules and regulations to
 15 safeguard the health of the people, and prevent nuisances and
 16 insanitary conditions, and shall enforce the same throughout all
 17 the territory comprising such county, except incorporated cities
 18 and villages, and provide penalties for the violation thereof.
 19 ~~Should~~ If the board of health ~~fail~~ fails to enact rules and
 20 regulations as herein provided, it shall enforce the rules and
 21 regulations promulgated by the Department of Health and Human
 22 Services Regulation and Licensure.

23 Sec. 23. Section 79-203, Revised Statutes Supplement,
 24 1998, is amended to read:

25 79-203. In case the services or earnings of a child are
 26 necessary for his or her own support or the support of those
 27 actually dependent upon him or her and the child is fourteen years
 28 of age or more and not more than sixteen years of age and has

1 completed the work of the eighth grade, the person having legal or
 2 actual charge of such child may apply to the superintendent of the
 3 school district in which the child resides or a person designated
 4 in writing by the superintendent. ~~or to the county superintendent~~
 5 ~~of schools of the county in which the child resides.~~ The
 6 superintendent or designee may, in his or her discretion, issue a
 7 permit allowing such child to be employed. If the child resides in
 8 a Class I school district, the application may be made to the
 9 superintendent of the primary high school district as determined
 10 pursuant to section 79-1083.02.

11 Sec. 24. Section 79-205, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 79-205. Each teacher in the public, private,
 14 denominational, and parochial schools of this state shall keep a
 15 record showing (1) the name, age, and address of each child
 16 enrolled, (2) the number and county of the school district in which
 17 the school is located, (3) the number of days each pupil was
 18 present and the number of days absent, and (4) the cause of
 19 absence. On the third day on which the public, private,
 20 denominational, and parochial schools are in session at the
 21 beginning of each school year, each teacher in a Class I district
 22 shall send to the ~~county superintendent~~ administrator of the school
 23 a list of the pupils enrolled in his or her school with the age,
 24 grade, and address of each. ~~and in all other districts such report~~
 25 ~~shall be made to the superintendent of such district.~~

26 Sec. 25. Section 79-206, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

28 79-206. Each ~~county superintendent~~ ~~or~~ superintendent of

1 ~~schools or administrator~~ of a school district, upon the receipt of
 2 the list specified in section 79-205, shall (1) compare the names
 3 of the children enrolled with the last census report on file in his
 4 or her office from such district, (2) prepare a list of all
 5 children resident in such district under his or her jurisdiction
 6 who are not attending school as provided in section 79-201, and (3)
 7 transmit the list to the officer or officers in such district whose
 8 duty it is to enforce the provisions of such section.

9 Sec. 26. Section 79-208, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 79-208. ~~Boards of education in Class III, Class IV, and~~
 12 ~~Class V school districts~~ School boards shall appoint one or more
 13 attendance officers who shall be vested with police powers and
 14 shall enforce the provisions of section 79-201 in the districts for
 15 which they act. ~~In each county of the state the county~~
 16 ~~superintendent of schools shall act as attendance officer or shall~~
 17 ~~appoint one or more attendance officers, with the approval of the~~
 18 ~~county board, who shall be vested with police powers and shall~~
 19 ~~enforce the provisions of such section in Class I, Class II, and~~
 20 ~~Class VI school districts.~~ Attendance officers for Class III,
 21 Class IV, and Class V school districts shall be compensated for
 22 their services in such sums as are determined by the ~~board of~~
 23 education school board, to be paid out of the general school fund
 24 of the district. ~~County attendance officers shall be compensated~~
 25 ~~for their services in such sums as are determined by the county~~
 26 ~~board upon recommendation of the county superintendent of schools,~~
 27 ~~to be paid out of the general fund of the county.~~

28 Sec. 27. Section 79-209, Revised Statutes Supplement,

1 1998, is amended to read:

2 79-209. In all school districts in this state, any
3 superintendent, principal, teacher, or member of the school board
4 who knows of any violation of section 79-201 on the part of any
5 child of school age, his or her parent, the person in actual or
6 legal control of such child, or any other person shall within three
7 days report such violation to the ~~superintendent of schools in~~
8 ~~districts having an attendance officer and to the county~~
9 ~~superintendent of schools in other districts. Such superintendent~~
10 ~~shall immediately cause an investigation of the case to be made by~~
11 ~~the attendance officers~~ attendance officer of the school, who shall
12 investigate the case. When of his or her personal knowledge, by
13 report or complaint from any resident of the district, or by report
14 or complaint as provided in this section, the attendance officer
15 believes that any child is unlawfully absent from school, the
16 attendance officer shall immediately investigate.

17 All school districts shall have a written policy on
18 excessive absenteeism. The policy shall state the number of
19 absences or the hourly equivalent upon the occurrence of which the
20 school shall render all services in its power to compel such child
21 to attend some public, private, denominational, or parochial
22 school, which the person having control of the child shall
23 designate, in an attempt to remediate the child's truant behavior.
24 The number of absences in the policy shall not exceed five days per
25 quarter or the hourly equivalent. School districts may use excused
26 and unexcused absences for purposes of the policy. Such services
27 shall include, but need not be limited to:

28 (1) One or more meetings between a school attendance

1 officer, school social worker or other person designated by the
2 school administration if such school does not have a school social
3 worker, the child's parent or guardian, and the child, if
4 necessary, to report and to attempt to solve the truancy problem,
5 unless the officer or worker has documented the refusal of the
6 parent or guardian to participate in such meetings;

7 (2) Educational counseling to determine whether
8 curriculum changes, including, but not limited to, enrolling the
9 child in an alternative education program that meets the specific
10 educational and behavioral needs of the child, would help solve the
11 truancy problem;

12 (3) Educational evaluation, which may include a
13 psychological evaluation, to assist in determining the specific
14 condition, if any, contributing to the truancy problem,
15 supplemented by specific efforts by the school to help remedy any
16 condition diagnosed; and

17 (4) Investigation of the truancy problem by the school
18 social worker, or if such school does not have a school social
19 worker, by another person designated by the administration, to
20 identify conditions which may be contributing to the truancy
21 problem. If services for the child and his or her family are
22 determined to be needed, the school social worker or other person
23 performing the investigation shall meet with the parent or guardian
24 and the child to discuss any referral to appropriate community
25 agencies for economic services, family or individual counseling, or
26 other services required to remedy the conditions that are
27 contributing to the truancy problem.

28 If the child continues to be or becomes habitually

1 truant, the attendance officer shall serve a written notice to the
2 person violating section 79-201, warning him or her to comply with
3 its provisions. If within one week after the time such notice is
4 given such person is still violating the section, the attendance
5 officer shall file a report with the county attorney of the county
6 in which such person resides. All school districts shall have a
7 written policy describing notification of habitual truancy to the
8 county attorney. The number of absences in the policy shall not
9 exceed twenty days cumulative per year or the hourly equivalent.
10 School districts may use excused and unexcused absences for
11 purposes of the policy. The county attorney may file a complaint
12 against such person before the judge of the county court of the
13 county in which such person resides charging such person with
14 violation of section 79-201. If after such notice has been sent to
15 any person violating such section such person again violates the
16 same section, no written notice shall be required but a complaint
17 may be filed at once.

18 Sec. 28. Section 79-401, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-401. The Legislature finds and declares that orderly
21 and appropriate reorganization of school districts may contribute
22 to the objectives of tax equity, educational effectiveness, and
23 cost efficiency. The Legislature further finds that there is a
24 need for greater flexibility in school reorganization options and
25 procedures. It is the intent of the Legislature to encourage an
26 orderly and appropriate reorganization of school districts. The
27 Legislature establishes as its goals for the reorganization of
28 school districts that:

1 (1) All real property and all elementary and secondary
2 students should be within school systems which offer education in
3 grades kindergarten through twelve. For purposes of meeting this
4 goal, Class I and Class VI school district combinations shall be
5 considered as including all real property and all elementary and
6 secondary students within a school district which offers education
7 in kindergarten through grade twelve;

8 (2) School districts offering education in kindergarten
9 through grade twelve should be encouraged, when possible, to
10 consider cooperative programs in order to enhance educational
11 opportunities to students; and

12 (3) ~~County reorganization committees should make a~~
13 ~~renewed effort to consider and plan for reorganization of schools~~
14 ~~at the local level; and~~

15 (4) The State Department of Education in conjunction with
16 the Bureau of Educational Research and Field Studies in the
17 Department of Education Administration at the University of
18 Nebraska-Lincoln should be encouraged to offer greater technical
19 assistance to school districts which are considering reorganization
20 options.

21 Sec. 29. Section 79-413, Revised Statutes Supplement,
22 1998, is amended to read:

23 79-413. (1) The ~~county superintendent~~ State Committee
24 for the Reorganization of School Districts created under section
25 79-435 shall create a new school district from other districts,
26 change the boundaries of any district, or affiliate a Class I
27 district or portion thereof with one or more existing Class II,
28 III, IV, or V districts upon receipt of petitions signed by sixty

1 percent of the legal voters of each district affected. If ~~(a) the~~
2 ~~proposed change has been disapproved by both the State Committee~~
3 ~~for the Reorganization of School Districts created under section~~
4 ~~79-435 and the county committee for the reorganization of school~~
5 ~~districts created under section 79-437 or (b) in the case of~~
6 ~~affiliation, the petition has been disapproved by the county~~
7 ~~committee pursuant to sections 79-425 and 79-426, the county~~
8 ~~superintendent shall make the proposed change upon receipt of~~
9 ~~petitions containing~~ the petitions contain signatures of at least
10 sixty-five percent of the legal voters of each district affected,
11 the state committee shall approve the petitions. When area is
12 added to a Class VI district or when a Class I district which is
13 entirely or partially within a Class VI district is taken from the
14 Class VI district, the Class VI district shall be deemed to be an
15 affected district.

16 Any petition of the legal voters of a Class I district in
17 which no city or village is situated which is commenced after
18 January 1, 1996, and proposes the dissolution of the Class I
19 district and the attachment of a portion of it to two or more
20 districts shall require signatures of more than fifty percent of
21 the legal voters of such Class I district. ~~If any petition is~~
22 ~~denied on or after March 15, 1996, due to the fact that it was~~
23 ~~signed by fewer than sixty percent of the legal voters of such~~
24 ~~Class I district, the county superintendent of schools of the~~
25 ~~county in which the Class I district is situated shall reconsider~~
26 ~~such petition on or before May 15, 1996. If the county~~
27 ~~superintendent~~ If the state committee determines that such petition
28 contains valid signatures of more than fifty percent of the legal

1 voters of such Class I district, the ~~county superintendent~~ state
2 committee shall grant the petition.

3 (2)(a) Petitions proposing to change the boundaries of
4 existing school districts through the transfer of a parcel of land,
5 not to exceed six hundred forty acres, ~~may be acted upon and so~~
6 ~~transferred by order of the county superintendent~~ shall be approved
7 by the state committee when the petitions involve the transfer of
8 land between Class I, II, III, IV, or V school districts or when
9 there would be an exchange of parcels of land between Class I, II,
10 III, IV, or V school districts ~~if~~ and the petitions have the
11 approval of at least sixty-five percent of each school board. ~~or~~
12 ~~board of education.~~

13 (b) The ~~county superintendent~~ shall not change state
14 committee shall not approve a change of boundaries pursuant to this
15 section relating to affiliation of school districts if twenty
16 percent or more of any tract of land under common ownership which
17 is proposing to affiliate is not contiguous to the high school
18 district with which affiliation is proposed unless (i) one or more
19 resident students of the tract of land under common ownership has
20 attended the high school program of the high school district within
21 the immediately preceding ten-year period or (ii) approval of the
22 petition or plan would allow siblings of such resident students to
23 attend the same school as the resident students attended.

24 (3)(a) Petitions proposing to create a new school
25 district, to change the boundary lines of existing school
26 districts, to create an affiliated school system, or to affiliate a
27 Class I district in part and to join such district in part with a
28 Class VI district, any of which involves the transfer of more than

1 six hundred forty acres, shall, when signed by at least sixty
 2 percent of the legal voters in each district affected, be submitted
 3 to the ~~county~~ state committee. In the case of a petition for
 4 affiliation or a petition to affiliate in part and in part to join
 5 a Class VI district, the ~~county~~ state committee shall review the
 6 proposed affiliation subject to sections 79-425 and 79-426. The
 7 ~~county~~ state committee shall, within forty days after receipt of
 8 the petition, hold one or more public hearings and review and
 9 approve or disapprove such proposal. ~~and submit it to the state~~
 10 ~~committee, except that an affiliation petition or a petition to~~
 11 ~~affiliate in part and in part to join a Class VI district shall not~~
 12 ~~be submitted to the state committee and the county committee's~~
 13 ~~approval or disapproval shall be final. When the districts~~
 14 ~~affected are in two or more counties, only the special committee~~
 15 ~~created under section 79-441 need hold such public hearings and~~
 16 ~~review and approve or disapprove the proposal.~~

17 (b) The state committee shall, within forty days after
 18 receipt of the petition from the county committee under subdivision
 19 (a) of this subsection, review and approve or disapprove the
 20 proposal and certify its approval or disapproval to the county
 21 superintendent.

22 (b) The state committee shall also review and ~~issue a~~
 23 ~~preliminary approval or disapproval of~~ approve or disapprove
 24 incentive payments under section 79-1010. ~~prior to returning the~~
 25 ~~proposal to the county superintendent.~~

26 (c) The county superintendent shall hold the petitions
 27 for ten days following the receipt of the returned proposal from
 28 the state committee ~~or, if~~ If there is a bond election to be held

1 in conjunction with the petition, the state committee shall hold
 2 the petition until the bond election has been held, during which
 3 time names may be added to or withdrawn from the petitions. The
 4 results of the bond election shall be certified to the ~~county~~
 5 ~~superintendent state committee~~.

6 (d) If the bond election held in conjunction with the
 7 petition is unsuccessful, no further action on the petition is
 8 required.

9 (d) ~~The county superintendent shall, within fifteen days~~
 10 ~~after the end of the holding period under subdivision (c) of this~~
 11 ~~subsection or, if~~ If the bond election is successful, within
 12 fifteen days after receipt of the certification of the bond
 13 election results, ~~whichever occurs last,~~ advertise and hold a
 14 hearing to determine the validity and sufficiency of the petitions.
 15 ~~Upon determination, as a result of the hearing, that sufficient~~
 16 ~~valid signatures are contained in the respective petitions, the~~
 17 ~~county superintendent shall~~ the state committee shall approve the
 18 petition and notify the county clerk to effect the changes in
 19 district boundary lines as set forth in the petitions. ~~on or~~
 20 ~~before the end of such fifteen-day period unless otherwise~~
 21 ~~specified in the petition.~~

22 (4) Any person adversely affected by the changes made by
 23 the ~~county superintendent~~ state committee may appeal to the
 24 district court of any county in which the real estate or any part
 25 thereof involved in the dispute is located. If the real estate is
 26 located in more than one county, the court in which an appeal is
 27 first perfected shall obtain jurisdiction to the exclusion of any
 28 subsequent appeal.

1 (5) A signing petitioner may withdraw his or her name
2 from a petition and a legal voter may add his or her name to a
3 petition at any time prior to the end of the period when the
4 petition is held by the ~~county superintendent~~ state committee.
5 Additions and withdrawals of signatures shall be by notarized
6 affidavit filed with the ~~county superintendent~~ state committee.

7 Sec. 30. Section 79-414, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-414. A list or lists of all the legal voters in each
10 district or territory affected, made under the oath of a resident
11 of each district or territory, shall be given to the ~~county~~
12 ~~superintendent~~ State Committee for the Reorganization of School
13 Districts when the petition is ~~presented to him or her~~ filed under
14 section 79-413.

15 Sec. 31. Section 79-418, Revised Statutes Supplement,
16 1998, is amended to read:

17 79-418. Petitions presented pursuant to sections 79-415
18 to 79-417 shall be subject to the same requirements for content,
19 hearings, notice, review, and appeal as petitions submitted
20 pursuant to section 79-413, except that a petition presented
21 pursuant to section 79-415 shall not become effective unless it is
22 approved by a vote of a majority of the members of the State
23 Committee for the Reorganization of School Districts. ~~If such~~
24 ~~petition is not approved, the final hearing by the county~~
25 ~~superintendent shall not be held.~~ Any person adversely affected by
26 the disapproval shall have the right of appeal under section
27 79-413.

28 Sec. 32. Section 79-419, Revised Statutes Supplement,

1 1998, is amended to read:

2 79-419. (1) When a new district is to be created from
3 other districts as provided in section 79-413, the petition shall
4 contain:

5 (a) A description of the proposed boundaries of the
6 reorganized districts;

7 (b) A summary of the terms on which reorganization is to
8 be made between the reorganized districts, which terms may include
9 a provision for initial school board districts or wards within the
10 proposed district for the appointment of the first school board ~~ex~~
11 ~~board of education~~ and also for the first election as provided in
12 section 79-451, which proposed initial school board districts or
13 wards shall be determined by the ~~county committee for the~~
14 ~~reorganization of school districts~~ State Committee for the
15 Reorganization of School Districts taking into consideration
16 population and valuation, and a determination of the terms of the
17 board members first appointed to membership of the board of the
18 newly reorganized district;

19 (c) A map showing the boundaries of established school
20 districts and the boundaries proposed under any plan or plans of
21 reorganization;

22 (d) A separate statement as to whether the reorganization
23 is contingent upon the success of a bond election held in
24 conjunction with the reorganization;

25 (e) An affidavit from the county clerk or election
26 commissioner regarding the validity of the signatures on a
27 petition; and

28 ~~(e)~~ (f) Such other matters as the petitioners determine

1 proper to be included. Any petition for the creation of a new
2 Class VI district shall designate whether such district shall
3 include high school grades only or grades seven through twelve.

