

## LEGISLATIVE BILL 272

Approved by the Governor May 25, 1999

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

AN ACT relating to schools; to amend sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.02 to 23-1114.06, 23-2518, 23-3302, 23-3311, 23-3312, 32-570, 32-608, 32-609, 48-302, 48-303, 68-621, 79-205, 79-206, 79-208, 79-401, 79-414, 79-421, 79-425 to 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452 to 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499, 79-4,103, 79-524, 79-537, 79-544, 79-575, 79-577 to 79-579, 79-588, 79-598, 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077, 79-1083, 79-1094, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 71-208, 71-212, 71-501, 79-203, 79-209, 79-413, 79-418, 79-419, 79-420, 79-424, 79-431, 79-441 to 79-447, 79-451, 79-458, 79-479, 79-528, 79-569, 79-611, 79-850, 79-902, 79-1024, 79-1033, 79-1035, 79-1036, 79-1078, 79-1089, and 79-1090, Revised Statutes Supplement, 1998; to eliminate the office of county superintendent of schools; to provide for county school administrators; to change and eliminate provisions relating to the change of boundaries of school districts, county committees, and the State Committee for the Reorganization of School Districts; to change powers and duties relating to school administration, truancy, and school finance; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 23-3301, 23-3303, 23-3304, 23-3306, 23-3307, 23-3308, 23-3310, 23-3313, 32-527, 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska, and sections 23-3305, 79-437, 79-438, 79-438.01, 79-440, 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1998.

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

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

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

- (1) The Governor, one hundred thousand dollars;
- (2) The Lieutenant Governor, one hundred thousand dollars;
- (3) The Auditor of Public Accounts, one hundred thousand dollars;
- (4) The Secretary of State, one hundred thousand dollars;
- (5) The Attorney General, one hundred thousand dollars;
- (6) The State Treasurer, not less than one million dollars and not more than double the amount of money that may come into his or her hands, to be fixed by the Governor;
- (7) Each county attorney, a sum not less than one thousand dollars to be fixed by the county board;
- (8) Each clerk of the district court, not less than five thousand dollars or more than one hundred thousand dollars to be determined by the county board;
- (9) Each county clerk, not less than one thousand dollars or more than one hundred thousand dollars to be determined by the county board, except that when a county clerk also has the duties of other county offices the minimum bond shall be two thousand dollars;
- (10) Each county treasurer, not less than ten thousand dollars and not more than the amount of money that may come into his or her hands, to be determined by the county board;
- (11) Each sheriff, in counties of not more than twenty thousand inhabitants, five thousand dollars, and in counties over twenty thousand inhabitants, ten thousand dollars;
- (12) Each ~~county superintendent of public instruction or~~ district superintendent of public instruction, one thousand dollars;
- (13) Each county surveyor, five hundred dollars;
- (14) Each county commissioner or supervisor, in counties of not more than twenty thousand inhabitants, one thousand dollars, in counties over twenty thousand and not more than thirty thousand inhabitants, two thousand dollars, in counties over thirty thousand and not more than fifty thousand

inhabitants, three thousand dollars, and in counties over fifty thousand inhabitants, five thousand dollars;

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

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

(17) Each township treasurer, two thousand dollars;

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

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

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

(21) Each member of a county weed district board and the manager thereof, such amount as may be determined by the county board of commissioners or supervisors of each county with the same amount to apply to each member of any particular board; and

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

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

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

11-125. If any county treasurer, county attorney, clerk of the district court, county clerk, county judge, clerk magistrate, county assessor, register of deeds, county sheriff, ~~county superintendent of public instruction~~, county commissioner or supervisor, or acting officer who is appointed as provided by section 32-561 furnishes a bond executed by a surety company authorized by the laws of this state to execute such bond and such bond is approved by the county board, then the county may pay the premium for such bond. Any surety bond so executed and approved shall contain a covenant to the effect that when the stated term of the bond is reduced to a shorter term by reason of the death, resignation, or removal from office of such official for a cause not imposing liability on the bond, the obligor shall refund to the county the unearned portion of the premium so paid for the term of the bond subject to a reasonable minimum premium charge.

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

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

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

23-120. (1) The county board shall acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse, jail, and other county buildings and a site or sites therefor and for such purposes borrow money and issue the bonds of the county to pay for the same. Agreements entered into under section 25-412.03 shall be deemed to be in compliance with this section. The board shall keep such buildings in repair and provide suitable rooms and offices for the accommodation of the several courts of record, Nebraska Workers' Compensation Court or any judge thereof, Commissioner of Labor for the conduct and operation of the state free employment service, county board, county clerk, county treasurer, county sheriff, clerk of the district court, ~~county superintendent~~, county surveyor, county agricultural agent, and county attorney if the county attorney holds his or her office at the county seat and shall provide suitable furniture and

equipment therefor. All such courts which desire such accommodation shall be suitably housed in the courthouse.

