

LEGISLATIVE BILL 1070

Approved by the Governor January 19, 1972

Introduced by William F. Swanson, 27th District

AN ACT to amend sections 79-810, 79-903, 79-1443, 79-1445, 79-1445.06, 79-1445.07, 79-1445.09, 79-1445.10, and 79-1445.11, Reissue Revised Statutes of Nebraska, 1943, and sections 79-428 and 79-1444, Revised Statutes Supplement, 1969, relating to schools; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Section 1. That section 79-428, Revised Statutes Supplement, 1969, be amended to read as follows:

79-428. If any person offering to vote at any school district meeting or election shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting or a judge at such election shall explain to the person challenged the qualifications of a voter. If such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman or judge shall administer to him an oath, which shall be reduced to writing, in substance as follows: You do solemnly swear (or affirm) that you are a citizen of the United States, that you are ~~twenty-one~~ eighteen years of age, that you resided in this school district for forty days last past, and that you are registered to vote in the county in which you reside, so help you God. Every person taking such oath and signing his name thereto shall be permitted to vote on all questions proposed at such meeting or election.

Sec. 2. That section 79-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-810. The board of education of a Class III school district shall annually, on or before ~~July--15~~ August 1, report in writing to the county board the entire revenue raised by taxation and all other sources, and received by such board of education for the previous fiscal year, and a budget for the ensuing fiscal year in form of a resolution broken down generally as follows: (1) The amount of funds required for the support of the schools during the fiscal year next ensuing; (2) the

amount of funds required for the purpose of school sites; (3) the amount of funds required for the erection of school buildings; (4) the amount of funds required for the payment of interest upon all bonds issued for school purposes; and (5) the amount of funds required for the creation of a sinking fund for the payment of such indebtedness. The secretary shall publish, within ten days after the filing of such budget, a copy thereof one time at the legal rate prescribed for the publication of legal notices, in a legal newspaper published in and of general circulation in such city or village. The secretary of such board of education failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding twenty-five dollars for each offense and, in the discretion of the court, the judgment of conviction may provide for the removal from office of such secretary for such failure or neglect. It shall be the duty of the county board to levy and collect such taxes as are necessary to provide the amount of revenue from property taxes as indicated by all the data contained in the budget and the certificate prescribed by this section, at the time and in the manner provided in section 77-1601.

Sec. 3. That section 79-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-903. The board of education, on or before August 15 in each year, shall make or cause to be made and report to the county board an estimate of the amount of funds required for the fiscal year next ensuing (1) for the payment of interest on bonds issued by the district; (2) to provide a sinking fund for the payment of bonds issued by the district; (3) to provide for the purchase and betterment of school sites, the remodeling, erection, and equipment, but not replacement, of buildings, new and old; (4) to provide the necessary funds, premiums, contributions and expenses in connection with a retirement, annuity, insurance or other benefit plan adopted by the board of education for its present and future employees after their retirement, or any reasonable classification thereof; and (5) to provide for the support of schools, being the running expenses, miscellaneous, and all other expenses for such year. The estimate shall be accompanied by a budget statement prepared in accordance with good accounting practices and showing probable revenue from all sources, expenditures, and available balances upon which such estimate was based. The estimate and the budget statement may include such items as the board of education deems necessary to maintain adequate working balances of cash at all times,

and to take into account the expenses and delays in the collection of taxes. The county board shall levy and collect the number of mills necessary to provide the amounts so reported by the board of education in like manner as other taxes are levied and collected.

Sec. 4. That section 79-1443, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1443. (1) There is established in the office of the State Treasurer the Vocational Nebraska Technical School College Cash Fund which shall consist of matriculation and diploma fees, registration fees, laboratory fees, tuition fees, summer session and night school fees, and all other money or fees collected from students by the authority of the State Board of Vocational Education for Nebraska Vocational Technical School College purposes. To this fund shall belong and be credited also all money received from the sale of school equipment, or products and any money received by or donated to the school from other sources.

(2) Tools, instruments, machines, devices, articles of manufacture and repair, and rebuilding services of vocational technical school college students, which products and services of value are the result of students' in-training work, may also be sold by the school, and money from such sales shall accrue to the Vocational Nebraska Technical School College Cash Fund; Provided, that such sales shall not depress the private market for similar products and services or compete to the disadvantage of similar private enterprise.

(3) The State Board of Vocational Education shall cause all money which is collected by its authority at the vocational technical school college, from the students thereof, and from the several other sources herein mentioned, to be paid over, from time to time as the same is received, to the State Treasurer, to be placed to the credit of the proper fund; Provided, the board may retain in its possession, until the end of each school period, a sufficient sum of said money to make settlement with students having money on deposit with the institution for various purposes and to make equitable adjustments with students, who, having paid tuition or other fees in advance, may be necessarily called away from the institution for an indefinite period, and to provide against other like contingencies.