4 (2) A petition under subsection (1) of this section may
5 contain provisions for the holding of school within existing
6 buildings in the newly reorganized district and that a school
7 constituted under this section shall be maintained from the date of
8 reorganization unless the legal voters served by the school vote by
9 a majority vote for discontinuance of the school.

10 Sec. 33. Section 79-420, Revised Statutes Supplement,
11 1998, is amended to read:

12 79-420. Within thirty days after the creation of a new
13 school district pursuant to sections 79-413 to 79-419, the ~~county~~
14 ~~committee for the reorganization of school districts~~ State
15 Committee for the Reorganization of School Districts shall appoint
16 from among the legal voters of the new school district created the
17 number of members necessary to constitute a school board of the
18 class in which the new school district has been classified. ~~If the~~
19 ~~new school district involves territory lying in the jurisdiction of~~
20 ~~two or more counties, the board shall be appointed by the joint~~
21 ~~action of the county committees for the reorganization of school~~
22 ~~districts of the counties involved.~~ Members of the first board
23 shall be appointed so that their terms will expire in accord with
24 provisions of law governing school districts of the class involved.
25 The board so appointed shall organize at once in the manner
26 prescribed by law. A reorganized school district shall be formed,
27 organized, and have a governing board not later than April 1
28 following the last legal action, as prescribed in section 79-413,

1 necessary to effect the changes in boundaries as set forth in the
2 petition, although the physical reorganization of such reorganized
3 school district may not take effect until the commencement of the
4 following school year. At the next annual school meeting or
5 election following the establishment of the new school district and
6 at subsequent annual meetings or elections, successors shall be
7 elected in the manner provided by law for election of board members
8 of the class to which the school district belongs.

9 Sec. 34. Section 79-421, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 79-421. (1) When it comes to the attention of the county
12 ~~superintendent clerk~~ that any territory located wholly within his
13 or her county is not included in any organized district, he or she
14 shall notify the ~~county committee for the reorganization of school~~
15 ~~districts~~ State Committee for the Reorganization of School
16 Districts. Within fifteen days after such notice, the ~~county state~~
17 committee shall set a date for a hearing on the question of the
18 district or districts to which such territory should be attached
19 and shall give fifteen days' notice by certified or registered mail
20 of the time and place of hearing to each legal voter residing in
21 such territory and whose mailing address is known and also to the
22 school board ~~or board of education~~ of each school district in the
23 county adjacent to such territory. Notice of the hearing also
24 shall be given by publication once each week for two weeks in a
25 newspaper of general circulation in the county. Following such
26 hearing, the ~~county state~~ committee shall notify the county
27 ~~superintendent of~~ clerk of the county or counties containing the
28 district or districts to which such territory should be attached

1 and the county ~~superintendent~~ clerk shall attach such territory.

2 (2) ~~When any such territory not in any organized district~~
3 ~~is located in more than one county,~~ notice shall be given to the
4 ~~joint committee provided for in section 79-441.~~ The joint
5 ~~committee shall give the prescribed notice of and hold the hearing~~
6 ~~on the question of the district or districts to which such~~
7 ~~territory shall be attached.~~ Notice of the decision reached by the
8 ~~joint committee shall be given to the respective county~~
9 ~~superintendents,~~ and the county superintendents shall attach the
10 ~~territory in accordance with such decision.~~

11 ~~(3)~~ If the county committee or joint state committee
12 cannot or does not agree on the district or districts to which the
13 territory shall be attached, within sixty days after being notified
14 by the county superintendent, the matter shall be referred to the
15 State Board of Education which shall attach the territory after
16 notice and hearing. Notice shall be given in the same manner as by
17 the ~~county~~ state committee.

18 ~~(4)~~ (3) In determining the district or districts to which
19 such territory shall be attached, consideration shall be given to
20 the school facilities, transportation facilities, and distance
21 children must travel to school.

22 ~~(5)~~ ~~Territory may be annexed to a district from an~~
23 ~~adjoining county upon joint action by special committees as~~
24 ~~provided in section 79-441 with such special committees performing~~
25 ~~the responsibilities required by this section.~~

26 Sec. 35. Section 79-424, Revised Statutes Supplement,
27 1998, is amended to read:

28 79-424. A Class I school district or portion thereof

1 which comes within the provisions of section 79-431 may file a
 2 petition for affiliation pursuant to section 79-413, 79-415, or
 3 79-416 or a plan for affiliation pursuant to ~~section 79-440~~ with
 4 ~~the county superintendent~~ the Reorganization of School Districts
 5 Act with the State Committee for the Reorganization of School
 6 Districts to affiliate with one or more Class II, III, IV, or V
 7 districts, or to affiliate in part with one or more Class II, III,
 8 IV, or V districts and in part to become part of one or more Class
 9 VI districts. Affiliation shall be accomplished pursuant to any of
 10 the procedures prescribed in the ~~Reorganization of School Districts~~
 11 ~~Act~~ act and sections 79-413 to 79-419.

12 Sec. 36. Section 79-425, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 79-425. If a petition for affiliation pursuant to
 15 section 79-413, 79-415, or 79-416 or plan for affiliation proposed
 16 under ~~section 79-440~~ the Reorganization of School Districts Act is
 17 rejected by the school board ~~or board of education~~ or the legal
 18 voters of a Class II, III, IV, or V school district, such petition
 19 or plan may be resubmitted after sixty days from the date of the
 20 rejection, and the board or legal voters receiving such petition or
 21 plan for affiliation shall either accept or reject such petition or
 22 plan within sixty days after the date of receipt of such petition
 23 or plan. If the petition or plan for affiliation is again rejected
 24 by the board or legal voters of such district, the ~~county committee~~
 25 ~~for the reorganization of school districts~~ State Committee for the
 26 Reorganization of School Districts shall hold a hearing pursuant to
 27 the procedures provided in section 79-413 and, within ten days
 28 after such hearing, make a determination whether to approve or

1 reject the affiliation.

2 Sec. 37. Section 79-426, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-426. (1) ~~A county committee for the reorganization of~~
5 ~~school districts~~ The State Committee for the Reorganization of
6 School Districts, when considering a petition or a plan to
7 affiliate a Class I school district or portion thereof with one or
8 more Class II, III, IV, or V school districts, shall consider the
9 traditional high school attendance patterns of resident students of
10 such Class I district. ~~The county~~ state committee may reject a
11 petition or plan to affiliate only for the reasons stated in
12 subsection (2) of this section.

13 (2) ~~The county~~ state committee may reject a petition or
14 plan for affiliation when:

15 (a) No Class I district resident student has attended the
16 high school program of the Class II, III, IV, or V district with
17 which an affiliation is proposed during the immediately preceding
18 ten-year period;

19 (b) The affiliation would require the construction of new
20 high school facilities; or

21 (c) The affiliation would result in assignment of less
22 than forty percent of the valuation of the Class I district to a
23 high school district which over the immediately preceding five-year
24 period has educated eighty percent or more of the students from
25 such Class I district.

26 (3) ~~The county~~ state committee shall reject a petition or
27 plan for affiliation when twenty percent or more of any tract of
28 land under common ownership which is proposing to affiliate is not

1 contiguous to the high school district with which affiliation is
2 proposed. The ~~county~~ state committee shall not reject a petition
3 or plan under this subsection if (a) one or more resident students
4 of the tract of land under common ownership has attended the high
5 school program of the high school district within the immediately
6 preceding ten-year period or (b) approval of the petition or plan
7 would allow siblings of such resident students to attend the same
8 school as the resident students attended.

9 (4) A rejected petition shall stand rejected
10 notwithstanding that it has been signed by over sixty-five percent
11 of the legal voters of the petitioning Class I district.

12 Sec. 38. Section 79-427, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-427. A petition for affiliation pursuant to sections
15 79-413, 79-415, and 79-416 and a plan for affiliation pursuant to
16 ~~section 79-440~~ the Reorganization of School Districts Act shall
17 contain (1) a description and a map of the proposed boundaries of
18 the affiliated school system and (2) terms of the affiliation,
19 including (a) coordination of elementary curriculum subject to
20 section 79-716 and (b) provision for the establishment and
21 maintenance of an advisory committee as prescribed by section
22 79-4,103. An affiliation plan or a petition may include provisions
23 allowing parents to continue educating their children in the
24 district in which they currently have children enrolled with
25 reimbursement to be paid to the receiving district from the
26 affiliated high school district based on the per pupil cost for
27 high school students of such districts as reported on the preceding
28 year's annual financial report.

1 Sec. 39. Section 79-431, Revised Statutes Supplement,
2 1998, is amended to read:

3 79-431. (1) Any Class I school district which is part of
4 a Class VI district or districts or any Class I district or portion
5 thereof which is affiliated or affiliated in part and also part of
6 a Class VI district or districts and which (a) becomes subject to
7 dissolution pursuant to section 79-470, 79-498, or 79-598 or (b)
8 otherwise dissolves, unless otherwise prescribed in the affiliation
9 petition, shall be merged with another affiliated Class I district,
10 be merged with a Class II, III, IV, or V district, or be merged
11 with a Class I district which is part of a Class VI district or
12 districts. Any such district or portion thereof which fails to
13 comply with this subsection shall be dissolved and attached to an
14 existing Class II, III, IV, or V district by the ~~county~~
15 ~~superintendent of schools~~ State Committee for the Reorganization of
16 School Districts under section 79-498. Any such district or
17 portion thereof which was affiliated shall retain its original
18 affiliation, and any portion of such district which was part of a
19 Class VI district shall remain part of such Class VI district. Any
20 school district which fails to comply with the provisions of
21 subsection (1) of section 79-402 shall be dissolved by the ~~county~~
22 ~~superintendent~~ state committee and attached to an existing Class
23 II, III, IV, or V district.

24 (2) A Class II, III, IV, or V district which becomes a
25 Class I district pursuant to section 79-472 or any other state law
26 shall merge with a Class II, III, IV, or V district, affiliate with
27 one or more Class II, III, IV, or V districts, become part of one
28 or more Class VI districts, or affiliate in part with one or more

1 Class II, III, IV, or V districts and in part become part of one or
2 more Class VI districts.

3 (3) If an affiliated Class II, III, IV, or V district
4 dissolves, unless otherwise stated in the affiliation petition, any
5 portions of a Class I district that are affiliated with such
6 district may affiliate with another Class II, III, IV, or V
7 district, merge with any Class I, II, III, IV, or V district, or
8 become part of a Class VI district.

9 (4) If a Class VI district dissolves, any Class I
10 district or portions thereof which are part of such district may
11 affiliate with a Class II, III, IV, or V district, merge with any
12 Class I, II, III, IV, or V district, or become part of another
13 Class VI district.

14 Sec. 40. Section 79-433, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-433. For purposes of the Reorganization of School
17 Districts Act, unless the context otherwise requires:

18 (1) Reorganization of school districts means the
19 formation of new school districts, the alteration of boundaries of
20 established school districts, the affiliation of school districts,
21 and the dissolution or disorganization of established school
22 districts through or by means of any one or combination of the
23 methods set out in section 79-434; and

24 (2) State committee means the State Committee for the
25 Reorganization of School Districts created by section 79-435. †

26 ~~(3) County committee means the county committee for the~~
27 ~~reorganization of school districts created by section 79-437; and~~

28 ~~(4) Plan of reorganization means a concrete proposal for~~

1 ~~readjustment and realignment of the boundaries of any or all school~~
2 ~~districts within a county.~~

3 Sec. 41. Section 79-435, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-435. The State Committee for the Reorganization of
6 School Districts is created. The state committee shall be composed
7 of six members. The Commissioner of Education shall be a member of
8 the committee ex officio and shall serve as a nonvoting member of
9 the committee. Within thirty days after September 18, 1955, the
10 State Board of Education, by a resolution adopted with the assent
11 of a majority of its members, shall appoint the remaining five
12 members of the state committee, one each for terms of one, two,
13 three, four, and five years respectively. As the term of each
14 member expires, a successor shall be appointed in the same manner
15 for a term of five years. Three members of the state committee
16 shall at all times be laypersons, and two members shall at all
17 times be persons holding teachers' certificates issued by the
18 authority of the State of Nebraska. Vacancies in the membership of
19 the state committee shall be filled for the unexpired term by
20 appointment in the same manner as the original appointment to
21 membership. Members of the state committee shall serve without
22 compensation but shall be reimbursed for expenses necessarily
23 incurred in the performance of their duties, as provided in
24 sections 81-1174 to 81-1177 and paid from funds appropriated by the
25 Legislature to the office of the State Board of Education. The
26 State Board of Education shall adopt and promulgate rules and
27 regulations for the state committee to carry out its duties as
28 provided by law.

1 Sec. 42. Section 79-439, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-439. The state committee shall ~~initiate, set up, and~~
4 recommend to ~~the county committee~~ school districts plans and
5 procedures for the reorganization of school districts within the
6 various counties and shall furnish advice and assistance in
7 connection with such plans and procedures.

8 Sec. 43. Section 79-441, Revised Statutes Supplement,
9 1998, is amended to read:

10 79-441. (1) In the ~~preparation or~~ review of a plan for
11 the reorganization of school districts, the ~~county committee or the~~
12 ~~school board proposing the plan of reorganization~~ state committee
13 shall give due consideration to (a) the educational needs of local
14 communities, (b) economies in transportation and administration
15 costs, (c) the future use of existing satisfactory school
16 buildings, sites, and play fields, (d) the convenience and welfare
17 of pupils, (e) a reduction in the disparities in per pupil
18 valuation among school districts, (f) the equalization of the
19 educational opportunity of pupils, and (g) any other matters which,
20 in its judgment, are of importance. The ~~county committee or the~~
21 school board proposing the plan of reorganization, in preparation
22 or review of a plan for reorganization, shall take into
23 consideration any advice or suggestions offered by the state
24 committee.

25 (2) A plan for the reorganization of school districts
26 ~~involving a district under the jurisdiction of another county~~
27 ~~committee shall be prepared and approved by the joint action of a~~
28 ~~special committee composed of the three members appointed pursuant~~

1 ~~to section 79-437 by the county committee of each county involved~~
2 ~~shall be filed with the state committee.~~ The plan shall, for
3 purposes of submission to the state committee and at the special
4 election provided for in subsection (1) of section 79-447, be the
5 responsibility of the county school district which has the largest
6 number of pupils residing in the proposed ~~joint~~ district. ~~Only the~~
7 ~~approval of the special committee, and not the county committees,~~
8 ~~is required when the plan for reorganization of school districts~~
9 ~~involves a district under the jurisdiction of another county~~
10 ~~committee. Meetings of the special committee shall be held on call~~
11 ~~of the members from the county having the largest number of pupils~~
12 ~~residing in the proposed joint district who shall notify the~~
13 ~~secretaries of the committees in the other interested counties by~~
14 ~~either certified or registered mail at least ten days in advance of~~
15 ~~each meeting, with such secretary being responsible for notifying~~
16 ~~the special committee members in such county. Notices for~~
17 ~~subsequent meetings need not be given when a majority of the~~
18 ~~special committee has agreed to such meetings. Business shall be~~
19 ~~conducted by those present and shall be binding regardless of~~
20 ~~attendance.~~

21 Sec. 44. Section 79-442, Revised Statutes Supplement,
22 1998, is amended to read:

23 79-442. Before any plan of reorganization is completed
24 or approved by the county state committee, ~~or by a special~~
25 ~~committee established under section 79-441, the county committee or~~
26 ~~special committee~~ it shall hold one or more public hearings. At
27 such hearings, it shall hear any and all persons interested with
28 respect to (1) the merits of proposed reorganization plans, (2) the

1 value and amount of all school property of whatever nature involved
 2 in the proposed action, (3) the amount of outstanding indebtedness
 3 of each district and proposed disposition thereof, and (4) the
 4 equitable adjustment of all property, debts, and liabilities among
 5 the districts involved. The ~~county committee or special state~~
 6 committee shall keep a record of all hearings in the formulation or
 7 approval of plans for the reorganization of school districts.
 8 Notice of such public hearings of the ~~county committee or special~~
 9 state committee shall be given by publication in a legal newspaper
 10 of general circulation in the county at least ten days prior to
 11 such hearing.