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

(3)(a) The county board of any county in this state may, when requested so to do by petition signed by at least a majority of the legal voters in the county based on the average vote of the two preceding general elections, make an annual levy of not to exceed seventeen and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in the county for any of the purposes specified in subsection (1) of this section.

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

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

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

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

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

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

23-1114.03. In counties of Class 2, the county clerk, assessor, treasurer, ~~superintendent, except a part-time superintendent,~~ sheriff, attorney, and appointive full-time veterans service officer, shall each receive a minimum annual salary of six thousand dollars, and in counties entitled by law to have a clerk of the district court, the clerk of the district court shall receive a minimum annual salary of fifty-four hundred dollars, to be paid periodically as other county employees out of the general fund.

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

23-1114.04. In counties of Class 3, the county clerk, assessor, treasurer, ~~superintendent, except a part-time superintendent,~~ sheriff, attorney, appointive full-time veterans service officer, and the clerk of the

district court shall each receive a minimum annual salary of six thousand five hundred dollars, to be paid periodically as other county employees out of the general fund.

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

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

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

23-1114.06. In counties of Class 5, the county clerk, register of deeds, assessor, treasurer, ~~superintendent, except a part-time superintendent,~~ sheriff, attorney, appointive full-time veterans service officer, and the clerk of the district court shall each receive a minimum annual salary of eight thousand dollars, to be paid periodically as other county employees out of the general fund.

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

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

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

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

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

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

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

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

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

Sec. 12. Section 23-3302, Reissue Revised Statutes of Nebraska, is amended to read:

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

~~(2) On and after June 30, 2000, the~~ The county board of any county may contract with the educational service unit of which it is a part, with a Class II, III, IV, V, or VI school district, or with an individual who meets the qualifications described in section 23-3301 for performance of all the duties imposed by law upon the county superintendent. Educational service units, Class II, III, IV, V, and VI school districts, and qualified individuals may enter into such contracts and perform such duties an individual who holds a Nebraska Administrative and Supervisory Certificate to be a county school administrator for Class I school districts in the county and to perform other designated county educational activities. Any contract entered into under this subsection section shall not exceed a period of one

year and shall be effective on and after July 1, 2000. The county school administrator, with the approval of the county board, shall have the authority to employ such other persons as may be necessary to assist the county school administrator in the performance of his or her duties. The annual cost to the county of any such contract shall not exceed the proceeds of a tax of three-tenths of one cent on each one hundred dollars on the taxable valuation of all taxable property in the county or two thousand five hundred dollars, whichever is greater.

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

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

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

23-3312. The ~~elected~~ office of county superintendent of schools shall be eliminated ~~by~~ on June 30, 2000. The records of the office of county superintendent of schools shall be transferred to and maintained by the county clerk in each county. The State Department of Education shall make recommendations on which of the duties assigned to county superintendents should be eliminated, which of such duties should be retained, and to whom the retained duties should be assigned. The department shall report its recommendations to the clerk of the Legislature not later than December 17, 1997.

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

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

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

(3) Except as provided in subsection (4) of this section, a vacancy in the membership of a school board of a Class II, III, IV, V, or VI school district resulting from any cause other than the expiration of a term shall be temporarily filled by appointment of a qualified registered voter by the remaining members of the board. A registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term. A registered voter appointed or elected pursuant to this subsection shall meet the same requirements as the member whose office is vacant.

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

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

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

~~(7) When a school district is divided and no more than one board member is left in the old district, the county superintendent shall appoint qualified registered voters to hold the vacant offices until the second Monday in July after the next annual election or meeting and until their successors are elected and qualified.~~

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

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

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

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

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

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

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

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

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

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

(a) Real property used as a home;

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

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

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

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

32-609. The candidate filing form filed pursuant to sections 32-606 and 32-607 by each candidate for the State Board of Education, ~~county superintendent of schools,~~ member of the Legislature, Regent of the University of Nebraska, director of a public power and irrigation district, reclamation district, or natural resources district, every other nonpartisan office created by law, member of a ~~school board of education~~ of a Class IV or V school district, and candidate for elective office of a city of the first or second class or a village shall not in any way refer to or designate the

political affiliation of the candidate except as otherwise provided pursuant to section 32-557.

