

LEGISLATIVE BILL 30

Approved by the Acting Governor January 27, 1989

Introduced by Labedz, 5, Chairperson, Executive Board

AN ACT relating to elections; to amend sections 32-485, 32-4,103, 32-4,150, and 79-486, Reissue Revised Statutes of Nebraska, 1943; to delete references to repealed sections; and to repeal the original sections.

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

Section 1. That section 32-485, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-485. If two or more ballots are found so folded together as to convince the judges that they were cast as one, they shall not be counted, but they shall have the words Rejected as double written upon them, be folded together again, and be kept as directed in section ~~32-492~~ 32-492.01.

Sec. 2. That section 32-4,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,103. The Secretary of State may require the election commissioner or county clerk to make and transmit to the Secretary of State a certified list, by election precincts, of the names and street addresses of all the then-registered voters, including also those who, at the last election, voted by certificate without registration. It shall be the duty of the election commissioner or county clerk to prepare and certify such list of voters to the Secretary of State upon request. The Secretary of State ~~must~~ shall allow ten days for such list to be prepared and certified after a request has been made. If such list of voters is not received after the ten-day period, the Secretary of State ~~is authorized may~~, after five days' notice, ~~to~~ send a messenger for the same at the expense of the delinquent county. ~~It shall be the duty of the county clerk or election commissioner to prepare a list or several lists of the registered voters qualified to vote under the provisions of section 79-427 in any school election. Such list or lists shall be prepared after the close of registration of voters prior to election as provided by law; and shall only include the registered qualified voters of a school district which crosses county lines.~~

The county clerk or election commissioner shall have the authority to certify the list or lists of voters to other county clerks or election commissioners, when the list or lists of registered, qualified voters are necessary for school election purposes. The county clerk or election commissioner shall have the authority to deputize appropriate school officials to aid in the determination of registered, qualified voters under the provisions of section 79-427.

Sec. 3. That section 32-4,150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,150. A separate municipal and a separate school district ballot shall be prepared for each municipal or school district election. The form of such ballot, whether partisan or nonpartisan, shall be prescribed by the Secretary of State consistent with the form of other ballots. The provisions of law applicable to ballots generally shall apply to such ballots. Such separate ballots shall be furnished only to registered voters of the municipality or district and precinct, or as provided in section 79-427. As they may deem necessary to carry out the elections as provided in Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202, 17-203, 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03, the county clerk, city clerk, or election commissioner, shall have the authority to certify and deliver all ballots, including absentee ballots, across county lines to the appropriate election officials in the adjoining county. Such ballots shall be voted, counted, and canvassed in the manner provided by law and the results thereof certified to the proper election official.

Sec. 4. That section 79-486, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-486. (1) The governing board of any public school district in this state, when authorized by a majority of the votes cast at any annual or special meeting, shall (a) contract with the board of any neighboring public school district or districts for the instruction of all or any part of the pupils residing in the first-named district in the school or schools maintained by the neighboring public school district or districts for a period of time not to exceed three years, and (b) make provision for the transportation of such pupils to the school or schools of the neighboring

district or districts.

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

(3) The contract price for instruction referred to in subsections (1) and (2) of this section shall be the cost per pupil for the immediately preceding school year or the current year whichever appears more practical as determined by the governing board of the district which accepts the pupils for instruction. The cost per pupil shall be determined by dividing the sum of the operational cost and debt service expense of the accepting district, except retirement of debt principal, plus three percent of the insurable or present value of the school plant and equipment of the accepting district, by the average daily membership of pupils in the accepting district. Payment of the contract price shall be made in equal installments at the beginning of the first and second semesters.

(4) All the contracts; referred to in subsections (1) and (2) of this section; shall be in writing and copies of all such contracts shall be filed in the office of the county superintendent on or before August 15 of each year. The form of such contracts shall be prescribed by the Commissioner of Education. School districts, thus providing instruction for their children in neighboring districts, shall be considered as maintaining a school as required by law. The teacher of the school providing the instruction shall keep a separate record of the attendance of all pupils from the first-named district and make a separate report to the secretary of that district. The school board of every sending district contracting under the provisions of this section shall ~~be required to~~ enter into contracts with school districts of the choice of the parents of the children to be educated under the contract plan, except ; ~~PROVIDED~~; that if the total tuition and transportation costs to the sending district

would exceed the average cost for the immediately preceding school year of operating the schools of this class in the county that were actually open and in operation, the school board of the sending district may contract with school districts of the parents' choice or the school board of the sending district may designate the school or schools the children may attend. Any school district, failing to comply with the provisions of this section, shall not be paid any funds from the state apportionment of school funds while such violation continues. The county superintendent may, ~~in his discretion,~~ dissolve any district (a) failing to comply with the provisions of this section, (b) ~~or~~ in which the votes cast at an annual or special election on the question of contracting with a neighboring district are evenly divided, or (c) in which the governing body of the district is evenly divided in its vote on the question of contracting pursuant to subsection (2) of this section. ~~The~~ ~~PROVIDED,~~ that the county superintendent shall dissolve and attach to a neighboring district or districts any school district which, for five consecutive years, contracts for the instruction of its pupils, except that ~~in instances where~~ ~~when~~ such dissolution ~~shall~~ ~~will~~ create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, waive the requirements of this subsection. The dissolution of any school district pursuant to the provisions of this section shall be effected in the manner prescribed in section 79-420. School districts that have contracted for instruction for two or more consecutive years shall, before reopening the schoolhouse within the district, have an enrollment of at least five pupils whose parents or legal guardians are legal voters of the school district ~~in accordance with the provisions of section 79-427~~ and shall apply to the county superintendent for approval to reopen that schoolhouse for school use. The county superintendent shall, before granting that approval, personally inspect the school building and toilets and approve them as being safe, clean, and sanitary. He or she shall also inspect the supplies, equipment, and furnishings and approve them as being adequate for proper instruction.

Sec. 5. That original sections 32-485, 32-4,103, 32-4,150, and 79-486, Reissue Revised Statutes of Nebraska, 1943, are repealed.