12 Sec. 45. Section 79-443, Revised Statutes Supplement,
 13 1998, is amended to read:

14 79-443. After one or more public hearings have been
 15 held, the ~~county committee or the special committee created under~~
 16 ~~section 79-441 may prepare or state committee may~~ approve a plan or
 17 plans of reorganization. ~~of any or all school districts within the~~
 18 ~~county and under its jurisdiction.~~ Such plan shall contain:

19 (1) A description of the proposed boundaries of the
 20 reorganized districts;

21 (2) A summary of the reasons for each proposed change,
 22 realignment, or adjustment of the boundaries. If such plan
 23 provides for the creation of a new Class VI district, it shall
 24 designate whether such district shall include high school grades
 25 only or be known as a Class VI junior-senior high school district
 26 as described in section 79-411;

27 (3) A summary of the terms on which reorganization is to
 28 be made between the reorganized districts. Such terms shall

1 include a provision for initial school board districts or wards
2 within the proposed district, which proposed initial school board
3 districts or wards shall be determined by the ~~county~~ state
4 committee taking into consideration population and valuation, and a
5 determination of the terms of the board members first appointed to
6 membership on the board of the newly reorganized district;

7 (4) A separate statement as to whether the reorganization
8 is contingent upon the success of a bond election held in
9 conjunction with the reorganization;

10 (5) A statement of the findings with respect to the
11 location of schools, the utilization of existing buildings, the
12 construction of new buildings, and the transportation requirements
13 under the proposed plan of reorganization. The plan may contain
14 provisions for the holding of school within existing buildings in
15 the newly reorganized district and that a school constituted under
16 this section shall be maintained from the date of reorganization
17 unless the legal voters served by the school vote by a majority
18 vote for discontinuance of the school;

19 (6) A map showing the boundaries of established school
20 districts and the boundaries proposed under any plan or plans of
21 reorganization; and

22 (7) Such other matters as the ~~county committee or the~~
23 ~~school board~~ state committee determines proper to be included.

24 Sec. 46. Section 79-444, Revised Statutes Supplement,
25 1998, is amended to read:

26 79-444. ~~The plan or plans of reorganization approved by~~
27 ~~any special committee created under section 79-441 or any county~~
28 ~~committee shall be forwarded to the state committee for review when~~

1 authorized by the county committee or special committee and so
 2 recorded in the official minutes of the county committee or special
 3 committee. Such plan or plans shall be certified as authorized by
 4 the county committee or special committee and signed by the
 5 chairperson and the secretary of the county committee or special
 6 committee. Territory included in such plan a plan of
 7 reorganization adopted by the state committee shall remain a part
 8 of the plan until an election is held as provided in section
 9 79-447. The state committee shall, within thirty days after the
 10 receipt of such plan or plans, consider the plan or plans and shall
 11 holding the hearings provided for in section 79-443, notify the
 12 county committee or special committee school districts whether or
 13 not it approves or disapproves such plan or plans. ~~Maps and a~~
 14 ~~statement showing the revised plan shall be filed with the county~~
 15 ~~superintendent.~~

16 Sec. 47. Section 79-445, Revised Statutes Supplement,
 17 1998, is amended to read:

18 79-445. If the state committee disapproves the plan, it
 19 shall be considered a disapproved plan, shall be returned to the
 20 county committee school districts as a disapproved plan, and shall
 21 not be submitted to a special election.

22 Sec. 48. Section 79-446, Revised Statutes Supplement,
 23 1998, is amended to read:

24 79-446. When a plan of reorganization or any part
 25 thereof has been approved by the ~~county committee or special~~
 26 ~~committee and by the~~ state committee, it shall be designated as the
 27 final approved plan and shall be returned to the ~~county~~
 28 ~~superintendent of schools~~ school districts to be submitted to a

1 vote as provided in section 79-447.

2 Sec. 49. Section 79-447, Revised Statutes Supplement,
3 1998, is amended to read:

4 79-447. (1) Not less than thirty nor more than sixty
5 days after the designation of a final approved plan under section
6 79-446, the proposition of the adoption or rejection of the
7 proposed plan of reorganization shall be submitted at a special
8 election to all the legal voters of districts within the county
9 whose boundaries are in any manner changed by the plan of
10 reorganization, including the boundaries of Class VI school
11 districts if such plan includes a Class I school district which is
12 entirely within a Class VI school district.

13 (2) Notice of the special election shall be given by the
14 county clerk or election commissioner and shall be published in a
15 legal newspaper of general circulation in the county at least ten
16 days prior to the election. The election notice shall (a) state
17 that the election has been called for the purpose of affording the
18 legal voters an opportunity to approve or reject the plan of
19 reorganization, (b) contain a description of the boundaries of the
20 proposed district, and (c) contain a statement of the terms of the
21 adjustment of property, debts, and liabilities applicable thereto.

22 (3) All ballots shall be prepared and the special
23 election shall be held and conducted by the county clerk or
24 election commissioner, and the expense of such election shall be
25 paid by the county board or boards if more than one county is
26 involved as provided in subsection (4) of this section. The county
27 clerk or election commissioner shall use the duly appointed
28 election board or appoint two judges and two clerks who shall be

1 legal voters of the territory of the proposed school district. The
2 election shall be held at a place or places within the proposed
3 district determined by the county clerk or election commissioner to
4 be convenient for the voters.

5 (4) If the proposed plan of reorganization involves a
6 district under the jurisdiction of another county, ~~committee,~~ the
7 county clerk or election commissioner of the county which has the
8 largest number of pupils residing in the proposed joint district
9 shall give the notice required by subsection (2) of this section in
10 a newspaper of general circulation in the territory of the proposed
11 district and prepare the ballots and such election shall be held
12 and conducted by the county clerk or election commissioner of each
13 county involved in the proposed reorganization in accordance with
14 the Election Act. Each county board shall bear a share of the
15 total election expense in the same proportion that the number of
16 legal voters residing in the proposed district in one county stands
17 to the whole number of legal voters in the proposed district.

18 (5) In any election held as provided in this section, all
19 districts of like class shall vote as a unit, except that Class I
20 school districts within the boundaries of which are located an
21 incorporated village or city shall constitute a separate voting
22 unit and Class I school districts which do not have within their
23 boundaries an incorporated village or city shall constitute a
24 separate voting unit.

25 (6) Approval of the plan at the special election shall
26 require a majority of all legal voters voting within each voting
27 unit included in the proposed plan.

28 Sec. 50. Section 79-448, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-448. If the majority vote in each voting unit at the
3 election described in section 79-447 is not in favor of the plan of
4 reorganization, the ~~county committee shall~~ school districts may
5 continue in ~~its~~ their efforts in an attempt to prepare a revised
6 plan which might be acceptable. If a revised plan is approved by
7 the ~~county committee~~ school districts, it shall be submitted for
8 the approval of the state committee, and if approved by the state
9 committee it shall be submitted to a vote under the procedure
10 provided in section 79-447.

11 Sec. 51. Section 79-450, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-450. If the plan of reorganization is adopted, the
14 county ~~superintendent of schools clerk~~ shall proceed to cause the
15 changes, realignment, and adjustment of districts to be carried out
16 as provided in the plan. The county ~~superintendent of schools~~
17 clerk shall classify the school districts according to the law
18 applicable to the size, location, and population of the reorganized
19 district. He or she shall also file certificates with the county
20 assessor, ~~county clerk, and~~ county treasurer, and state committee
21 showing the boundaries of the various districts under the plan of
22 reorganization adopted.

23 Sec. 52. Section 79-451, Revised Statutes Supplement,
24 1998, is amended to read:

25 79-451. Within thirty days after the classification of
26 the reorganized school districts by the county ~~superintendent of~~
27 ~~schools, the county clerk under section 79-450, the state committee~~
28 shall appoint from among the legal voters of each new school

1 district created the number of members necessary to constitute a
2 school board of the class in which the new school district has been
3 classified. A reorganized school district shall be formed and
4 organized and shall have a school board not later than April 1
5 following the last legal action, as prescribed in section 79-450,
6 necessary to effect the changes in boundaries as set forth in the
7 plan of reorganization, although the physical reorganization of
8 such reorganized school district may not take effect until June 1.
9 The first board shall be appointed on an at-large basis, and all
10 boards shall be elected at large until such time as school
11 districts are established as provided in section 32-554. ~~If the~~
12 ~~new school district involves territory lying in two or more~~
13 ~~counties, the school board shall be appointed by the joint action~~
14 ~~of the county committees involved.~~

15 In appointing the first school board of a Class II school
16 district, the members shall be appointed so that the terms of three
17 members expire on the date of the first regular meeting of the
18 board in January after the first even-numbered year following their
19 appointment and the terms of the three remaining members expire on
20 the date of the first regular meeting of the board in January after
21 the second even-numbered year following their appointment. At the
22 statewide general election in the first even-numbered year after
23 the reorganization, three board members in each Class II school
24 district shall be elected to terms of four years, and thereafter
25 all candidates shall be elected to terms of four years. Each
26 member's term shall begin on the date of the first regular meeting
27 of the board in January following his or her election.

28 In appointing the first school board of a Class III

1 school district with a six-member board serving terms of four
2 years, the terms of three members shall expire on the first
3 Thursday after the first Tuesday in January after the first
4 even-numbered year following their appointment and the terms of the
5 three remaining members shall expire on the first Thursday after
6 the first Tuesday in January after the second even-numbered year
7 following their appointment.

8 In appointing the first school board of a Class III
9 school district with a nine-member board serving terms of four
10 years, the terms of four members shall expire on the first Thursday
11 after the first Tuesday in January after the first even-numbered
12 year following their appointment and the terms of five members
13 shall expire on the first Thursday after the first Tuesday in
14 January after the second even-numbered year following their
15 appointment. Thereafter all Class III district school boards shall
16 be elected to terms of four years.

17 The school board so appointed shall proceed at once to
18 organize in the manner prescribed by law.

19 Sec. 53. Section 79-452, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-452. A proposal to dissolve a Class I or II school
22 district, except a Class I school district which is partly or
23 wholly within a Class VI school district, and attach it to one or
24 more existing Class II, III, IV, or V school districts may be
25 initiated by filing with the state committee a petition or
26 petitions signed by at least twenty-five percent of the legal
27 voters of the district, ~~with the county superintendent of the~~
28 ~~county in which the greater part of any such district is located,~~

1 together with an affidavit from the county clerk or election
2 commissioner listing all legal voters of the district. ~~Upon~~ and a
3 determination by the county ~~superintendent~~ clerk or election
4 commissioner that the signatures are sufficient, which
5 determination shall not be subject to review at the hearing held
6 under the provisions of section 79-455. ~~7 the county~~
7 ~~superintendent shall transmit the petition to the county committee~~
8 ~~for the reorganization of school districts which has jurisdiction~~
9 ~~over the district.~~ The petition shall contain a plan of the
10 proposed reorganization, an effective date, and a statement whether
11 any existing bonded indebtedness shall remain on the property of
12 the district which incurred it or be assumed by the enlarged
13 district. The petition may also contain provisions for the holding
14 of school within existing buildings in the proposed reorganized
15 district, and when so provided, the holding of school within such
16 buildings shall be maintained from the date of reorganization
17 unless either the legal voters served by the school or the school
18 board ~~or board of education~~ of the reorganized district votes by a
19 majority vote for discontinuance of the school. In case of
20 conflicting votes between the legal voters and the school board ~~or~~
21 ~~board of education~~ on such issue, the decision of the legal voters
22 shall prevail. A signing petitioner shall not be permitted to
23 withdraw his or her name from the petition after the petition has
24 been filed. The school board ~~or board of education~~ of each Class
25 II, III, IV, or V district to which the merger is proposed shall
26 also submit to the ~~county~~ state committee a statement to the effect
27 that a majority of the board members approve the proposal contained
28 in the petition. ~~The county committee for the reorganization of~~

1 ~~school districts shall, within forty days after the receipt of the~~
2 ~~petition, review and approve or disapprove such proposal and submit~~
3 ~~it to the State Committee for the Reorganization of School~~
4 ~~Districts.~~

5 Sec. 54. Section 79-453, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-453. The State Committee for the Reorganization of
8 School Districts shall, within forty days after receipt of the
9 proposal as provided in section 79-452, review and approve or
10 disapprove the proposal and return to the ~~county committee for the~~
11 ~~reorganization of school districts a statement of its decision. If~~
12 ~~the state committee disapproves, including any recommendations it~~
13 ~~deems advisable. The county committee shall, within fifteen days~~
14 ~~after receipt of the statement, consider the action and~~
15 ~~recommendations, if any, of the state committee and give final~~
16 ~~approval or disapproval to the proposal. The county committee~~
17 ~~shall, within ten days after its action on the proposal, file the~~
18 ~~petition with the county superintendent and at the same time submit~~
19 ~~a statement setting forth action taken by the state committee and~~
20 ~~the county committee. If both the county committee and the state~~
21 ~~committee disapprove the proposal, no further action shall be taken~~
22 ~~in regard to it and it shall not be resubmitted in substance for a~~
23 ~~period of six months from the date it was filed with the county~~
24 ~~superintendent state committee.~~

25 Sec. 55. Section 79-454, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 79-454. If the proposal provided for in section 79-452
28 has been approved by ~~the county committee for the reorganization of~~

1 ~~school districts or~~ the State Committee for the Reorganization of
2 School Districts, ~~or both, the county superintendent shall, within~~
3 ~~ten days after receipt of the petition from the county committee,~~
4 the state committee shall notify the school board of the Class I or
5 II district. The school board shall, within fifteen days after the
6 notification, set a date for a special election for the purpose of
7 submitting the proposal to the legal voters of the district. At
8 least twenty days' notice of such election shall be given by
9 publication twice in a newspaper of general circulation in the
10 district, the latest publication to be not more than one week
11 before the election. If there is no such newspaper, notice shall
12 be given by posting it on the door of the schoolhouse and at least
13 four other public places throughout the district. The proposal
14 shall not be submitted to a special election more than once in any
15 calendar year. Legal voters may cast their ballots, written or
16 printed, between the hours of 12 noon and 8 p.m. on the date of
17 such election. The county clerk or election commissioner of the
18 county which has the largest number of pupils residing in the
19 district shall conduct such special election in accordance with the
20 Election Act and shall record the names and residence of persons
21 voting at the special election. The ballots shall be canvassed as
22 provided in section 79-447.

23 Sec. 56. Section 79-455, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-455. If the proposal provided for in section 79-452
26 is approved by a majority of the legal voters of the school
27 district voting on the matter, the secretary of the school board
28 shall within five days certify the approval to the county

1 ~~superintendent clerk.~~ The county ~~superintendent clerk~~ shall
2 immediately notify the secretary of each Class II, III, IV, or V
3 district affected of the action taken by the Class I or II
4 district, and such secretary shall within ten days certify to the
5 county ~~superintendent clerk~~ that the school board ~~or board of~~
6 ~~education~~ of the Class II, III, IV, or V district has, by a
7 majority vote, officially approved the proposal as provided in
8 section 79-452. The county ~~superintendent~~ shall within fifteen
9 ~~days give notice of a public hearing in regard to the proposal.~~
10 ~~Notice shall be by publication in a newspaper of general~~
11 ~~circulation in the area affected and shall be given ten days before~~
12 ~~the date of the hearing. After the hearing, upon determination~~
13 ~~that all of the requirements of the provisions of sections 79-452~~
14 ~~to 79-455 have been complied with, and within ten days after the~~
15 ~~public hearing, the county superintendent clerk~~ shall issue an
16 order effecting the changes in school district boundaries in
17 accordance with the proposal provided in section 79-452. He or she
18 shall also file certificates with the county assessor, ~~county~~
19 ~~clerk, and county treasurer, and State Committee for the~~
20 Reorganization of School Districts showing the changes. If the
21 ~~Class II, III, IV, or V district is in a county other than the one~~
22 ~~having jurisdiction over the Class I or II district, the public~~
23 ~~hearing shall be held and conducted by the county superintendents~~
24 ~~involved and they shall jointly issue the order for changes in~~
25 ~~school district boundaries.~~ An appeal may be taken from such order
26 within twenty days after the rendition of the order in the same
27 manner as appeals are taken from the action of the county board in
28 allowing or disallowing claims against the county. Such appeal

1 shall be filed in the district court for the county whose county
2 ~~superintendent of schools~~ clerk has jurisdiction of the Class I or
3 II district. When more than one county ~~superintendent~~ clerk has
4 jurisdiction of the Class I or II district, the appeal may be filed
5 in the district court for either of the counties.

6 Sec. 57. Section 79-458, Revised Statutes Supplement,
7 1998, is amended to read:

8 79-458. (1) Any freeholder or freeholders, person in
9 possession or constructive possession as vendee pursuant to a
10 contract of sale of the fee, holder of a school land lease under
11 section 72-232, or entrant upon government land who has not yet
12 received a patent therefor may file a petition with a board
13 consisting of the county ~~superintendent~~ assessor, county clerk, and
14 county treasurer, asking to have any tract or tracts of land
15 described in the petition set off from an existing Class II or III
16 school district in which the land is situated and attached to an
17 accredited district which is contiguous to such tract or tracts of
18 land if:

19 (a) The Class II or III school district has had less than
20 sixty pupils in grades nine through twelve for the two consecutive
21 school years immediately preceding the filing of the petition;

22 (b) The Class II or III school district has voted to
23 exceed the maximum levy established pursuant to subdivision (2)(a)
24 of section 77-3442, which vote is effective for the school fiscal
25 year in which the petition is filed or for the following school
26 fiscal year; and

27 (c) The high school is within fifteen miles on a
28 maintained public highway or maintained public road of another high

1 school.

2 For purposes of determining whether a tract of land is
3 contiguous, all petitions currently being considered by the board
4 shall be considered together as a whole.