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

48-302. No child under sixteen years of age shall be employed, or permitted or suffered to work, in any employment as defined in section 48-301 within this state unless the person or corporation employing the child procures and keeps on file, accessible to the attendance officers and to the Department of Labor and its assistants and employees, an employment certificate as prescribed in section 48-304 and keeps two complete lists of all such children employed in the building, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. Upon the termination of the employment of a child so registered, ~~and~~ whose certificate is so filed, such certificate shall be transmitted by the employer to the ~~city or county superintendent of schools of the county in which the child resides~~ person authorizing the certificate pursuant to section 48-303 and shall be turned over to the child named upon demand. Any attendance officer or the Department of Labor or its assistants and employees may ~~make demand on~~ demand that any employer in whose place of business a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, ~~that such employer shall~~ either furnish, within ten days, satisfactory evidence that such child is in fact over sixteen years of age or ~~shall~~ cease to employ or permit or suffer such child to work in such place of business. The same evidence of the age of such child may be required from such employer as is required on the issuance of an employment certificate as provided in section 48-304, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer fails to produce and deliver to the attendance officer or the Commissioner of Labor within ten days after demand ~~for the same,~~ such evidence of the age of any child as may be required under the provisions of section 48-304 and continues to employ such child or permit or suffer such child to work in such place of business, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this section that such child is under sixteen years of age and is unlawfully employed.

Sec. 19. Section 48-303, Reissue Revised Statutes of Nebraska, is amended to read:

48-303. An employment certificate shall be approved only by the superintendent ~~of schools~~ of the primary high school district in which the child resides or by a person authorized by him or her in writing or, when there is no superintendent, ~~of schools,~~ by a person authorized by the school district officers, except that no school district officer or other person authorized by this section may approve such certificate for any child then in or about to enter his or her own employment or the employment of a firm or corporation of which he or she is a member, officer, or employee or in whose business he or she is interested. The officer or person approving such certificate may administer the oath provided for therein or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate or for administering any oath or rendering any services related thereto. The school board or board of education of each school district shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved and shall provide the necessary clerical services for carrying out sections 48-302 to 48-313. The person who issued the employment certificate shall report to the Department of Labor any complaint concerning the conditions of employment of a child for whom a certificate is in force. Upon receipt of the report the Department of Labor shall make such investigation as it deems advisable to protect an individual child or to promote the youth-work program.

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

68-621. (1) A referendum group, as referred to in sections 68-621 to 68-630, shall consist of the employees of the state, a single political subdivision of this state, or any instrumentality jointly created by this state and any other state or states, the employees of which are or may be members of a retirement system covering such employees, except that: (a) The employees of the University of Nebraska shall constitute a referendum group; (b) the employees of a Class V school district shall constitute a referendum group; (c) all employees of the State of Nebraska who are or may be members of the School Retirement System of the State of Nebraska, including employees of institutions operated by the Board of Trustees of the Nebraska State Colleges,

employees of institutions operated by the Department of Correctional Services and the Department of Health and Human Services, and employees subordinate to the State Board of Education, shall constitute a referendum group; and (d) all employees of school districts of the State of Nebraska, ~~and~~ county superintendents, and county school administrators, who are or may be members of the School Retirement System of the State of Nebraska, shall constitute a single referendum group.

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

(3) Eligible employees as referred to in sections 68-621 to 68-630 shall mean those employees of the state or any political subdivision thereof who at or during the time of voting in a referendum as herein provided are in positions covered by a retirement system, are members of such retirement system, and were in such positions at the time of giving of the notice of such referendum, as herein required, except that no such employee shall be considered an eligible employee if at the time of such voting such employee is in a position to which the state agreement applies or if such employee is in service in a police officer or firefighter position.

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

Sec. 21. Section 71-208, Revised Statutes Supplement, 1998, is amended to read:

71-208. No school or college of barbering shall be approved by the board unless (1) as a prerequisite to graduation it requires graduation from high school or its equivalent as determined by ~~an examination conducted by the county superintendent of schools or~~ successfully passing a general educational development test, (2) as a prerequisite to graduation it requires a course of instruction of not less than two thousand one hundred hours, to be completed in a period of not less than one year, of not more than ten hours in any one working day, and (3) the school meets the standards of the Barber Act and any rules and regulations of the board. Such course of instruction shall include scientific fundamentals for barbering, hygiene, massaging, sterilization, haircutting, and shaving, except that when a school or college of barbering is a part of a high school accredited by the State Board of Education or the University of Nebraska, the Board of Barber Examiners shall provide in its rules and regulations that credit in the school of barbering shall be given for hours spent and courses pursued in the high school and that credit shall be given for courses in barbering taken in high school prior to formal enrollment in such school of barbering.