(4) The Vocational Nebraska Technical School College Cash Fund shall be utilized as a revolving fund and may be used for the payment of any of the items of

salaries, maintenance, and expense, authorized by sections 79-1436 to 79-1440, for the operation of the school. Money accruing to the Vocational Nebraska Technical School College Cash Fund is specifically appropriated to the purposes mentioned in said sections and shall at all times be subject to the orders of the board accordingly; Provided, no warrant shall be issued against said fund unless there is in the hands of the State Treasurer sufficient money therein to pay the same, as provided in section 79-1445. Any funds that become available to the school through state or federal appropriations are specifically appropriated to the purposes mentioned in said sections, and shall at all times be subject to the orders of the board accordingly.

Sec. 5. That section 79-1444, Revised Statutes Supplement, 1969, be amended to read as follows:

79-1444. The State Treasurer shall be the custodian of the Vocational Nebraska Technical School College Cash Fund and such other money as the Legislature may make available by appropriation or that may be made available by the federal government through the Smith-Hughes Act, the George-Barden Act, or such federal legislation as may be passed by Congress. Disbursements from the fund created by section 79-1443 shall be made in accordance with provisions of the law relating to the disbursement of funds of the State Board of Vocational Education in the hands of the State Treasurer as provided by law. Any money in the Vocational Nebraska Technical School College Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 6. That section 79-1445, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445. Against the Vocational Nebraska Technical School College Cash Fund, the Director of Administrative Services is authorized and directed to draw warrants upon the State Treasurer for the purposes of sections 79-1436 to 79-1440, upon proper vouchers approved by the assistant commissioner of education in charge of vocational education and countersigned by the Commissioner of Education; and the State Treasurer shall pay the same out of any money to the credit of but never in excess of the money credited to said fund.

Sec. 7. That section 79-1445.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445.06. There is established in the office of the State Treasurer the Western Nebraska ~~Vocational Technical School~~ College Cash Fund which shall consist of matriculation and diploma fees, registration fees, laboratory fees, tuition fees, summer session and night school fees, and all other money or fees collected from students by the authority of the State Board of Vocational Education for Western Nebraska ~~Vocational Technical School~~ College purposes. To this fund shall belong and be credited also all money received from the sale of school equipment or products and any money received by or donated to the school from other sources.

Sec. 8. That section 79-1445.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445.07. Tools, instruments, machines, devices, articles of manufacture and repair, and rebuilding services of ~~vocational technical school~~ college students, which products and services of value are the result of students' in-training work, may be sold by the school, and money from such sales shall accrue to the Western Nebraska ~~Vocational Technical School~~ College Cash Fund. Such sales shall not depress the private market for similar products and services or compete to the disadvantage of similar private enterprise.

Sec. 9. That section 79-1445.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445.09. The Western Nebraska ~~Vocational Technical School~~ College Cash Fund shall be utilized as a revolving fund and may be used for the payment of any of the items of salaries, maintenance, and expense, authorized by the provisions of sections 79-1445.01 to 79-1445.11, for the operation of the school. Money accruing to the Western Nebraska ~~Vocational Technical School~~ College Cash Fund is specifically appropriated to the purposes mentioned in sections 79-1445.01 to 79-1445.11 and shall at all times be subject to the orders of the board accordingly, but no warrant shall be issued against such fund unless there is in the hands of the State Treasurer sufficient money therein to pay the same, as provided in sections 79-1445.01 to 79-1445.11. Any funds that become available to the school through state or federal appropriations are specifically appropriated to the purposes mentioned in sections 79-1445.01 to 79-1445.11, and shall at all times be subject to the orders of the board accordingly.

Sec. 10. That section 79-1445.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445.10. The State Treasurer shall be the custodian of the Western Nebraska ~~Vocational~~ Technical School ~~School~~ College Cash Fund and such other money as the Legislature may make available by appropriation or that may be made available by the federal government through the Smith-Hughes Act, the George-Barden Act, or such federal legislation as may be passed by Congress. Disbursements from the fund created by the provisions of sections 79-1445.01 to 79-1445.11 shall be made in accordance with provisions of the law relating to the disbursement of funds of the State Board of Vocational Education in the hands of the State Treasurer as provided by law.

Sec. 11. That section 79-1445.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1445.11. Against the Western Nebraska ~~Vocational~~ Technical School ~~School~~ College Cash Fund, the Director of Administrative Services is authorized and directed to draw warrants upon the State Treasurer for the purposes of sections 79-1445.01 to 79-1445.11, upon proper vouchers approved by the assistant commissioner of education in charge of vocational education and countersigned by the Commissioner of Education; and the State Treasurer shall pay the same out of any money to the credit of but never in excess of the money credited to such fund.

Sec. 12. That original sections 79-810, 79-903, 79-1443, 79-1445, 79-1445.06, 79-1445.07, 79-1445.09, 79-1445.10, and 79-1445.11, Reissue Revised Statutes of Nebraska, 1943, and sections 79-428 and 79-1444, Revised Statutes Supplement, 1969, are repealed.