5 (2) The petition shall state the reasons for the proposed
6 change and shall show with reference to the land of each
7 petitioner: (a) That (i) the land described in the petition is
8 either owned by the petitioner or petitioners or that he, she, or
9 they hold a school land lease under section 72-232, are in
10 possession or constructive possession as vendee under a contract of
11 sale of the fee simple interest, or have made an entry on
12 government land but have not yet received a patent therefor and
13 (ii) such tract of land includes all such contiguous land owned or
14 controlled by each petitioner; (b) that the land described in the
15 petition is located in a Class II or III district, the district has
16 had less than sixty pupils in grades nine through twelve for the
17 two consecutive school years immediately preceding the filing of
18 the petition, the district has voted to exceed the maximum levy
19 established pursuant to subdivision (2)(a) of section 77-3442 as
20 provided in subdivision (1)(b) of this section, and the land is to
21 be attached to an accredited school district which is contiguous to
22 such tract or tracts of land; and (c) that such petition is
23 approved by a majority of the members of the school board of the
24 district to which such land is sought to be attached.

25 (3) The petition shall be verified by the oath of each
26 petitioner. Notice of the filing of the petition and of the
27 hearing on such petition before the board shall be given at least
28 ten days prior to the date of such hearing by one publication in a

1 legal newspaper of general circulation in each district and by
2 posting a notice on the outer door of the schoolhouse in each
3 district affected thereby, and such notice shall designate the
4 territory to be transferred. The board shall, after a public
5 hearing on the petition and a determination that all requirements
6 of this section have been complied with, change the boundaries of
7 the school districts so as to set off the land described in the
8 petition and attach it to such district pursuant to the petition.

9 (4) Petitions requesting transfers of property across
10 county lines shall be addressed jointly to the county
11 ~~superintendents~~ clerks of the counties concerned, and the petitions
12 shall be acted upon by the county ~~superintendents~~ assessors, county
13 clerks, and county treasurers of the counties involved as one
14 board, with the county ~~superintendent~~ clerk of the county from
15 which the land is sought to be transferred acting as chairperson of
16 the board.

17 (5) Appeals may be taken from the action of such board
18 or, when such board fails to agree, to the district court of the
19 county in which the land is located within twenty days after entry
20 of such action on the records of the board by the county clerk of
21 the county in which the land is located or within twenty days after
22 March 15 if the board fails to act upon such petition, in the same
23 manner as appeals are now taken from the action of the county board
24 in the allowance or disallowance of claims against the county.

25 (6) This section does not apply to any school district
26 located on an Indian reservation and substantially or totally
27 financed by the federal government.

28 Sec. 58. Section 79-467, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-467. Whenever (1) a school district suffers a
3 reduction in the taxable valuation of the real property within the
4 district by reason of the purchase or appropriation by the United
5 States or any instrumentality of the United States of land in the
6 district for any defense, flood control, irrigation, or war
7 project, (2) the number of children who are five through twenty
8 years of age residing in the district increases by reason of the
9 use by the United States of the land so purchased or appropriated
10 for such purposes, and (3) such increase in the number of pupils
11 who will be eligible to attend school in the district does or will
12 require a levy of taxes for general school purposes in excess of
13 the average levy for general school purposes of school districts of
14 the same class in the county, the ~~county superintendent~~ State
15 Committee for the Reorganization of School Districts shall change
16 the boundaries of the existing district ~~as~~ to exclude all land
17 purchased and appropriated by the United States and all land which
18 by reason of its use or ownership is exempt from state taxation
19 under the United States Constitution and the statutes of the United
20 States. When the United States, by the appropriate officer, does
21 not accept or has not accepted exclusive jurisdiction over land so
22 excluded, the ~~county superintendent~~ state committee shall form a
23 new school district embracing land thus excluded.

24 Sec. 59. Section 79-470, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 79-470. (1) No Class I school district which contracts
27 for the instruction of all of its pupils with a Class I, II, III,
28 IV, or V school district shall merge with another Class I school

1 district unless such other Class I school district with which it is
2 merging is included in the area which makes up a Class VI school
3 district.

4 (2) No district shall contract for the instruction of all
5 of its pupils with a Class II, III, IV, or V school district for
6 more than two consecutive years.

7 (3) The ~~county superintendent~~ State Committee for the
8 Reorganization of School Districts shall dissolve and attach to a
9 neighboring school district or districts any school district which,
10 for two consecutive years, contracts for the instruction of all of
11 its pupils with a Class II, III, IV, or V school district.

12 (4) The dissolution of any school district pursuant to
13 this section shall be effected in the manner prescribed in section
14 79-498. When such dissolution would create extreme hardships on
15 the pupils or the school district affected, the State Board of
16 Education may, on application by the school board of the school
17 district, ~~and the recommendation of the county superintendent of~~
18 ~~the county in which the school district is located,~~ waive the
19 dissolution of the school district on an annual basis.

20 (5) Nothing in this section shall be construed as an
21 extension of the limitations on contracting for the instruction of
22 the pupils of a school district contained in section 79-598.

23 Sec. 60. Section 79-478, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-478. If the high school in a Class VI school district
26 is disapproved by the State Board of Education and the legal voters
27 fail to vote to discontinue the high school in that district, the
28 legal voters of any Class I district in the Class VI school

1 district may vote at an annual or special meeting to withdraw from
2 the Class VI school district and if fifty-five percent of the legal
3 voters of such Class I district vote to withdraw from the Class VI
4 school district, the ~~county superintendent~~ State Committee for the
5 Reorganization of School Districts shall order the Class I district
6 withdrawn from the Class VI school district.

7 Sec. 61. Section 79-479, Revised Statutes Supplement,
8 1998, is amended to read:

9 79-479. (1)(a) Beginning January 1, 1992, any school
10 district boundaries changed by the means provided by Nebraska law,
11 but excluding the method provided by sections 79-407, 79-473 to
12 79-475, and 79-549, shall be made only upon an order issued by the
13 ~~county superintendent. If the boundaries so changed are in more~~
14 ~~than one county, such order shall be issued jointly by the county~~
15 ~~superintendents of all counties involved. The county~~
16 ~~superintendent or county superintendents~~ State Committee for the
17 Reorganization of School Districts or county clerk. The state
18 committee shall not issue an order changing boundaries relating to
19 affiliation of school districts if twenty percent or more of any
20 tract of land under common ownership which is proposing to
21 affiliate is not contiguous to the high school district with which
22 affiliation is proposed unless (i) one or more resident students of
23 the tract of land under common ownership has attended the high
24 school program of the high school district within the immediately
25 preceding ten-year period or (ii) approval of the petition or plan
26 would allow siblings of such resident students to attend the same
27 school as the resident students attended.

28 (b) The order issued by the ~~county superintendent or~~

1 ~~county superintendents~~ state committee shall be certified to the
2 county clerk of each county in which boundaries are changed and
3 shall also be certified to the State Department of Education. Such
4 order shall be issued no later than June 1 and shall have an
5 effective date no later than August 1 of the same year. For
6 purposes of ~~the school district boundary map provided by the county~~
7 ~~superintendent pursuant to section 23-3306,~~ determining school
8 district counts pursuant to sections 79-524 and 79-578~~7~~, and
9 calculating state aid allocations pursuant to the Tax Equity and
10 Educational Opportunities Support Act, any change in school
11 district boundaries with an effective date between June 1 and
12 August 1 of any year shall be considered effective June 1 of such
13 year.

14 (2) Unless otherwise provided by state law or by the
15 terms of an affiliation or reorganization plan or petition which is
16 consistent with state law, all assets, including budget authority
17 as provided in sections 79-1023 to 79-1030, and liabilities, except
18 bonded obligations, of school districts merged, dissolved, or
19 annexed shall be transferred to the receiving district or districts
20 on the basis of the proportionate share of assessed valuation
21 received at the time of reorganization. When a Class II, III, IV,
22 or V school district becomes a Class I school district:

23 (a) Which becomes part of a Class VI district which
24 offers instruction in grades seven through twelve, 44.8276 percent
25 of the Class II, III, IV, or V district's assets and liabilities
26 shall be transferred to the new Class I district and the remainder
27 shall be transferred to the Class VI district or districts of which
28 the Class I district becomes a part on the basis of the

1 proportionate share of assessed valuation each high school district
2 received at the time of such change in class of district; or

3 (b) Which is affiliated or becomes part of a Class VI
4 district which offers instruction in grades nine through twelve,
5 61.3793 percent of the Class II, III, IV, or V school district's
6 assets and liabilities shall be transferred to the new Class I
7 district and the remainder shall be transferred to the Class VI
8 district or districts of which the Class I district becomes a part
9 and to the high school district or districts with which the Class I
10 district is affiliated on the basis of the proportionate share of
11 assessed valuation each high school district received at the time
12 of such change in class of district.

13 Sec. 62. Section 79-480, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-480. The county ~~superintendent~~ clerk shall file in
16 his or her office all petitions that have been granted for change
17 of boundaries or for the formation of new districts. Such
18 petitions so filed and granted shall be prima facie evidence of the
19 boundaries of districts. All conflicting records of boundaries
20 shall be made to correspond with the petitions so filed and
21 granted.

22 Sec. 63. Section 79-485, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-485. When a new district is formed in whole or in
25 part from one or more districts possessing a schoolhouse or other
26 property of a dissolved district, the ~~county superintendent~~ State
27 Committee for the Reorganization of School Districts, at the time
28 of forming such new district or as soon thereafter as possible,

1 shall determine the amount justly due to such new district from any
2 dissolved district or districts out of which the new district was
3 in whole or in part formed. The amount shall be determined as
4 nearly as practicable according to the relative value of the
5 taxable property in the respective parts of such former district or
6 districts with the whole value thereof at the time of such
7 division. The fact that the schoolhouse or other property is not
8 paid for shall not deprive such new district of its proportionate
9 share of the value thereof. Such new district shall remain bound
10 for such indebtedness to the same extent as though the new district
11 had not been formed, unless in case of indebtedness not bonded, it
12 shall be adjusted as provided in section 79-489. When a new
13 district embraces all of one or more former districts, the new
14 district shall succeed to all the properties and other assets and
15 be responsible for all unbonded indebtedness of such former
16 dissolved district or districts.

17 Sec. 64. Section 79-487, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-487. Whenever, due to the division of any district or
20 due to a district or any part thereof being taken over by the
21 United States for any defense, flood control, irrigation, or war
22 project, the schoolhouse, schoolhouse site, or other property of
23 such district is no longer conveniently located for school purposes
24 or desired to be retained by the district in which it is situated,
25 the county ~~superintendent~~ sheriff of the county in which such
26 schoolhouse, schoolhouse site, or other property is located may,
27 when ordered by the district, advertise and sell the same at public
28 or private sale and apportion the proceeds. When sold at private

1 sale, the sale shall not be binding until approved by the district
2 interested.

3 Sec. 65. Section 79-490, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-490. Every change in district boundary lines shall be
6 reported as soon as made by the ~~county superintendent~~ State
7 Committee for the Reorganization of School Districts to the county
8 clerk and the county treasurer. The county ~~superintendent~~ shall
9 ~~keep in the office of the county clerk~~ shall keep in his or her
10 office a map of the school districts of the county, which map shall
11 be revised as often as the boundary lines or districts are changed
12 or new districts formed. ~~The county superintendent shall also~~
13 ~~report to the county treasurer the necessary changes to be made~~
14 ~~upon the tax lists of the county.~~ Upon receiving such ~~notification~~
15 report from the state committee, the county treasurer shall adjust
16 the tax list of the county in accordance with the change of
17 district boundaries so that the uncollected taxes levied upon
18 property that has been transferred to another school district shall
19 when collected be placed to the credit of the district to which the
20 property has been transferred.

21 Sec. 66. Section 79-495, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-495. In case the inhabitants of any new Class I or
24 Class II school district referred to in section 79-492 fail to
25 organize it, ~~pursuant to notice given as provided in section~~
26 ~~79-481, the county superintendent shall give a new notice and the~~
27 ~~same proceeding shall be had thereon as if no previous notice had~~
28 ~~been delivered.~~ In case the inhabitants of such district again

1 ~~fail to organize pursuant to such notice, the county superintendent~~
2 ~~the State Committee for the Reorganization of School Districts~~
3 shall immediately dissolve such district and attach it to an
4 adjoining district or districts.

5 Sec. 67. Section 79-497, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-497. In case of a division of one or more school
8 districts within the corporate limits of a city of the primary or
9 metropolitan class, ~~the county superintendent of schools,~~ the
10 president of the school board of education, and the secretary of
11 the school districts shall appraise and adjust all claims or assets
12 in such manner that each district shall bear its proportion of the
13 indebtedness and have its proportion of the assets of the district.

14 Sec. 68. Section 79-498, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-498. When, for a period of one school term, a school
17 district (1) has less than three legal voters residing in the
18 district or (2)(a) fails to maintain a public elementary school
19 within the district in which are enrolled and in regular attendance
20 for at least one thousand thirty-two hours one or more pupils of
21 school age residing in the district, other than option students as
22 defined in section 79-233, or (b) does not contract for the tuition
23 and transportation of pupils of such district with another district
24 or districts and have pupils attending school regularly for at
25 least one thousand thirty-two hours under such contract or
26 contracts, ~~the county superintendent of the county in which such~~
27 ~~district lies~~ State Committee for the Reorganization of School
28 Districts shall, subject to the requirements of this section,

1 dissolve such district and attach the territory of such district to
2 one or more neighboring school districts. Before dissolving a
3 district under this section, the ~~county superintendent~~ state
4 committee shall fix a time for a hearing and shall notify each
5 legal resident of the district at least fifteen days before such
6 hearing. When the dissolution will create extreme hardships on the
7 pupils of the district affected, the State Board of Education may,
8 on application by the school board ~~or board of education~~ of the
9 district, ~~and the recommendation of the county superintendent of~~
10 ~~the county in which the district is located,~~ annually waive the
11 requirements of this section. Notification shall be by mail or by
12 publication in a newspaper of general circulation in the area.

13 If the ~~county superintendent~~ state committee finds that
14 the district is required by this section to be dissolved, ~~he or she~~
15 it shall enter an order dissolving the district and directing the
16 county clerk of the county in which such district is located to
17 attach the territory of such district to one or more neighboring
18 school districts. ~~Dissolutions involving the transfer of territory~~
19 ~~across county lines shall be acted upon jointly by the county~~
20 ~~superintendents of the counties concerned.~~ Appeals from the action
21 of the ~~county superintendent~~ state committee may be made to the
22 district court of the county ~~of the official concerned in which the~~
23 depopulated district is located. The county ~~superintendent~~
24 treasurer shall distribute the assets of the closed district among
25 the other district or districts to which the property has been
26 attached in proportion to the taxable valuation of the property
27 attached to such district or districts.

28 Sec. 69. Section 79-499, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-499. (1) Commencing with the 1992-93 school year, if
3 the fall school district membership or the average daily membership
4 of an existing Class II or III school district shows less than
5 thirty-five students in grades nine through twelve, the district
6 shall submit a plan for developing cooperative programs with other
7 high schools, including the sharing of curriculum and certificated
8 and noncertificated staff, to the ~~county committee for the~~
9 ~~reorganization of school districts of the county in which the~~
10 ~~school district is located~~ State Committee for the Reorganization
11 of School Districts. The cooperative program plan shall be
12 submitted by the school district by September 1 of the year
13 following such fall school district membership or average daily
14 membership report. A cooperative program plan shall not be
15 required if there is no high school within fifteen miles from such
16 district on a reasonably improved highway. The ~~county~~ state
17 committee shall review the plan and provide advice and
18 communication to such school district and other high schools.

19 (2) If for two consecutive years the fall school district
20 membership, or for two consecutive years the average daily
21 membership, of an existing Class II or III school district is less
22 than twenty-five pupils in grades nine through twelve or if for one
23 year an existing Class II or III school district contracts with a
24 neighboring school district or districts to provide educational
25 services for all of its pupils in grades nine through twelve, such
26 school district shall, except as provided in subsection (3) of this
27 section, become a Class I school district through the order of the
28 ~~county superintendent~~ state committee if the high school is within

1 fifteen miles on a reasonably improved highway of another high
2 school.

3 This subsection does not apply to any school district
4 located on an Indian reservation and substantially or totally
5 financed by the federal government.

6 (3) Any Class II or III school district maintaining a
7 four-year high school which has a fall school district membership
8 or an average daily membership of less than twenty-five students in
9 grades nine through twelve may contract with another school
10 district to provide educational services for its pupils in grades
11 nine through twelve. Such contract may continue for a period not
12 to exceed one year. At the end of such one-year period, the school
13 district may resume educational services for grades nine through
14 twelve if the average daily membership in grades nine through
15 twelve for such school district has reached at least fifty
16 students. If the school district has not achieved such fall school
17 district membership or average daily membership, it shall become a
18 Class I school district by order of the ~~county superintendent~~ state
19 committee entered after thirty days' notice to the district but
20 without a hearing, notwithstanding the distance on a reasonably
21 improved highway to the nearest school district conducting a high
22 school.

23 (4) For purposes of this section, when calculating fall
24 school district membership or average daily membership, a resident
25 school district as defined in section 79-233 shall not count
26 students attending an option district as defined in such section
27 and a Class II or III school district shall not count foreign
28 exchange students and nonresident students who are wards of the

1 court or state.

2 Sec. 70. Section 79-4,103, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-4,103. An advisory committee shall be created for
5 each affiliated high school district. The advisory committee shall
6 be composed of three school board members selected by all the
7 school board members of the Class I school districts with which
8 such Class II, III, IV, or V district is affiliated. The ~~county~~
9 superintendent of the affiliated high school district shall call a
10 meeting of all the school board members of such Class I school
11 districts, not a part of a Class VI school district, for the
12 purpose of establishing such advisory committees. Representatives
13 shall serve three-year terms.