Sec. 22. Section 71-212, Revised Statutes Supplement, 1998, is amended to read:

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

Sec. 23. Section 71-501, Revised Statutes Supplement, 1998, is amended to read:

71-501. The county boards of the ~~several~~ counties shall make and enforce regulations to prevent the introduction and spread of contagious,



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

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

79-203. In case the services or earnings of a child are necessary for his or her own support or the support of those actually dependent upon him or her and the child is fourteen years of age or more and not more than sixteen years of age and has completed the work of the eighth grade, the person having legal or actual charge of such child may apply to the superintendent of the primary high school district in which the child resides or a person designated in writing by the superintendent. ~~or to the county superintendent of schools of the county in which the child resides.~~ The superintendent or designee may, in his or her discretion, issue a permit allowing such child to be employed.

Sec. 25. Section 79-205, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

79-206. Each ~~county superintendent or superintendent of schools of a school district, upon the receipt of or administrator of a school district, upon the receipt of~~ the list specified in section 79-205, shall (1) compare the names of the children enrolled with the last census report on file in his or her office from such district, (2) prepare a list of all children resident in such district under his or her jurisdiction who are not attending school as provided in section 79-201, and (3) transmit the list to the officer or officers in such district whose duty it is to enforce the provisions of such section.

Sec. 27. Section 79-208, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 28. Section 79-209, Revised Statutes Supplement, 1998, is amended to read:

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

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

(1) One or more meetings between a school attendance officer, school social worker or other person designated by the school administration if such school does not have a school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem, unless the officer or worker has documented the refusal of the parent or guardian to participate in such meetings;

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

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

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

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

Sec. 29. Section 79-401, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) All real property and all elementary and secondary students

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

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

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

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

Sec. 30. Section 79-413, Revised Statutes Supplement, 1998, is amended to read:

79-413. (1) ~~The county superintendent shall State Committee for the Reorganization of School Districts created under section 79-435 may create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by sixty percent of the legal voters of each district affected. If (a) the proposed change has been disapproved by both the State Committee for the Reorganization of School Districts created under section 79-435 and the county committee for the reorganization of school districts created under section 79-437 or (b) in the case of affiliation, the petition has been disapproved by the county committee pursuant to sections 79-425 and 79-426, the county superintendent shall make the proposed change upon receipt of petitions containing the petitions contain signatures of at least sixty-five percent of the legal voters of each district affected, the state committee shall approve the petitions.~~ When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

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

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

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

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least

sixty percent of the legal voters in each district affected, be submitted to the ~~county~~ state committee. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the ~~county~~ state committee shall review the proposed affiliation subject to sections 79-425 and 79-426. The ~~county~~ state committee shall, within forty days after receipt of the petition, hold one or more public hearings and review and approve or disapprove such proposal. ~~and submit it to the state committee, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final. When the districts affected are in two or more counties, only the special committee created under section 79-441 need hold such public hearings and review and approve or disapprove the proposal.~~

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

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

(c) ~~The county superintendent shall hold the petitions for ten days following the receipt of the returned proposal from the state committee or, if If there is a bond election to be held in conjunction with the petition, the state committee shall hold the petition until the bond election has been held, during which time names may be added to or withdrawn from the petitions. The results of the bond election shall be certified to the county superintendent state committee.~~

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

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

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

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

Sec. 31. Section 79-414, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 32. Section 79-418, Revised Statutes Supplement, 1998, is amended to read:

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

Sec. 33. Section 79-419, Revised Statutes Supplement, 1998, is

amended to read:

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

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

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

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

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

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

~~(e)~~ (f) Such other matters as the petitioners determine proper to be included. Any petition for the creation of a new Class VI district shall designate whether such district shall include high school grades only or grades seven through twelve.

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

Sec. 34. Section 79-420, Revised Statutes Supplement, 1998, is amended to read:

79-420. Within thirty days after the creation of a new school district pursuant to sections 79-413 to 79-419, the ~~county committee for the reorganization of school districts~~ State Committee for the Reorganization of School Districts shall appoint from among the legal voters of the new school district created the number of members necessary to constitute a school board of the class in which the new school district has been classified. ~~If the new school district involves territory lying in the jurisdiction of two or more counties, the board shall be appointed by the joint action of the county committees for the reorganization of school districts of the counties involved.~~ Members of the first board shall be appointed so that their terms will expire in accord with provisions of law governing school districts of the class involved. The board so appointed shall organize at once in the manner prescribed by law. A reorganized school district shall be formed, organized, and have a governing board not later than April 1 following the last legal action, as prescribed in section 79-413, necessary to effect the changes in boundaries as set forth in the petition, although the physical reorganization of such reorganized school district may not take effect until the commencement of the following school year. At the next annual school meeting or election following the establishment of the new school district and at subsequent annual meetings or elections, successors shall be elected in the manner provided by law for election of board members of the class to which the school district belongs.