14 The advisory committee shall provide advice and
15 communication to the school board of such affiliated high school
16 district regarding the high school program, facilities, and budget
17 and the needs and concerns of students, parents, and taxpayers in
18 the Class I school district or districts. Each advisory committee
19 shall meet at least biannually with the school board and
20 participate in good faith in those coordination requirements
21 specified in section 79-716.

22 Sec. 71. Section 79-524, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-524. The ~~board of education~~ school board of any Class
25 I, II, III, IV, or VI school district may, at its option, establish
26 a permanent and continuing census or enumeration of school children
27 in the school district. The list in writing of the names of the
28 children and taxpayers shall not be required to be reported, ~~to the~~

1 ~~county superintendent,~~ but the names of all of the children
2 belonging to such school district, from birth through twenty years
3 of age, shall instead be kept in a depository maintained by such
4 school district and subject to inspection at all times. Such
5 record shall not or need not include the names of all the taxpayers
6 in the district.

7 Sec. 72. Section 79-528, Revised Statutes Supplement,
8 1998, is amended to read:

9 79-528. (1) On or before July 20 in all school
10 districts, the secretary of the school board shall ~~deliver to the~~
11 ~~county superintendent,~~ to be filed in the county superintendent's
12 office, file with the State Department of Education a report under
13 oath showing the number of children from birth through twenty years
14 of age belonging to the school district according to the census
15 taken as provided in sections 79-524 and 79-578. The report shall
16 identify the number of boys and the number of girls in each of the
17 respective age categories. Each Class I school district which is
18 part of a Class VI school district offering instruction (a) in
19 grades kindergarten through six shall report children from birth
20 through eleven years of age and (b) in grades kindergarten through
21 eight shall report children from birth through thirteen years of
22 age. Each Class VI school district offering instruction (i) in
23 grades seven through twelve shall report children who are twelve
24 through twenty years of age and (ii) in grades nine through twelve
25 children who are fourteen through twenty years of age. Each Class
26 I district which has affiliated in whole or in part shall report
27 children from birth through thirteen years of age. Each Class I
28 district which is not in whole or in part a part of a Class VI

1 district and which has not affiliated in whole or in part shall
2 report children from birth through twenty years of age. Each Class
3 II, III, IV, or V district shall report children who are fourteen
4 through twenty years of age residing in Class I districts or
5 portions thereof which have affiliated with such district. The
6 board of any district neglecting to take and report the enumeration
7 shall be liable to the school district for all school money which
8 such district may lose by such neglect.

9 (2) On or before June 30 in all school districts, the
10 secretary of the school board shall ~~deliver to the county~~
11 ~~superintendent~~ and file with the Commissioner of Education a report
12 under oath described as an end-of-the-school-year annual
13 statistical summary showing (a) the number of children attending
14 school during the year under five years of age, (b) the length of
15 time the school has been taught during the year by a qualified
16 teacher, (c) the length of time taught by each substitute teacher,
17 and (d) such other information as the Commissioner of Education
18 directs.

19 (3) On or before October 15 in Class I school districts,
20 ~~the secretary of the school board shall submit to the county~~
21 ~~superintendent, to be filed in the county superintendent's office,~~
22 and on or before November 1 in Class II, III, IV, V, and VI school
23 districts, the secretary of the school board shall submit to the
24 ~~county superintendent and to the~~ Commissioner of Education, to be
25 filed in ~~their offices~~ his or her office, a report under oath
26 described as the annual financial report showing (a) the amount of
27 money received from all sources during the year and the amount of
28 money expended by the school district during the year, (b) the rate

1 of tax levied for all school purposes, (c) the amount of bonded
2 indebtedness, (d) such other information as shall be necessary to
3 fulfill the requirements of the Tax Equity and Educational
4 Opportunities Support Act and section 79-1114, and (e) such other
5 information as the Commissioner of Education directs.

6 (4) On or before October 15 of each year, the secretary
7 of each school board shall deliver ~~to the county superintendent and~~
8 to the State Department of Education the fall school district
9 membership report, which report shall include the number of
10 children from birth through twenty years of age enrolled in the
11 district on the last Friday in September of a given school year.
12 The report shall enumerate (a) students by grade level, (b) school
13 district levies and total assessed valuation for the current fiscal
14 year, (c) the amount of the levy for special building funds and
15 sinking funds exempted under subdivision (2)(a) of section 77-3442
16 for projects commenced prior to April 1, 1996, and the duration of
17 the exemptions, and (d) such other information as the Commissioner
18 of Education directs. When any school district fails to submit its
19 fall school district membership report by November 1, the
20 commissioner shall, after notice to the district and an opportunity
21 to be heard, direct that any state aid granted pursuant to the Tax
22 Equity and Educational Opportunities Support Act be withheld until
23 such time as the report is received by the department. In
24 addition, the commissioner shall ~~notify the county superintendent~~
25 ~~to~~ direct the county treasurer to withhold all school money
26 belonging to the school district until such time as the
27 commissioner notifies the county ~~superintendent~~ treasurer of
28 receipt of such report. The county treasurer shall withhold such

1 money.

2 Sec. 73. Section 79-537, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-537. The ~~board of education~~ school board of a Class V
5 school district shall cause to be taken an enumeration of all
6 persons each year from birth through twenty years of age residing
7 in the school district. It shall ~~report the same, together with~~
8 include such other information as is required by sections 79-524,
9 79-528, and 79-578, ~~to the county superintendent at the time~~
10 ~~specified by law for like returns in other districts,~~ except that
11 the information required by sections 79-524 and 79-578 as to
12 children under five years of age may be limited to the number of
13 children by age level and shall not include the names of all the
14 taxpayers in the district. The board may, at its option, establish
15 a permanent and continuing census or enumeration of school
16 children.

17 Sec. 74. Section 79-544, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-544. No member of a school board ~~or board of~~
20 ~~education~~ of a Class I, II, III, IV, or VI school district shall be
21 employed as a teacher by the school district on which board he or
22 she serves. ~~This section does not apply to a part-time county~~
23 ~~superintendent who by law serves on a board of education.~~

24 Sec. 75. Section 79-569, Revised Statutes Supplement,
25 1998, is amended to read:

26 79-569. The president of the school board of a Class I,
27 II, III, IV, or VI school district shall: (1) Preside at all
28 meetings of the district; (2) countersign all orders upon the

1 treasury for money to be disbursed by the district and all warrants
2 of the secretary on the county treasurer for money raised for
3 district purposes or apportioned to the district by the county
4 ~~superintendent~~ treasurer; (3) administer the oath to the secretary
5 and treasurer of the district when such an oath is required by law
6 in the transaction of the business of the district; and (4) perform
7 such other duties as may be required by law of the president of the
8 board. He or she is entitled to vote on any issue that may come
9 before any meeting. If the president is absent from any district
10 meeting, the legal voters present may elect a suitable person to
11 preside at the meeting.

12 Sec. 76. Section 79-575, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-575. The secretary of a school district shall draw
15 and sign all orders upon the treasurer for all money to be
16 disbursed by the district and all warrants upon the county
17 treasurer for money raised for district purposes or apportioned to
18 the district by the county ~~superintendent~~ treasurer and shall
19 present the same to the president to be countersigned. No warrant
20 shall be issued until so countersigned. No warrant shall be
21 countersigned by the president until the amount for which the
22 warrant is drawn is written upon its face. Facsimile signatures of
23 board members may be used, and a person or persons delegated by the
24 board may sign and validate all warrants of the district.

25 Sec. 77. Section 79-577, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 79-577. The secretary of a Class I, II, III, IV, or VI
28 school district shall (1) record all proceedings of the district in

1 a book furnished by the district to be kept for that purpose, (2)
2 preserve copies of all reports, ~~made to the county superintendent,~~
3 and (3) safely preserve and keep all books and papers belonging to
4 the office.

5 Sec. 78. Section 79-578, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-578. The secretary of a Class I, II, III, IV, or VI
8 school district shall take, or cause to be taken by some person
9 appointed for the purpose by a majority vote of the school board,
10 the census of the school district and then make or cause to be made
11 a list in writing of the names of all the children belonging to
12 such district, from birth through twenty years of age, together
13 with the names of all the taxpayers in the district. A copy of the
14 list, verified by oath of the person taking such census or by
15 affidavit appended to or endorsed on the list, setting forth that
16 it is a correct list of the names of all children belonging in the
17 district from birth through twenty years of age and that it
18 reflects such information as of June 30, shall be ~~returned to the~~
19 ~~county superintendent~~ maintained as provided in section 79-524.

20 Sec. 79. Section 79-579, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-579. Whenever a secretary or president of the school
23 board ~~or board of education~~ of a Class I, II, III, IV, or VI school
24 district refuses to sign orders on the treasurer or the treasurer
25 thinks best to refuse the payment of orders drawn upon him or her,
26 the difficulty shall be referred for adjudication to the county
27 ~~superintendent~~ attorney, who shall proceed at once to investigate
28 the matter. If the county ~~superintendent~~ attorney finds that the

1 officer complained of refuses through contumacy or for insufficient
2 reasons, the county ~~superintendent~~ attorney, on behalf of the
3 district, shall apply to the proper court for a writ of mandamus to
4 compel the officer to perform his or her duty.

5 Sec. 80. Section 79-588, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-588. The treasurer of a Class I, II, III, IV, or VI
8 school district shall keep a book, ~~furnished by the county~~
9 ~~superintendent~~, in which the treasurer shall enter all the money
10 received and disbursed by him or her, specifying particularly (1)
11 the source from which money has been received, (2) to what fund it
12 belongs, and (3) the person or persons to whom and the object for
13 which the same has been paid out. The treasurer shall present to
14 the district, at each annual meeting, a report in writing
15 containing a statement of all money received during the preceding
16 year and of the disbursement made with the items of such
17 disbursements and exhibit the vouchers therefor. At the close of
18 the treasurer's term of office, he or she shall settle with the
19 school board ~~or board of education~~ and shall hand over to his or
20 her successor the books and all receipts, vouchers, orders, and
21 papers coming into his or her hands as treasurer of the district,
22 together with all money remaining in his or her hands as such
23 treasurer.

24 Sec. 81. Section 79-598, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 79-598. (1) The school board ~~or board of education~~ of
27 any public school district in this state, when authorized by a
28 majority of the votes cast at any annual or special meeting, shall

1 (a) contract with the board of any neighboring public school
2 district or districts for the instruction of all or any part of the
3 pupils residing in the first named district in the school or
4 schools maintained by the neighboring public school district or
5 districts for a period of time not to exceed three years and (b)
6 make provision for the transportation of such pupils to the school
7 or schools of the neighboring public school district or districts.

8 (2) The school board ~~or board of education~~ of any public
9 school district may also, when petitioned to do so by at least
10 two-thirds of the parents residing in the district having children
11 of school age who will attend school under the contract plan, (a)
12 contract with the board of any neighboring public school district
13 or districts for the instruction of all or any part of the pupils
14 residing in the first named district in the school or schools
15 maintained by the neighboring public school district or districts
16 for a period of time not to exceed three years and (b) make
17 provision for the transportation of such pupils to the school or
18 schools of the neighboring public school district or districts.

19 (3) The contract price for instruction referred to in
20 subsections (1) and (2) of this section shall be the cost per pupil
21 for the immediately preceding school year or the current year,
22 whichever appears more practical as determined by the board of the
23 district which accepts the pupils for instruction. The cost per
24 pupil shall be determined by dividing the sum of the operational
25 cost and debt service expense of the accepting district, except
26 retirement of debt principal, plus three percent of the insurable
27 or present value of the school plant and equipment of the accepting
28 district, by the average daily membership of pupils in the

1 accepting district. Payment of the contract price shall be made in
2 equal installments at the beginning of the first and second
3 semesters.

4 (4) All the contracts referred to in subsections (1) and
5 (2) of this section shall be in writing, and copies of all such
6 contracts shall be filed in the office of the ~~county superintendent~~
7 school districts on or before August 15 of each year. The form of
8 such contracts shall be prescribed by the Commissioner of
9 Education. School districts thus providing instruction for their
10 children in neighboring districts shall be considered as
11 maintaining a school as required by law. The teacher of the school
12 providing the instruction shall keep a separate record of the
13 attendance of all pupils from the first named district and make a
14 separate report to the secretary of that district. The board of
15 every sending district contracting under this section shall enter
16 into contracts with school districts of the choice of the parents
17 of the children to be educated under the contract plan. Any school
18 district failing to comply with this section shall not be paid any
19 funds from the state apportionment of school funds while such
20 violation continues.

21 (5) The ~~county superintendent~~ State Committee for the
22 Reorganization of School Districts may dissolve any district (a)
23 failing to comply with this section, (b) in which the votes cast at
24 an annual or special election on the question of contracting with a
25 neighboring district are evenly divided, or (c) in which the
26 governing body of the district is evenly divided in its vote on the
27 question of contracting pursuant to subsection (2) of this section.
28 The ~~county superintendent~~ state committee shall dissolve and attach

1 to a neighboring district or districts any school district which,
 2 for five consecutive years, contracts for the instruction of its
 3 pupils, except that when such dissolution will create extreme
 4 hardships on the pupils or the district affected, the State Board
 5 of Education may, on application by the school board ~~or board of~~
 6 ~~education~~ of the district, ~~and the recommendation of the county~~
 7 ~~superintendent of the county in which the district is located,~~
 8 waive the requirements of this subsection. The dissolution of any
 9 school district pursuant to this section shall be effected in the
 10 manner prescribed in section 79-498. School districts that have
 11 contracted for instruction for two or more consecutive years shall,
 12 before reopening the schoolhouse within the district, have an
 13 enrollment of at least five pupils whose parents or legal guardians
 14 are legal voters of the school district and shall apply to the
 15 ~~county superintendent~~ state committee for approval to reopen that
 16 schoolhouse for school use. The ~~county superintendent~~ state
 17 committee shall, before granting that approval, personally inspect
 18 the school building and toilets and approve them as being safe,
 19 clean, and sanitary. ~~He or she~~ The state committee shall also
 20 inspect the supplies, equipment, and furnishings and approve them
 21 as being adequate for proper instruction.

22 Sec. 82. Section 79-605, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 79-605. Except as otherwise provided in this section,
 25 any school board ~~or board of education~~ may authorize the use of
 26 buses belonging to the school district for the transportation of
 27 school children residing outside such district. A fee sufficient
 28 to pay the additional costs of such transportation shall be charged

1 each person so transported. The board shall prepare a schedule of
2 all such fees charged, and a copy of such schedule shall be filed
3 in the office of the ~~county superintendent of schools for the~~
4 ~~county in which such district is maintained~~ school district. This
5 section shall not apply to an agreement for transportation entered
6 into pursuant to section 79-241.

7 Sec. 83. Section 79-611, Revised Statutes Supplement,
8 1998, is amended to read:

9 79-611. (1) The school board ~~or board of education~~ shall
10 either provide free transportation or pay an allowance for
11 transportation in lieu of free transportation as follows:

12 (a) When a student attends an elementary school in his or
13 her own district and lives more than four miles from the public
14 schoolhouse in such district;

15 (b) When a student is required to attend an elementary
16 school outside of his or her own district and lives more than four
17 miles from such elementary school;

18 (c) When a student attends a secondary school in his or
19 her own Class II or Class III school district and lives more than
20 four miles from the public schoolhouse. This subdivision does not
21 apply when one or more Class I school districts merge with a Class
22 VI school district to form a new Class II or III school district on
23 or after January 1, 1997; and

24 (d) When a student, other than a student in grades ten
25 through twelve in a Class V district, attends an elementary or
26 junior high school in his or her own Class V district and lives
27 more than four miles from the public schoolhouse in such district.

28 (2) The transportation allowance which may be paid to the

1 parent, custodial parent, or guardian of students qualifying for
2 free transportation pursuant to subsection (1) of this section
3 shall equal two hundred eighty-five percent of the mileage rate
4 provided in section 81-1176, multiplied by each mile actually and
5 necessarily traveled, on each day of attendance, beyond which the
6 one-way distance from the residence of the student to the
7 schoolhouse exceeds three miles.

8 (3) Whenever students from more than one family travel to
9 school in the same vehicle, the transportation allowance prescribed
10 in subsection (2) of this section shall be payable as follows:

11 (a) To the parent, custodial parent, or guardian
12 providing transportation for students from other families, one
13 hundred percent of the amount prescribed in subsection (2) of this
14 section for the transportation of students of such parent's,
15 custodial parent's, or guardian's own family and an additional five
16 percent for students of each other family not to exceed a maximum
17 of one hundred twenty-five percent of the amount determined
18 pursuant to subsection (2) of this section; and

19 (b) To the parent, custodial parent, or guardian not
20 providing transportation for students of other families, two
21 hundred eighty-five percent of the mileage rate provided in section
22 81-1176 multiplied by each mile actually and necessarily traveled,
23 on each day of attendance, from the residence of the student to the
24 pick-up point at which students transfer to the vehicle of a
25 parent, custodial parent, or guardian described in subdivision (a)
26 of this subsection.

27 (4) The board may authorize school-provided
28 transportation to any student who does not qualify under the

1 mileage requirements of subsection (1) of this section and may
2 charge a fee to the parent or guardian of the student for such
3 service. An affiliated high school district may provide free
4 transportation or pay the allowance described in this section for
5 high school students residing in an affiliated Class I district.
6 No transportation payments shall be made to a family for mileage
7 not actually traveled by such family. The number of days the
8 student has attended school shall be reported monthly by the
9 teacher to the board of such public school district.

10 (5) No more than one allowance shall be made to a family
11 irrespective of the number of students in a family being
12 transported to school. If a family resides in a Class I district
13 which is part of a Class VI district and has students enrolled in
14 any grade of grades kindergarten through six in the Class I
15 district and in any grade of grades seven and eight in the Class VI
16 district, such family shall receive not more than one allowance for
17 the distance actually traveled when both districts are on the same
18 direct travel route with one district being located a greater
19 distance from the residence than the other. In such cases, the
20 travel allowance shall be prorated among the school districts
21 involved. ~~Unless the parties involved can mutually agree, the~~
22 ~~county superintendent of the district in which the school attended~~
23 ~~is located shall determine the pro rata share to be paid by each~~
24 ~~district. If the schools attended are in different counties, the~~
25 ~~respective county superintendents shall determine the proper pro~~
26 ~~rata amount each district shall pay.~~

27 (6) No student shall be exempt from school attendance on
28 account of distance from the public schoolhouse.

1 Sec. 84. Section 79-709, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-709. There may be held at the county fair or other
4 place in each county, under the supervision and direction of the
5 ~~county superintendent and~~ county board of commissioners or county
6 board of supervisors, an exhibit of school work done in each school
7 district of the county during the current school year. The nature
8 and character of the exhibit shall be determined by the county
9 ~~superintendent. The county superintendent board. The county board~~
10 may annually offer and award premiums intended to stimulate the
11 interest in school affairs. A list of premiums to be awarded shall
12 be mailed by the county ~~superintendent~~ board to the teacher,
13 principal, or superintendent of each public school in each school
14 district in the county on or before January 15 of each year in
15 which an exhibit shall be held.

16 Sec. 85. Section 79-724, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-724. An informed, loyal, just, and patriotic
19 citizenry is necessary to a strong, stable, just, and prosperous
20 America. Such a citizenry necessitates that every member thereof
21 be fully acquainted with the nation's history and that he or she be
22 in full accord with our form of government and fully aware of the
23 liberties, opportunities, and advantages of which we are possessed
24 and the sacrifices and struggles of those through whose efforts
25 these benefits were gained. Since youth is the time most
26 susceptible to the acceptance of principles and doctrines that will
27 influence men and women throughout their lives, it is one of the
28 first duties of our educational system to conduct its activities,

1 choose its textbooks, and arrange its curriculum in such a way that
2 the love of liberty, justice, democracy, and America will be
3 instilled in the hearts and minds of the youth of the state.

4 (1) Every school board shall, at the beginning of each
5 school year, appoint from its members a committee of three, to be
6 known as the committee on Americanism. The committee on
7 Americanism shall:

8 (a) Carefully examine, inspect, and approve all textbooks
9 used in the teaching of American history and civil government in
10 the school. Such textbooks shall adequately stress the services of
11 the men and women who achieved our national independence,
12 established our constitutional government, and preserved our union
13 and shall be so written to include contributions by ethnic groups
14 as to develop a pride and respect for our institutions and not be a
15 mere recital of events and dates;

16 (b) Assure themselves as to the character of all teachers
17 employed and their knowledge and acceptance of the American form of
18 government; and

19 (c) Take all such other steps as will assure the carrying
20 out of the provisions of this section.

21 (2) All American history courses approved for grade
22 levels as provided by this section shall include and adequately
23 stress contributions of all ethnic groups (a) to the development
24 and growth of America into a great nation, (b) to art, music,
25 education, medicine, literature, science, politics, and government,
26 and (c) to the war services in all wars of this nation.

27 (3) All grades of all public, private, denominational,
28 and parochial schools, below the sixth grade, shall devote at least

1 one hour per week to exercises or teaching periods for the
2 following purpose:

3 (a) The recital of stories having to do with American
4 history or the deeds and exploits of American heroes;

5 (b) The singing of patriotic songs and the insistence
6 that every pupil memorize the Star-Spangled Banner and America; and

7 (c) The development of reverence for the flag and
8 instruction as to proper conduct in its presentation.

9 (4) In at least two of the three grades from the fifth
10 grade to the eighth grade in all public, private, denominational,
11 and parochial schools, at least three periods per week shall be set
12 aside to be devoted to the teaching of American history from
13 approved textbooks, taught in such a way as to make the course
14 interesting and attractive and to develop a love of country.

15 (5) In at least two grades of every high school, at least
16 three periods per week shall be devoted to the teaching of civics,
17 during which courses specific attention shall be given to the
18 following matters:

19 (a) The United States Constitution and the Constitution
20 of Nebraska;

21 (b) The benefits and advantages of our form of government
22 and the dangers and fallacies of Nazism, Communism, and similar
23 ideologies; and

24 (c) The duties of citizenship.

25 (6) Appropriate patriotic exercises suitable to the
26 occasion shall be held under the direction of the school
27 superintendent in every public, private, denominational, and
28 parochial school on Lincoln's birthday, Washington's birthday, Flag

1 Day, Memorial Day, and Veterans Day, or on the day preceding or
2 following such holiday, if the school is in session.

3 (7) Every school board, ~~and board of education,~~ the State
4 Board of Education, ~~each county superintendent of schools,~~ and the
5 superintendent of each ~~individual~~ school district in the state
6 shall be held directly responsible in the order named for carrying
7 out ~~the provisions of~~ this section, and neglect thereof by any
8 employee or appointed official shall be considered a dereliction of
9 duty and cause for dismissal.

10 Sec. 86. Section 79-804, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-804. (1) Each teacher or administrator shall register
13 his or her certificate ~~in the office of the county superintendent~~
14 ~~of the county~~ with the public, private, denominational, or
15 parochial school in which the teacher or administrator is employed.
16 ~~The county superintendent school~~ shall endorse upon the certificate
17 that it has been registered and the date of registration. Such
18 registration shall be without fee. No employment of a teacher or
19 administrator ~~, and no certificate to contract for a school~~ shall
20 be valid until the certificate is so registered. On or before
21 September 15 of each year, the public, private, denominational, and
22 parochial schools shall file with the State Department of Education
23 a fall personnel report which shall specify the names of all
24 individuals employed by the school who are required by law to hold
25 a certificate and such other information as the Commissioner of
26 Education directs. The school ~~board or board of education at the~~
27 ~~time of contracting with a teacher or administrator~~ shall transmit
28 ~~to the county superintendent~~ within ten days to the State

1 Department of Education the name of the teacher or administrator to
 2 be employed, together with the position to which elected. Fifteen
 3 calendar days after the first day of school, the county
 4 ~~superintendent~~ employed, if the teacher or administrator is
 5 employed after the submission of the fall personnel report. The
 6 Commissioner of Education shall certify to the ~~board~~ school the
 7 name of any teacher or administrator who has not registered his or
 8 her been issued a certificate or given evidence of application to
 9 the State Department of Education and qualification for a
 10 certificate or permit. Sixty calendar days after the first day of
 11 school, the county superintendent shall certify to the board the
 12 name of any teacher or administrator who has not registered a
 13 certificate or permit valid for the position to which elected and
 14 that the contract of the teacher or administrator has been declared
 15 invalid. The teacher or administrator shall not be reimbursed for
 16 any services to the school ~~district~~ after the date of receipt of
 17 notification by the board that the contract of the teacher or
 18 administrator has been declared invalid Commissioner of Education.

19 (2) Sixty calendar days after the first day in each
 20 school year, the county superintendent The Commissioner of
 21 Education shall notify the county treasurer to withhold all school
 22 money belonging to any district employing an uncertificated teacher
 23 or administrator until the teacher or administrator has ~~registered~~
 24 a certificate with the county superintendent obtained a certificate
 25 or has been dismissed by the board employing such teacher or
 26 administrator. The , and the county treasurer shall withhold such
 27 money.

28 Sec. 87. Section 79-818, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-818. A majority of the members of a school board ~~or~~
3 ~~board of education~~ of any school district may enter into a contract
4 of employment with a legally qualified teacher or administrator.
5 Such majority has authority to designate one or more members of the
6 board to sign such contract, which signature shall be binding upon
7 the entire board. A duplicate of such contract shall be filed with
8 the secretary. No member of the board shall enter into or execute
9 on behalf of the district any contract with any teacher or
10 administrator related to him or her or to the majority of the board
11 by blood or marriage. The secretary shall notify the ~~county~~
12 ~~superintendent~~ State Department of Education, at the time the
13 contract is made, of the length of the proposed term of school,
14 ~~when the school will begin~~, and the name of the teacher or
15 administrator. No money belonging to the district shall be paid
16 for teaching to any but legally qualified teachers, and a board
17 shall not pay out money belonging to the school district to any
18 teacher or administrator after such board has received a sworn
19 statement upon behalf of a board that the services of the teacher
20 or administrator in question are under previous contract to that
21 board.

22 Sec. 88. Section 79-819, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-819. A contract for employment of a teacher or
25 administrator authorized under section 79-818 shall contain (1) a
26 provision by which the employed person affirms that he or she holds
27 or will hold, at the beginning of the term of the contract, a valid
28 certificate properly registered ~~in the office of the county~~

1 ~~superintendent with the school district~~ and that he or she is not
2 under contract with another school board ~~or board of education~~ of a
3 school district in this state and (2) a provision that there shall
4 be no penalty for release from the contract.

5 Sec. 89. Section 79-850, Revised Statutes Supplement,
6 1998, is amended to read:

7 79-850. For purposes of sections 79-850 to 79-858:

8 (1) Reorganized school district means: (a) Any expanded
9 or altered school district, organized or altered by any of the
10 means provided by Nebraska law including, but not limited to, the
11 methods provided by the Reorganization of School Districts Act,
12 section 79-407, 79-413, ~~79-463~~, or 79-473, or sections 79-415 to
13 79-417 or 79-452 to 79-455; or (b) any school district to be formed
14 in the future if the petition or plan for such reorganized school
15 district has been approved pursuant to any of the methods set forth
16 in subdivision (1)(a) of this section when the effective date of
17 such reorganization is prospective. For purposes of this
18 subdivision, a petition or plan shall be deemed approved when the
19 last legal action has been taken, as prescribed in section 79-413,
20 79-450, or 79-455, necessary to effect the changes in boundaries as
21 set forth in the petition or plan; and

22 (2) Unified system means a unified system as defined in
23 section 79-4,108 recognized by the State Department of Education
24 pursuant to subsection (3) of such section, which employs
25 certificated staff.

26 Sec. 90. Section 79-902, Revised Statutes Supplement,
27 1998, is amended to read:

28 79-902. For purposes of the School Employees Retirement

1 Act, unless the context otherwise requires:

2 (1) Accumulated contributions means the sum of all
3 amounts deducted from the compensation of a member and credited to
4 his or her individual account in the School Retirement Fund
5 together with regular interest thereon, compounded monthly,
6 quarterly, semiannually, or annually;

7 (2) Beneficiary means any person in receipt of a school
8 retirement allowance or other benefit provided by the act;

9 (3) Member means any person who has an account in the
10 School Retirement Fund;

11 (4) County school official means the county
12 superintendent, county school administrator, or district
13 superintendent and any person serving in his or her office who is
14 required by law to have a teacher's certificate;

15 (5) Creditable service means prior service for which
16 credit is granted under sections 79-926 to 79-929, service credit
17 purchased under sections 79-933.03 to 79-933.06 and 79-933.08, and
18 all service rendered while a contributing member of the retirement
19 system. Creditable service includes working days, sick days,
20 vacation days, holidays, and any other leave days for which the
21 employee is paid regular wages as part of the employee's agreement
22 with the employer. Creditable service does not include lump-sum
23 payments to the employee upon termination or retirement in lieu of
24 accrued benefits for such days, eligibility and vesting credit, nor
25 service years for which member contributions are withdrawn and not
26 repaid. Creditable service also does not include service rendered
27 by a member for which the retirement board determines that the
28 member was paid less in compensation than the minimum wage as

1 provided in the Wage and Hour Act or service which the board
2 determines was rendered with the intent to defraud the retirement
3 system;

4 (6) Disability retirement allowance means the annuity
5 paid to a person upon retirement for disability under section
6 79-952;

7 (7) Employer means the State of Nebraska or any
8 subdivision thereof or agency of the state or subdivision
9 authorized by law to hire school employees or to pay their
10 compensation;

11 (8) Fiscal year means any year beginning July 1 and
12 ending June 30 next following;

13 (9) Regular interest means interest fixed at a rate equal
14 to the bond equivalent yield, as published by the Secretary of the
15 Treasury of the United States, of the average accepted auction
16 price for the last auction of fifty-two-week United States treasury
17 bills in effect on the last day of the preceding plan year, which
18 may be credited monthly, quarterly, semiannually, or annually as
19 the board may direct;

20 (10) Junior school employee means a school employee who
21 has not arrived at his or her twenty-first birthday anniversary on
22 August 15 preceding;

23 (11) School employee means a contributing member who
24 acquires five hundred sixteen hours or more of service in a fiscal
25 year and thereby earns one-half year of service credit. A
26 contributing member who acquires one thousand thirty-two hours or
27 more of service in a fiscal year shall earn one year of service
28 credit. For purposes of this section, contributing member means

1 the following persons who receive compensation from a public
2 school: (a) Regular employees hired upon a full-time basis which
3 contemplates a workweek of not less than thirty hours and (b)
4 part-time employees hired for not less than sixty hours per month;

5 (12) Prior service means service rendered as a school
6 employee in the public schools of the State of Nebraska prior to
7 July 1, 1945;

8 (13) Public school means any and all schools offering
9 instruction in elementary or high school grades, as defined in
10 section 79-101, which schools are supported by public funds and are
11 wholly under the control and management of the State of Nebraska or
12 any subdivision thereof, including (a) schools or other entities
13 established, maintained, and controlled by the school boards of
14 local school districts, except Class V school districts, (b) any
15 educational service unit, and (c) any other educational institution
16 wholly supported by public funds, except schools under the control
17 and management of the Board of Trustees of the Nebraska State
18 Colleges, the Board of Regents of the University of Nebraska, or
19 the community college boards of governors for any community college
20 areas;

21 (14) Retirement means qualifying for and accepting a
22 school or disability retirement allowance granted under the School
23 Employees Retirement Act;

24 (15) Retirement board or board means the Public Employees
25 Retirement Board;

26 (16) Retirement system means the School Retirement System
27 of the State of Nebraska;

28 (17) Required deposit means the deduction from a member's

1 compensation as provided for in section 79-958 which shall be
2 deposited in the School Retirement Fund;

3 (18) School year means one fiscal year which includes not
4 less than one thousand thirty-two instructional hours or, in the
5 case of service in the State of Nebraska prior to July 1, 1945, not
6 less than seventy-five percent of the then legal school year;

7 (19) Senior school employee means a school employee who
8 has arrived at his or her twenty-first birthday anniversary on
9 August 15 preceding;

10 (20) Service means employment as a school employee and
11 shall not be deemed interrupted by (a) termination at the end of
12 the school year of the contract of employment of an employee in a
13 public school if the employee enters into a contract of employment
14 in any public school, except a school in a Class V school district,
15 for the following school year, (b) temporary or seasonal suspension
16 of service that does not terminate the employee's employment, (c)
17 leave of absence authorized by the employer for a period not
18 exceeding twelve months, (d) leave of absence because of
19 disability, or (e) military service when properly authorized by the
20 retirement board. Service does not include any period of
21 disability for which disability retirement benefits are received
22 under sections 79-951 to 79-953;

23 (21) School retirement allowance means the total of the
24 savings annuity and the service annuity or formula annuity paid a
25 person who has retired under sections 79-931 to 79-935. The
26 monthly payments shall be payable at the end of each calendar month
27 during the life of a retired member. The first payment shall
28 include all amounts accrued since the effective date of the award

1 of annuity. The last payment shall be at the end of the calendar
2 month in which such member dies or in accordance with the payment
3 option chosen by the member;

4 (22) Service annuity means payments for life, made in
5 equal monthly installments, derived from appropriations made by the
6 State of Nebraska to the retirement system;

7 (23) State deposit means the deposit by the state in the
8 retirement system on behalf of any member;

9 (24) State school official means the Commissioner of
10 Education and his or her professional staff and the assistant
11 commissioner of education in charge of vocational education and his
12 or her professional staff;

13 (25) Savings annuity means payments for life, made in
14 equal monthly payments, derived from the accumulated contributions
15 of a member;

16 (26) Emeritus member means a person (a) who has entered
17 retirement under the provisions of the act, including those persons
18 who have retired since July 1, 1945, under any other regularly
19 established retirement or pension system as contemplated by section
20 79-916, (b) who has thereafter been reemployed in any capacity by a
21 public school, a Class V school district, or a school under the
22 control and management of the Board of Trustees of the Nebraska
23 State Colleges, the Board of Regents of the University of Nebraska,
24 or a community college board of governors or has become a state
25 school official or county school official subsequent to such
26 retirement, and (c) who has applied to the board for emeritus
27 membership in the retirement system. The school district or agency
28 shall certify to the retirement board on forms prescribed by the

1 retirement board that the annuitant was reemployed, rendered a
2 service, and was paid by the district or agency for such services;

3 (27) Actuarial equivalent means the equality in value of
4 the aggregate amounts expected to be received under different forms
5 of payment. The determinations shall be based on the 1971 Group
6 Annuity Mortality Table reflecting sex-distinct factors blended
7 using twenty-five percent of the male table and seventy-five
8 percent of the female table. An interest rate of seven percent per
9 annum shall be reflected in making these determinations except when
10 a lump-sum settlement is made to an estate. If the lump-sum
11 settlement is made to an estate, the interest rate will be
12 determined by the Moody's Triple A Bond Index as of the prior June
13 30, rounded to the next lower quarter percent;

14 (28) Retirement date means the first day of the month
15 following the date upon which a member's request for retirement is
16 received on a retirement application provided by the retirement
17 system if the member has terminated employment in the school
18 system. An application may be filed no more than ninety days in
19 advance of the date on which a member terminates employment in the
20 school system;

21 (29) Disability retirement date means the first day of
22 the month following the date upon which a member's request for
23 disability retirement is received on a retirement application
24 provided by the retirement system if the member has terminated
25 employment in the school system and has complied with sections
26 79-951 to 79-954 as such sections refer to disability retirement;

27 (30) Retirement application means the form approved by
28 the retirement system for acceptance of a member's request for

1 either regular or disability retirement;

2 (31) Eligibility and vesting credit means credit for
3 years, or a fraction of a year, of participation in a Nebraska
4 government plan for purposes of determining eligibility for
5 benefits under the School Employees Retirement Act. Such credit
6 shall not be included as years of creditable service in the benefit
7 calculation;

8 (32) Final average compensation means (a) for full-time
9 employees, the member's total compensation subject to required
10 deposits for the three fiscal years in which such compensation was
11 the highest divided by thirty-six and (b) for part-time employees,
12 the member's total adjusted compensation subject to required
13 deposits for the three fiscal years in which such adjusted
14 compensation was the highest divided by thirty-six. If a member
15 has such compensation for less than three such fiscal years, his or
16 her final average compensation shall be determined by dividing his
17 or her total compensation in all such years by the total number of
18 months of his or her creditable service therefor. Adjusted
19 compensation for any year shall be equal to actual pay times the
20 ratio of one to the actual credited service for such year.