Sec. 35. Section 79-421, Reissue Revised Statutes of Nebraska, is amended to read:

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

districts to which such territory should be attached and the county superintendent clerk shall attach such territory.

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

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

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

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

Sec. 36. Section 79-424, Revised Statutes Supplement, 1998, is amended to read:

79-424. A Class I school district or portion thereof which comes within the provisions of section 79-431 may file a petition for affiliation pursuant to section 79-413, 79-415, or 79-416 or a plan for affiliation pursuant to ~~section 79-440 with the county superintendent~~ the Reorganization of School Districts Act with the State Committee for the Reorganization of School Districts to affiliate with one or more Class II, III, IV, or V districts, or to affiliate in part with one or more Class II, III, IV, or V districts and in part to become part of one or more Class VI districts. Affiliation shall be accomplished pursuant to any of the procedures prescribed in the Reorganization of School Districts Act act and sections 79-413 to 79-419.

Sec. 37. Section 79-425, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 38. Section 79-426, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

(c) The affiliation would result in assignment of less than forty percent of the valuation of the Class I district to a high school district

which over the immediately preceding five-year period has educated eighty percent or more of the students from such Class I district.

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

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

Sec. 39. Section 79-427, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 40. Section 79-431, Revised Statutes Supplement, 1998, is amended to read:

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

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

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

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

Sec. 41. Section 79-433, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Reorganization of school districts means the formation of new school districts, the alteration of boundaries of established school districts, the affiliation of school districts, and the dissolution or

disorganization of established school districts through or by means of any one or combination of the methods set out in section 79-434; and

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

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

~~(4) Plan of reorganization means a concrete proposal for readjustment and realignment of the boundaries of any or all school districts within a county.~~

Sec. 42. Section 79-435, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 43. Section 79-439, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 44. Section 79-441, Revised Statutes Supplement, 1998, is amended to read:

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

(2) A plan for the reorganization of school districts ~~involving a district under the jurisdiction of another county committee shall be prepared and approved by the joint action of a special committee composed of the three members appointed pursuant to section 79-437 by the county committee of each county involved shall be filed with the state committee.~~ The plan shall, for purposes of submission to the state committee and at the special election provided for in subsection (1) of section 79-447, be the responsibility of the ~~county school district~~ which has the largest number of pupils residing in the proposed joint district. ~~Only the approval of the special committee, and not the county committees, is required when the plan for reorganization of school districts involves a district under the jurisdiction of another county committee.~~ Meetings of the special committee shall be held on call of the members from the county having the largest number of pupils residing in the proposed joint district who shall notify the secretaries of the committees in the other interested counties by either certified or registered mail at least ten days in advance of each meeting, with such secretary being responsible for notifying the special committee members in such county. Notices for subsequent meetings need not be given when a majority of the special committee has agreed to such meetings. Business shall be conducted by those present and shall be binding regardless of attendance.

Sec. 45. Section 79-442, Revised Statutes Supplement, 1998, is



amended to read:

79-442. Before any plan of reorganization is completed or approved by the ~~county state committee, or by a special committee established under section 79-441, the county committee or special committee~~ it shall hold one or more public hearings. At such hearings, it shall hear any and all persons interested with respect to (1) the merits of proposed reorganization plans, (2) the value and amount of all school property of whatever nature involved in the proposed action, (3) the amount of outstanding indebtedness of each district and proposed disposition thereof, and (4) the equitable adjustment of all property, debts, and liabilities among the districts involved. The ~~county committee or special state~~ committee shall keep a record of all hearings in the formulation or approval of plans for the reorganization of school districts. Notice of such public hearings of the ~~county committee or special state~~ committee shall be given by publication in a legal newspaper of general circulation in the county at least ten days prior to such hearing.

Sec. 46. Section 79-443, Revised Statutes Supplement, 1998, is amended to read:

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

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

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

(3) A summary of the terms on which reorganization is to be made between the reorganized districts. Such terms shall include a provision for initial school board districts or wards within the proposed district, which proposed initial school board districts or wards shall be determined by the ~~county~~ state committee taking into consideration population and valuation, and a determination of the terms of the board members first appointed to membership on the board of the newly reorganized district;

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

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

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

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

Sec. 47. Section 79-444, Revised Statutes Supplement, 1998, is amended to read:

79-444. ~~The plan or plans of reorganization approved by any special committee created under section 79-441 or any county committee shall be forwarded to the state committee for review when authorized by the county committee or special committee and so recorded in the official minutes of the county committee or special committee. Such plan or plans shall be certified as authorized by the county committee or special committee and signed by the chairperson and the secretary of the county committee or special committee. Territory included in such plan a plan of reorganization adopted by the state committee shall remain a part of the plan until an election is held as provided in section 79-447. The state committee shall, within thirty days after the receipt of such plan or plans, consider the plan or plans and shall holding the hearings provided for in section 79-442, notify the county committee or special committee school districts whether or not it approves or disapproves such plan or plans. Maps and a statement showing the revised plan shall be filed with the county superintendent.~~

Sec. 48. Section 79-445, Revised Statutes Supplement, 1998, is amended to read:

79-445. If the state committee disapproves the plan, it shall be considered a disapproved plan, shall be returned to the ~~county committee~~

school districts as a disapproved plan, and shall not be submitted to a special election.

Sec. 49. Section 79-446, Revised Statutes Supplement, 1998, is amended to read:

79-446. When a plan of reorganization or any part thereof has been approved by the ~~county committee or special committee and by the~~ state committee, it shall be designated as the final approved plan and shall be returned to the ~~county superintendent of schools~~ school districts to be submitted to a vote as provided in section 79-447.

Sec. 50. Section 79-447, Revised Statutes Supplement, 1998, is amended to read:

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

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

(3) All ballots shall be prepared and the special election shall be held and conducted by the county clerk or election commissioner, and the expense of such election shall be paid by the county board or boards if more than one county is involved as provided in subsection (4) of this section. The county clerk or election commissioner shall use the duly appointed election board or appoint two judges and two clerks who shall be legal voters of the territory of the proposed school district. The election shall be held at a place or places within the proposed district determined by the county clerk or election commissioner to be convenient for the voters.

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

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

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

Sec. 51. Section 79-448, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 52. Section 79-450, Reissue Revised Statutes of Nebraska, is amended to read:

79-450. If the plan of reorganization is adopted, the county ~~superintendent of schools~~ clerk shall proceed to cause the changes, realignment, and adjustment of districts to be carried out as provided in the

plan. The county ~~superintendent of schools~~ clerk shall classify the school districts according to the law applicable to the size, location, and population of the reorganized district. He or she shall also file certificates with the county assessor, ~~county clerk, and county treasurer, and state committee~~ showing the boundaries of the various districts under the plan of reorganization adopted.

Sec. 53. Section 79-451, Revised Statutes Supplement, 1998, is amended to read:

79-451. Within thirty days after the classification of the reorganized school districts by the county ~~superintendent of schools, the county clerk under section 79-450, the state committee~~ shall appoint from among the legal voters of each new school district created the number of members necessary to constitute a school board of the class in which the new school district has been classified. A reorganized school district shall be formed and organized and shall have a school board not later than April 1 following the last legal action, as prescribed in section 79-450, necessary to effect the changes in boundaries as set forth in the plan of reorganization, although the physical reorganization of such reorganized school district may not take effect until June 1. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in section 32-554. ~~if the new school district involves territory lying in two or more counties, the school board shall be appointed by the joint action of the county committees involved.~~

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

In appointing the first school board of a Class III school district with a six-member board serving terms of four years, the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the three remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

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

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

Sec. 54. Section 79-452, Reissue Revised Statutes of Nebraska, is amended to read:

79-452. A proposal to dissolve a Class I or II school district, except a Class I school district which is partly or wholly within a Class VI school district, and attach it to one or more existing Class II, III, IV, or V school districts may be initiated by filing with the State Committee for the Reorganization of School Districts a petition or petitions signed by at least twenty-five percent of the legal voters of the district, ~~with the county superintendent of the county in which the greater part of any such district is located,~~ together with an affidavit from the county clerk or election commissioner listing all legal voters of the district. ~~Upon and a determination by the county superintendent clerk or election commissioner that the signatures are sufficient. 7 which determination shall not be subject to review at the hearing held under the provisions of section 79-455,~~ the county superintendent shall transmit the petition to the county committee for the reorganization of school districts which has jurisdiction over the district. The petition shall contain a plan of the proposed reorganization, an effective date, and a statement whether any existing bonded indebtedness shall remain on the property of the district which incurred it or be assumed by the enlarged district. The petition may also contain provisions for the holding of school

within existing buildings in the proposed reorganized district, and when so provided, the holding of school within such buildings shall be maintained from the date of reorganization unless either the legal voters served by the school or the school board ~~or board of education~~ of the reorganized district votes by a majority vote for discontinuance of the school. In case of conflicting votes between the legal voters and the school board ~~or board of education~~ on such issue, the decision of the legal voters shall prevail. A signing petitioner shall not be permitted to withdraw his or her name from the petition after the petition has been filed. The school board ~~or board of education~~ of each Class II, III, IV, or V district to which the merger is proposed shall also submit to the ~~county~~ state committee a statement to the effect that a majority of the board members approve the proposal contained in the petition. ~~The county committee for the reorganization of school districts shall, within forty days after the receipt of the petition, review and approve or disapprove such proposal and submit it to the State Committee for the Reorganization of School Districts.~~