21 Payments under the Retirement Incentive Plan pursuant to
22 section 79-855 and Staff Development Assistance pursuant to section
23 79-856 shall not be included in the determination of final average
24 compensation;

25 (33) Plan year means the twelve-month period beginning on
26 July 1 and ending on June 30 of the following year;

27 (34) Current benefit means the initial benefit increased
28 by all adjustments made pursuant to section 79-947.02;

1 (35) Initial benefit means the retirement benefit
2 calculated at the time of retirement;

3 (36) Surviving spouse means (a) the spouse married to the
4 member on the date of the member's death or (b) the spouse or
5 former spouse of the member if survivorship rights are provided
6 under a qualified domestic relations order filed with the board
7 pursuant to the Spousal Pension Rights Act. The spouse or former
8 spouse shall supersede the spouse married to the member on the date
9 of the member's death as provided under a qualified domestic
10 relations order. If the benefits payable to the spouse or former
11 spouse under a qualified domestic relations order are less than the
12 value of benefits entitled to the surviving spouse, the spouse
13 married to the member on the date of the member's death shall be
14 the surviving spouse for the balance of the benefits;

15 (37)(a) Compensation means gross wages or salaries
16 payable to the member for personal services performed during the
17 plan year. Compensation does not include amounts which the
18 retirement board determines were fraudulently obtained,
19 compensation for unused sick leave or unused vacation leave
20 converted to cash payments, insurance premiums converted into cash
21 payments, reimbursement for expenses incurred, fringe benefits, or
22 bonuses for services not actually rendered, including, but not
23 limited to, early retirement inducements, cash awards, and
24 severance pay, except for retroactive salary payments paid pursuant
25 to court order, arbitration, or litigation and grievance
26 settlements. Compensation includes overtime pay, member retirement
27 contributions, and amounts contributed by the member to plans under
28 sections 125, 403(b), and 457 of the Internal Revenue Code or any

1 other section of the code which defers or excludes such amounts
2 from income.

3 (b) Compensation in excess of the limitations set forth
4 in section 401(a)(17) of the Internal Revenue Code shall be
5 disregarded. For an employee who was a member of the retirement
6 system before the first plan year beginning after December 31,
7 1995, the limitation on compensation shall not be less than the
8 amount which was allowed to be taken into account under the
9 retirement system as in effect on July 1, 1993; and

10 (38) Termination of employment occurs on the date on
11 which the members' employer determines that the member's
12 employer-employee relationship with the employer is dissolved. The
13 employer shall notify the board in writing within two weeks after
14 the date such a termination is deemed to have occurred.
15 Termination of employment does not include ceasing active work at
16 the end of the school year if the member will return to active work
17 during the following school year with any school district under the
18 retirement system.

19 Sec. 91. Section 79-960, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-960. Every employer shall deduct and withhold an
22 amount pursuant to section 79-958 from the compensation as a school
23 employee of each member on each payroll period after such school
24 employee becomes a member of the retirement system. The employer,
25 through its proper agents, the superintendent ~~of schools~~ of the
26 school district or the ~~county superintendent~~ administrator of a
27 Class I school district, or the secretary of the school board, ~~or~~
28 ~~board of education~~, shall transmit monthly, quarterly, or

1 semiannually if the retirement board so directs a copy of such
2 payroll, in such form as is approved by the retirement board, and a
3 remittance payable to the order of the State Treasurer for all
4 deductions from the compensation of members on such payroll. The
5 remittances may be by draft, money order, check, or otherwise
6 according to rules and regulations adopted and promulgated by the
7 retirement board. The board may charge the employer a late fee,
8 not to exceed fifty dollars, if the deduction report, the monthly
9 remittance report, or the monthly money due is not received and
10 properly completed by the date due as prescribed by the board. The
11 board shall charge the employer an amount equal to the interest
12 which would have accrued if the delinquent report causes the
13 employee to lose interest on his or her account. The proceeds of
14 the interest charge shall be used to reimburse the account of each
15 school employee deprived of interest by the delay.

16 Sec. 92. Section 79-1024, Revised Statutes Supplement,
17 1998, is amended to read:

18 79-1024. (1) The department may require each district to
19 submit to the department a duplicate copy of such portions of the
20 district's budget statement as the Commissioner of Education
21 directs. The department may verify any data used to meet the
22 requirements of the Tax Equity and Educational Opportunities
23 Support Act. The Auditor of Public Accounts, after consultation
24 with the department, shall review each district's budget statement
25 for statutory compliance, make necessary changes in the budget
26 documents for districts to effectuate the budget limitations
27 imposed pursuant to sections 79-1023 to 79-1030, and notify the
28 Commissioner of Education (a) of any district failing to submit to

1 the department or the auditor the budget documents required
2 pursuant to this subsection by the date established in subsection
3 (1) of section 13-508 or failing to make any corrections of errors
4 in the documents pursuant to section 13-504 and (b) of any Class I
5 district failing to submit the items required by ~~such~~ this
6 subsection to its high school districts by the date established in
7 section 79-1083.03.

8 (2) If a school district fails to submit to the
9 department or the auditor the budget documents required pursuant to
10 subsection (1) of this section by the date established in
11 subsection (1) of section 13-508 or fails to make any corrections
12 of errors in the documents pursuant to section 13-504 or a Class I
13 district fails to submit the items required by ~~such subsection~~
14 subsection (1) of this section to its high school districts by the
15 date established in section 79-1083.03, the commissioner, upon
16 notification from the auditor or upon his or her own knowledge that
17 the required budget documents and any required corrections of
18 errors from any school district have not been properly filed in
19 accordance with the Nebraska Budget Act and after notice to the
20 district and an opportunity to be heard, shall direct that any
21 state aid granted pursuant to the Tax Equity and Educational
22 Opportunities Support Act be withheld until such time as the
23 required budget documents or corrections of errors are received by
24 the auditor and the department. In addition, the commissioner
25 shall ~~notify the county superintendent to~~ direct the county
26 treasurer to withhold all school money belonging to the school
27 district until such time as the commissioner notifies the county
28 ~~superintendent~~ treasurer of receipt of the required budget

1 documents or corrections of errors. The county treasurer shall
2 withhold such money. If the school district does not comply with
3 this section prior to the end of the state's biennium following the
4 biennium which included the fiscal year for which state aid was
5 calculated, the state aid funds shall revert to the General Fund.
6 The amount of any reverted funds shall be included in data provided
7 to the Governor in accordance with section 79-1031. The board of
8 any district failing to submit to the department or the auditor the
9 budget documents required pursuant to this section by the date
10 established in subsection (1) of section 13-508 or failing to make
11 any corrections of errors in the documents pursuant to section
12 13-504 or the board of a Class I district failing to submit the
13 items required by ~~such subsection~~ to its high school districts by
14 the date established in section 79-1083.03 shall be liable to the
15 school district for all school money which such district may lose
16 by such failing.

17 Sec. 93. Section 79-1033, Revised Statutes Supplement,
18 1998, is amended to read:

19 79-1033. (1) Except as otherwise provided in the Tax
20 Equity and Educational Opportunities Support Act, state aid payable
21 pursuant to the act for each school fiscal year shall be based upon
22 data found in applicable reports for the most recently available
23 complete data year. The annual financial reports and the annual
24 statistical summary of all school districts shall be submitted to
25 the Commissioner of Education pursuant to the dates prescribed in
26 section 79-528. If a school district fails to timely submit its
27 reports, the commissioner, after notice to the district and an
28 opportunity to be heard, shall direct that any state aid granted

1 pursuant to the act be withheld until such time as the reports are
2 received by the department. In addition, the commissioner shall
3 ~~notify the county superintendent to~~ direct the county treasurer to
4 withhold all school money belonging to the school district until
5 such time as the commissioner notifies the county ~~superintendent~~
6 treasurer of receipt of such reports. The county treasurer shall
7 withhold such money. If the school district does not comply with
8 this section prior to the end of the state's biennium following the
9 biennium which included the school fiscal year for which state aid
10 was calculated, the state aid funds shall revert to the General
11 Fund. The amount of any reverted funds shall be included in data
12 provided to the Governor in accordance with section 79-1031.

13 (2) A district which receives, or has received in the
14 most recently available complete data year or in either of the two
15 school fiscal years preceding the most recently available complete
16 data year, federal funds in excess of twenty-five percent of its
17 general fund budget of expenditures may apply for early payment of
18 state aid paid pursuant to the act when such federal funds are not
19 received in a timely manner. Such application may be made at any
20 time by a district suffering such financial hardship and may be for
21 any amount up to fifty percent of the remaining amount to which the
22 district is entitled during the current school fiscal year. The
23 state board may grant the entire amount applied for or any portion
24 of such amount if the state board finds that a financial hardship
25 exists in the district. The state board shall notify the Director
26 of Administrative Services of the amount of funds to be paid in
27 lump sum and the reduced amount of the monthly payments. The
28 Director of Administrative Services shall, at the time of the next

1 state aid payment made pursuant to section 79-1022, draw a warrant
2 for the lump-sum amount from appropriated funds and forward such
3 warrant to the district. For purposes of this subsection,
4 financial hardship means a situation in which income to a district
5 is exceeded by liabilities to such a degree that if early payment
6 is not received it will be necessary for the district to
7 discontinue vital services or functions.

8 Sec. 94. Section 79-1035, Revised Statutes Supplement,
9 1998, is amended to read:

10 79-1035. (1) The State Treasurer shall, each year on or
11 before the third Monday in January, make a complete exhibit of all
12 money belonging to the permanent school fund and the temporary
13 school fund as returned to him or her from the several counties,
14 together with the amount derived from other sources, and deliver
15 such exhibit duly certified to the Commissioner of Education. On
16 or before February 25, the Commissioner of Education shall make the
17 apportionment of the temporary school fund to each school district
18 as follows: From the whole amount there shall be paid to those
19 districts in which there are school or saline lands an amount in
20 lieu of tax money that would be raised if such lands were taxable,
21 to be fixed in the manner prescribed in section 79-1036; and the
22 remainder shall be apportioned to the districts according to the
23 pro rata enumeration of children who are five through eighteen
24 years of age in each district last returned. ~~from the county~~
25 ~~superintendent.~~

26 (2) The Commissioner of Education shall certify the
27 amount of the apportionment of the temporary school fund as
28 provided in subsection (1) of this section to the ~~superintendent of~~

1 ~~the proper~~ county treasurer and to the Director of Administrative
2 Services. The Director of Administrative Services shall draw a
3 warrant on the State Treasurer in favor of the various districts
4 for the respective amounts so certified by the Commissioner of
5 Education.

6 Sec. 95. Section 79-1036, Revised Statutes Supplement,
7 1998, is amended to read:

8 79-1036. (1) In making the apportionment under section
9 79-1035, the Commissioner of Education shall distribute from the
10 school fund for school purposes, to any and all school districts in
11 which there are situated school lands which have not been sold and
12 transferred by deed or saline lands owned by the state, an amount
13 in lieu of tax money that would be raised if such lands were
14 taxable, to be ascertained in accordance with subsection (2) of
15 this section, except that:

16 (a) For Class I districts or portions thereof which are
17 affiliated and in which there are situated school or saline lands,
18 38.6207 percent of the in lieu of land tax money calculated
19 pursuant to subsection (2) of this section, based on the affiliated
20 school system tax levy computed pursuant to section 79-1077, shall
21 be distributed to the affiliated high school district and the
22 remainder shall be distributed to the Class I district;

23 (b) For Class I districts or portions thereof which are
24 part of a Class VI district which offers instruction in grades nine
25 through twelve and in which there are situated school or saline
26 lands, 38.6207 percent of the in lieu of land tax money calculated
27 pursuant to subsection (2) of this section, based on the Class VI
28 school system levy computed pursuant to section 79-1078, shall be

1 distributed to the Class VI district and the remainder shall be
2 distributed to the Class I district; and

3 (c) For Class I districts or portions thereof which are
4 part of a Class VI district which offers instruction in grades
5 seven through twelve and in which there are situated school or
6 saline lands, 55.1724 percent of the in lieu of land tax money
7 calculated pursuant to subsection (2) of this section, based on the
8 Class VI school system levy computed pursuant to section 79-1078,
9 shall be distributed to the Class VI district and the remainder
10 shall be distributed to the Class I district.

11 (2) The county ~~superintendents~~ treasurer shall certify to
12 the Commissioner of Education the tax levy for school purposes of
13 each school district in which school land or saline land is located
14 and the last appraised value of such school land, which value shall
15 be the same percentage of the appraised value as the percentage of
16 the assessed value is of market value in subsection (2) of section
17 77-201 for the purpose of applying the applicable tax levy for each
18 district in determining the distribution to the districts of such
19 amounts. The school board of any school district in which there is
20 located any leased or undeeded school land or saline land subject
21 to this section may appeal to the Board of Educational Lands and
22 Funds for a reappraisal of such school land if such school board
23 deems the land not appraised in proportion to the value of
24 adjoining land of the same or similar value. The Board of
25 Educational Lands and Funds shall proceed to investigate the facts
26 involved in such appeal and, if the contention of the school board
27 is correct, make the proper reappraisal. The value calculation
28 in this subsection shall be used by the Commissioner of Education

1 for making distributions in each school fiscal year.

2 Sec. 96. Section 79-1037, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-1037. (1) Each county ~~superintendent~~ treasurer shall
5 add (a) all money received by the county treasurer of his or her
6 county on account of fines and licenses, (b) the proceeds from the
7 sale of schoolhouses, sites, or other property of a school
8 district, and (c) all unexpended balances of proceeds of taxes
9 levied by a district when the district has been taken by the United
10 States for any defense, flood control, irrigation, or war project.

11 (2) The sum total referred to in subsection (1) of this
12 section shall be distributed to the several districts of the county
13 pro rata according to the enumeration of those children who are
14 five through eighteen years of age for which the district is
15 obligated to report on the census last returned by the districts.

16 Sec. 97. Section 79-1039, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-1039. After making the apportionment pursuant to
19 section 79-1037, the county ~~superintendent~~ treasurer shall (1)
20 enter the apportionment immediately in a book kept for that
21 purpose, ~~and furnish the county treasurer with a certified copy of~~
22 ~~such apportionment,~~ (2) furnish the secretary of each school
23 district in the county a certificate showing the amount due such
24 district, and (3) ~~draw warrants on the county treasurer in favor of~~
25 ~~each individual district or certify to the county treasurer~~
26 distribute the funds to each district in the amount due such
27 district for its share of the apportionment.

28 Sec. 98. Section 79-1044, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-1044. The forest reserve funds, annually paid into
3 the state treasury by the United States Government under an act of
4 Congress approved June 30, 1906, shall be distributed among the
5 counties of the state entitled to the same for the benefit of the
6 public schools and the public roads of such counties, under the
7 direction of the Commissioner of Education, in the following
8 manner:

9 (1) The State Treasurer shall annually on the first
10 Monday in July certify to the commissioner the amount of money
11 received from the United States Government as Nebraska's
12 proportionate share of the income from the forest reserves within
13 the state for the most recent complete fiscal year;

14 (2) The Board of Educational Lands and Funds shall
15 annually on the first Monday in July make and deliver to the
16 commissioner a certificate showing the counties entitled to share
17 in the Forest Reserve Fund, together with the number of acres of
18 forest reserves in each county; and

19 (3) The commissioner shall, on or before the third Monday
20 in July, make apportionment of such funds to such counties
21 according to the number of acres of forest reserve in each county
22 and certify the apportionment of each county to the county
23 ~~superintendent~~ treasurer of the proper county and to the Director
24 of Administrative Services. The director shall draw a warrant on
25 the State Treasurer in favor of the various counties for the amount
26 specified by the commissioner.