Sec. 55. Section 79-453, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 56. Section 79-454, Reissue Revised Statutes of Nebraska, is amended to read:

79-454. If the proposal provided for in section 79-452 has been approved by the ~~county committee for the reorganization of school districts or the State Committee for the Reorganization of School Districts, or both, the county superintendent shall, within ten days after receipt of the petition from the county committee, the state committee shall~~ notify the school board of the Class I or II district. The school board shall, within fifteen days after the notification, set a date for a special election for the purpose of submitting the proposal to the legal voters of the district. At least twenty days' notice of such election shall be given by publication twice in a newspaper of general circulation in the district, the latest publication to be not more than one week before the election. If there is no such newspaper, notice shall be given by posting it on the door of the schoolhouse and at least four other public places throughout the district. The proposal shall not be submitted to a special election more than once in any calendar year. Legal voters may cast their ballots, written or printed, between the hours of 12 noon and 8 p.m. on the date of such election. The county clerk or election commissioner of the county which has the largest number of pupils residing in the district shall conduct such special election in accordance with the Election Act and shall record the names and residence of persons voting at the special election. The ballots shall be canvassed as provided in section 79-447.

Sec. 57. Section 79-455, Reissue Revised Statutes of Nebraska, is amended to read:

79-455. If the proposal provided for in section 79-452 is approved by a majority of the legal voters of the school district voting on the matter, the secretary of the school board shall within five days certify the approval to the county ~~superintendent~~ clerk. The county ~~superintendent~~ clerk shall immediately notify the secretary of each Class II, III, IV, or V district affected of the action taken by the Class I or II district, and such secretary shall within ten days certify to the county ~~superintendent~~ clerk that the school board ~~or board of education~~ of the Class II, III, IV, or V district has, by a majority vote, officially approved the proposal as provided in section 79-452. The county ~~superintendent~~ shall within fifteen days give notice of a public hearing in regard to the proposal. Notice shall be by publication in a newspaper of general circulation in the area affected and shall be given ten days before the date of the hearing. After the hearing,

upon determination that all of the requirements of the provisions of sections 79-452 to 79-455 have been complied with, and within ten days after the public hearing, the county superintendent clerk shall issue an order effecting the changes in school district boundaries in accordance with the proposal provided in section 79-452. He or she shall also file certificates with the county assessor, county clerk, and county treasurer, and State Committee for the Reorganization of School Districts showing the changes. If the Class II, III, IV, or V district is in a county other than the one having jurisdiction over the Class I or II district, the public hearing shall be held and conducted by the county superintendents involved and they shall jointly issue the order for changes in school district boundaries. An appeal may be taken from such order within twenty days after the rendition of the order in the same manner as appeals are taken from the action of the county board in allowing or disallowing claims against the county. Such appeal shall be filed in the district court for the county whose county superintendent of schools clerk has jurisdiction of the Class I or II district. When more than one county superintendent clerk has jurisdiction of the Class I or II district, the appeal may be filed in the district court for either of the counties.

Sec. 58. Section 79-458, Revised Statutes Supplement, 1998, is amended to read:

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

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

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

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

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

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

(3) The petition shall be verified by the oath of each petitioner. Notice of the filing of the petition and of the hearing on such petition before the board shall be given at least ten days prior to the date of such hearing by one publication in a legal newspaper of general circulation in each district and by posting a notice on the outer door of the schoolhouse in each district affected thereby, and such notice shall designate the territory to be transferred. The board shall, after a public hearing on the petition and a determination that all requirements of this section have been complied with, change the boundaries of the school districts so as to set off the land described in the petition and attach it to such district pursuant to the petition.

(4) Petitions requesting transfers of property across county lines shall be addressed jointly to the county superintendents clerks of the counties concerned, and the petitions shall be acted upon by the county

~~superintendents assessors~~, county clerks, and county treasurers of the counties involved as one board, with the county ~~superintendent clerk~~ of the county from which the land is sought to be transferred acting as chairperson of the board.

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

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

Sec. 59. Section 79-467, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 60. Section 79-470, Reissue Revised Statutes of Nebraska, is amended to read:

79-470. (1) No Class I school district which contracts for the instruction of all of its pupils with a Class I, II, III, IV, or V school district shall merge with another Class I school district unless such other Class I school district with which it is merging is included in the area which makes up a Class VI school district.