27 Sec. 99. Section 79-1045, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 79-1045. The county ~~superintendents~~ treasurer shall,
2 within twenty days after receiving the apportionment under section
3 79-1044, apportion the amount as follows: (1) To each school
4 district lying wholly or partly within any such forest reserve, an
5 amount equal to the actual per pupil cost for each pupil actually
6 residing in that part of the district which is within such forest
7 reserve, but this apportionment per pupil shall not exceed the
8 average annual cost per pupil, based on average daily attendance
9 within that county; and (2) of the remaining amount, one-fifth to
10 the public road fund of the county, one-fifth equally to the
11 several school districts in the county, and the remaining
12 three-fifths to the several school districts in the county pro rata
13 according to the enumeration of scholars last returned by the
14 districts. The county ~~superintendent~~ treasurer shall, with the
15 approval of the county board, have authority to retain the money to
16 be allocated under this subdivision to Class I, II, and III school
17 districts of the county to be used for the establishment and
18 support of a county circulating library for Class I, II, and III
19 school districts. A school district which has failed to sustain a
20 school taught by a legally qualified teacher for the length of time
21 required by law shall not be entitled to receive any portion of the
22 Forest Reserve Fund.

23 Sec. 100. Section 79-1046, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1046. The county ~~superintendent~~ treasurer shall,
26 immediately after making the apportionment under section 79-1044,
27 (1) enter the apportionment in a book kept for that purpose, ~~and~~
28 ~~furnish the county treasurer with a certified copy of such~~

1 ~~apportionment,~~ (2) furnish the secretary of each district in the
2 county a certificate showing the amount due such district, and (3)
3 ~~draw warrants on the county treasurer in favor of each individual~~
4 distribute the funds to each district in the amount due such
5 district for its share of the Forest Reserve Fund.

6 Sec. 101. Section 79-1047, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1047. The public grazing funds, annually paid to the
9 state treasury by the United States Government under the federal
10 Taylor Act, 43 U.S.C. 315i, shall be distributed among the counties
11 of the state entitled to the same for the benefit of ~~a county~~
12 ~~school library~~ the school districts of such counties, under the
13 direction of the Commissioner of Education, in the following
14 manner:

15 (1) The State Treasurer shall annually on the first
16 Monday in July certify to the commissioner the amount of money
17 received from the United States Government as Nebraska's
18 proportionate share of the income from the grazing lands within the
19 state for the most recent complete fiscal year;

20 (2) The Board of Educational Lands and Funds shall
21 annually on the first Monday in July make and deliver to the
22 commissioner a certificate showing the counties entitled to share
23 in the grazing fund, together with the number of acres of grazing
24 land in each county; and

25 (3) The commissioner shall, on or before the third Monday
26 in July, make apportionment of such funds to such counties
27 according to the number of acres of grazing land in each county and
28 certify the apportionment of each county to the county

1 ~~superintendent~~ treasurer of the proper county and to the Director
2 of Administrative Services. The director shall draw a warrant on
3 the State Treasurer in favor of the various counties for the amount
4 so specified by the Commissioner of Education.

5 Sec. 102. Section 79-1048, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-1048. The county ~~superintendents shall use the fund~~
8 ~~received from the apportionment under section 79-1047 to help~~
9 ~~support and maintain a county school library~~ treasurer shall,
10 within twenty days after receiving the apportionment under section
11 79-1047, distribute the funds to the school districts in the county
12 from which the public grazing funds were derived in proportion to
13 the respective acreage of grazing lands in each district within the
14 county.

15 Sec. 103. Section 79-1051, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-1051. The distribution of the funds received by the
18 State Treasurer under section 79-1049 shall be made under the
19 direction of the Commissioner of Education in the following manner:

20 (1) The State Treasurer shall annually on the first
21 Monday in July certify to the commissioner the amount of money
22 received from the United States Government as Nebraska's
23 proportionate share of the income from the leasing of lands
24 acquired by the United States for flood control purposes;

25 (2) The commissioner shall ascertain by appropriate
26 inquiry in what counties the real estate on which lease rentals
27 were paid was situated; and

28 (3) The commissioner shall, on or before the third Monday

1 in July, make apportionment of such fund to the counties entitled
2 thereto in accordance with section 79-1050 and certify the
3 apportionment of each county to the county ~~superintendent~~ treasurer
4 of the proper county and to the Director of Administrative
5 Services. The director shall draw a warrant on the State Treasurer
6 in favor of the various counties for the amount specified by the
7 commissioner.

8 Sec. 104. Section 79-1052, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-1052. The county ~~superintendents~~ treasurer shall,
11 within twenty days after receiving the apportionment under section
12 79-1051, apportion the amount as follows: One-fifth of the whole
13 amount to the public road fund of the county and the remaining
14 four-fifths to the school districts in the county from which the
15 rental was derived in proportion to the respective acreage of lands
16 leased in each school district within the county by the United
17 States Government which have been acquired for flood control
18 purposes. The county ~~superintendent of schools~~ treasurer shall
19 determine the amount each district is to receive and make
20 apportionment thereof.

21 Sec. 105. Section 79-1053, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1053. The county ~~superintendent~~ treasurer shall,
24 immediately after making the apportionment under section 79-1052,
25 enter the apportionment in a book kept for that purpose. The
26 county treasurer ~~and shall furnish the county treasurer with a~~
27 ~~certified copy of such apportionment.~~ ~~The county superintendent~~
28 shall also furnish each of the directors in each district in the

1 county a certificate showing the amount due such district, which
2 amount shall be subject to the order of the school district,
3 through its proper officers, on the county treasurer.

4 Sec. 106. Section 79-1076, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-1076. The ~~county superintendent and the~~ county
7 treasurer in each county maintaining a nonresident high school
8 tuition fund ~~created pursuant to section 79-437, which section was~~
9 ~~repealed as of July 17, 1993,~~ shall maintain an account to receive
10 delinquent tax collections for the nonresident high school tuition
11 levy, proceeds from the Tax Equity and Educational Opportunities
12 Support Act and the Special Education Act, and any other funds
13 legally due the nonresident high school tuition fund. The balance
14 in such account shall periodically be distributed to school
15 districts in the following order of priority:

16 (1) Class II, III, IV, V, and VI districts which have not
17 received full payment of nonresident high school tuition charges
18 ~~certified pursuant to sections 79-4,102 to 79-4,104, as such~~
19 ~~sections existed immediately prior to July 17, 1993,~~ until each
20 district has received full payment; and

21 (2) Class I districts which affiliate pursuant to section
22 79-424 or become part of a Class VI district and any Class II, III,
23 IV, or V district with which a Class I district merges or forms a
24 new Class II, III, IV, or V district.

25 The distribution shall be made to such districts in
26 payments as nearly as practicable in the proportion that the
27 taxable valuation of taxable property of each such Class I district
28 bears to the total taxable valuation of all Class I districts

1 comprising the nonresident high school tuition fund.

2 Sec. 107. Section 79-1077, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-1077. (1) Whenever the affiliation of a Class I
5 district or portion thereof becomes final, the general fund
6 property tax requirement of the high school district and each Class
7 I district or portion thereof in an affiliated school system shall
8 be certified to the county ~~superintendent~~ treasurer and county
9 clerk for computation of an affiliated school system tax levy. The
10 proceeds of such tax levy, upon collection by the county, shall be
11 distributed to the districts in the affiliated school system in
12 amounts which are in proportion to the amounts of the general fund
13 property tax requirements certified by such districts to the county
14 ~~superintendent~~ treasurer and county clerk. Such tax levy shall be
15 computed as follows:

16 (a) If one or more Class I districts affiliate with only
17 one high school district, the sum of the general fund property tax
18 requirements of the high school district and all such Class I
19 districts shall be divided by the sum of the assessed valuation, in
20 hundreds, of all such districts; or

21 (b) If a Class I district or portion thereof affiliates
22 with more than one high school district, such Class I district's
23 general fund property tax requirement shall be apportioned to
24 respective portions of such Class I district for purposes of this
25 computation based on each portion's assessed taxable valuation in
26 relation to the total assessed valuation of all affiliated portions
27 of the Class I district certified by the county clerk pursuant to
28 section 79-1074, and the affiliated school system tax levy shall be

1 computed as though it were a single district as prescribed in
2 subdivision (a) of this subsection.

3 (2) When a Class I district or portion thereof affiliates
4 in part with one or more districts and in part becomes a part of
5 one or more Class VI districts, the tax levy assessed on taxable
6 property within the Class I district to fund the portion of the
7 budget of the Class I district which is to come from the general
8 fund property tax requirement shall be made as follows:

9 (a) The proportionate share of the Class I district
10 budget allocable to any affiliated system shall be assessed on all
11 property within such affiliated system as described in this
12 section; and

13 ~~(b)(i) For the 1992-93, 1993-94, and 1994-95 school~~
14 ~~years, the proportionate share of the Class I general fund property~~
15 ~~tax requirement not allocable to any affiliated system shall be~~
16 ~~divided by the assessed valuation, in hundreds, of the property of~~
17 ~~the Class I district which is not affiliated. The resulting tax~~
18 ~~levy shall be assessed upon all taxable property in the portion of~~
19 ~~the Class I district which is not affiliated.~~

20 ~~(ii) Beginning with the 1995-96 school year, the~~ The
21 proportionate share of the Class I general fund property tax
22 requirement not allocable to any affiliated system shall be
23 assessed in accordance with section 79-1078.

24 Sec. 108. Section 79-1078, Revised Statutes Supplement,
25 1998, is amended to read:

26 79-1078. Commencing with the 1995-96 school year, the
27 general fund property tax requirement of the Class VI school
28 district and each Class I school district or portion thereof in a

1 Class VI school system shall be certified to the county
 2 ~~superintendent~~ treasurer and county clerk for computation of a
 3 Class VI school system tax levy which shall not exceed the limit in
 4 section 77-3442. The proceeds of such levy, upon collection by the
 5 county, shall be distributed to the districts in the Class VI
 6 school system in amounts which are in proportion to the amounts of
 7 the general fund property tax requirement certified by such
 8 districts to the county ~~superintendent~~ treasurer and county clerk.
 9 Such levy shall be computed as follows: The sum of the property tax
 10 requirements necessary to fund the general fund property tax
 11 requirement of the Class VI school system shall be divided by the
 12 assessed valuation, in hundreds, of the system. If only a portion
 13 of a Class I district is part of the Class VI district, such Class
 14 I district's general fund property tax requirement shall be
 15 apportioned to respective portions of such Class I district for
 16 purposes of this computation based on each portion's assessed
 17 taxable valuation in relation to the total assessed valuation of
 18 the entire Class I district.

19 Sec. 109. Section 79-1083, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 79-1083. At the time the budget statement is certified
 22 to the levying board, each school board ~~or board of education shall~~
 23 ~~deliver to the county superintendent and shall deliver to the~~
 24 county clerk of the headquarters county a copy of its adopted
 25 budget statement.

26 Sec. 110. Section 79-1089, Revised Statutes Supplement,
 27 1998, is amended to read:

28 79-1089. In each school district the school board ~~or~~

1 ~~board of education~~ shall cause to be examined annually by a public
2 accountant or by a certified public accountant all financial
3 records which are maintained directly or indirectly in the
4 administration and management of public school funds. Rules and
5 regulations governing the scope, extent, pattern, and report of the
6 examination shall be adopted and promulgated by the State Board of
7 Education with the advice and counsel of the Auditor of Public
8 Accounts. A copy of the report shall be filed with the
9 Commissioner of Education and the Auditor of Public Accounts on or
10 before November 15. A copy of the report regarding the examination
11 of a Class I school district shall be filed with the Commissioner
12 of Education ~~and the county superintendent~~ on or before November
13 15. When any school district fails to comply with this section,
14 the commissioner shall, after notice to the district and an
15 opportunity to be heard, direct that any state aid granted pursuant
16 to the Tax Equity and Educational Opportunities Support Act be
17 withheld until such time as the district has complied with this
18 section. In addition, the commissioner shall ~~notify the county~~
19 ~~superintendent~~ ~~to~~ direct the county treasurer to withhold all
20 school money belonging to the school district until such time as
21 the commissioner notifies the county ~~superintendent~~ treasurer of
22 compliance by the district with this section. The county treasurer
23 shall withhold such money. If the school district does not comply
24 with this section prior to the end of the state's biennium
25 following the biennium which included the fiscal year for which
26 state aid was calculated, the state aid funds shall revert to the
27 General Fund. The amount of any reverted funds shall be included
28 in data provided to the Governor in accordance with section

1 79-1031.

2 Sec. 111. Section 79-1090, Revised Statutes Supplement,
3 1998, is amended to read:

4 79-1090. When a school board of any class of school
5 district fails to approve a school district budget on or before
6 September 10, the ~~county superintendent of the county where the~~
7 ~~administrative headquarters of the school district is located~~
8 superintendent or administrator of the school district shall
9 prepare and file a budget document in accordance with the Nebraska
10 Budget Act for the school district's general fund and for each
11 other fund for which the district budgeted in the immediately
12 preceding fiscal year. The document shall use the total budget of
13 expenditures and cash reserves from the immediately preceding
14 school fiscal year, except that in no case shall the budget of
15 expenditures or cash reserves exceed any limits prescribed in the
16 Tax Equity and Educational Opportunities Support Act or other state
17 laws. The ~~county~~ superintendent or administrator shall also
18 estimate the revenue from sources other than property tax for each
19 fund in accordance with subdivision (1)(c) of section 13-504 and
20 section 79-1022.

21 Sec. 112. Section 79-1094, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1094. The school board ~~or board of education~~ of any
24 district maintaining more than one school may close any school or
25 schools within such district and may make provision for the
26 education of children either in another school of the district, in
27 the school of any other district, or by correspondence instruction
28 for such children as may be physically incapacitated for traveling

1 to or attending other schools, with the permission of the parent.
2 ~~and on the approval of the county superintendent.~~

3 Sec. 113. Section 79-1605, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1605. The ~~county superintendent of schools in Class I~~
6 ~~school districts or the superintendent of schools in all other~~
7 ~~districts, where the school district in which~~ any private,
8 denominational, or parochial school is located, which school ~~and is~~
9 not otherwise inspected by an area or diocesan representative
10 holding either a Nebraska Administrative and Supervisory
11 Certificate or a Nebraska Professional Administrative and
12 Supervisory Certificate, shall inspect such schools and report to
13 the proper officers any evidence of failure to observe any of the
14 provisions of sections 79-1601 to 79-1607. The Commissioner of
15 Education, when in his or her judgment it is deemed advisable, may
16 appoint a public school official other than such superintendent,
17 including a member of the State Department of Education, for such
18 inspections. Such appointee shall hold either a Nebraska
19 Administrative and Supervisory Certificate or a Nebraska
20 Professional Administrative and Supervisory Certificate. The State
21 Board of Education shall require the ~~county superintendents and~~
22 ~~superintendents of schools~~ and appointed public school officials to
23 make such inspections at least twice a year, and the school
24 officers of such schools and the teachers giving instruction in
25 such schools shall permit such inspection and assist and cooperate
26 in the making of the same.

27 Sec. 114. Sections 14, 18, 20 to 27, 71 to 73, 75 to 80,
28 82 to 88, and 91 to 115 of this act become operative on their

1 effective date. The other sections of this act become operative on
2 July 1, 2001.

3 Sec. 115. Original sections 23-3312, 48-302, 79-205,
4 79-206, 79-208, 79-524, 79-537, 79-575, 79-577 to 79-579, 79-588,
5 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037,
6 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077,
7 79-1083, 79-1094, and 79-1605, Reissue Revised Statutes of
8 Nebraska, and sections 71-208, 71-212, 71-501, 79-203, 79-209,
9 79-528, 79-569, 79-611, 79-1024, 79-1033, 79-1035, 79-1036,
10 79-1078, 79-1089, and 79-1090, Revised Statutes Supplement, 1998,
11 are repealed.

12 Sec. 116. Original sections 11-119, 11-125, 11-126,
13 23-120, 23-121, 23-1114.02 to 23-1114.06, 23-2518, 23-3302,
14 23-3311, 32-570, 32-608, 32-609, 68-621, 79-401, 79-414, 79-421,
15 79-425 to 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452 to
16 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490,
17 79-495, 79-497 to 79-499, 79-4,103, 79-544, and 79-598, Reissue
18 Revised Statutes of Nebraska, and sections 79-413, 79-418, 79-419,
19 79-420, 79-424, 79-431, 79-441 to 79-447, 79-451, 79-458, 79-479,
20 79-850, and 79-902, Revised Statutes Supplement, 1998, are
21 repealed.

22 Sec. 117. The following sections are outright repealed:
23 Sections 23-3301, 23-3303, 23-3304, 23-3306, 23-3307, 23-3308,
24 23-3310, 23-3313, 32-527, 79-460, 79-461, 79-464, 79-465, 79-466,
25 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska,
26 and sections 23-3305, 79-437, 79-438, 79-438.01, 79-440, 79-462,
27 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1998.