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

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

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

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

Sec. 61. Section 79-478, Reissue Revised Statutes of Nebraska, is amended to read:

79-478. If the high school in a Class VI school district is disapproved by the State Board of Education and the legal voters fail to vote to discontinue the high school in that district, the legal voters of any Class I district in the Class VI school district may vote at an annual or special meeting to withdraw from the Class VI school district and if fifty-five percent of the legal voters of such Class I district vote to withdraw from the Class VI school district, the ~~county superintendent~~ State Committee for the Reorganization of School Districts shall order the Class I district withdrawn from the Class VI school district.

Sec. 62. Section 79-479, Revised Statutes Supplement, 1998, is

amended to read:

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

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

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

(a) Which becomes part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

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

Sec. 63. Section 79-480, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 64. Section 79-485, Reissue Revised Statutes of Nebraska, is amended to read:

79-485. When a new district is formed in whole or in part from one or more districts possessing a schoolhouse or other property of a dissolved district, ~~the county superintendent~~ State Committee for the Reorganization of School Districts, at the time of forming such new district or as soon thereafter as possible, shall determine the amount justly due to such new district from any dissolved district or districts out of which the new district was in whole or in part formed. The amount shall be determined as nearly as practicable according to the relative value of the taxable property in the respective parts of such former district or districts with the whole

value thereof at the time of such division. The fact that the schoolhouse or other property is not paid for shall not deprive such new district of its proportionate share of the value thereof. Such new district shall remain bound for such indebtedness to the same extent as though the new district had not been formed, unless in case of indebtedness not bonded, it shall be adjusted as provided in section 79-489. When a new district embraces all of one or more former districts, the new district shall succeed to all the properties and other assets and be responsible for all unbonded indebtedness of such former dissolved district or districts.

Sec. 65. Section 79-487, Reissue Revised Statutes of Nebraska, is amended to read:

79-487. Whenever, due to the division of any district or due to a district or any part thereof being taken over by the United States for any defense, flood control, irrigation, or war project, the schoolhouse, schoolhouse site, or other property of such district is no longer conveniently located for school purposes or desired to be retained by the district in which it is situated, the county ~~superintendent~~ sheriff of the county in which such schoolhouse, schoolhouse site, or other property is located may, when ordered by the district, advertise and sell the same at public or private sale and apportion the proceeds. When sold at private sale, the sale shall not be binding until approved by the district interested.

Sec. 66. Section 79-490, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 67. Section 79-495, Reissue Revised Statutes of Nebraska, is amended to read:

79-495. In case the inhabitants of any new Class I or Class II school district referred to in section 79-492 fail to organize it, ~~pursuant to notice given as provided in section 79-481,~~ the county superintendent shall give a new notice and the same proceeding shall be had thereon as if no previous notice had been delivered. In case the inhabitants of such district again fail to organize pursuant to such notice, the county superintendent the State Committee for the Reorganization of School Districts shall immediately dissolve such district and attach it to an adjoining district or districts.

Sec. 68. Section 79-497, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 69. Section 79-498, Reissue Revised Statutes of Nebraska, is amended to read:

79-498. When, for a period of one school term, a school district (1) has less than three legal voters residing in the district or (2)(a) fails to maintain a public elementary school within the district in which are enrolled and in regular attendance for at least one thousand thirty-two hours one or more pupils of school age residing in the district, other than option students as defined in section 79-233, or (b) does not contract for the tuition and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one thousand thirty-two hours under such contract or contracts, the county ~~superintendent of the county in which such district lies~~ State Committee for the Reorganization of School Districts shall, subject to the requirements of this section, dissolve such district and attach the territory of such district to one or more neighboring school districts. Before dissolving a district under this section, the county ~~superintendent~~ state committee shall fix a time for a



hearing and shall notify each legal resident of the district at least fifteen days before such hearing. When the dissolution will create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board ~~or board of education~~ of the district, ~~and the recommendation of the county superintendent of the county in which the district is located,~~ annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area.

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

Sec. 70. Section 79-499, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class II or III school district is less than twenty-five pupils in grades nine through twelve or if for one year an existing Class II or III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (3) of this section, become a Class I school district through the order of the ~~county superintendent~~ state committee if the high school is within fifteen miles on a reasonably improved highway of another high school.

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

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

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

Sec. 71. Section 79-4,103, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

Sec. 72. Section 79-524, Reissue Revised Statutes of Nebraska, is amended to read:

79-524. The board of education school board of any Class I, II, III, IV, or VI school district ~~may, at its option,~~ shall establish a permanent and continuing census or enumeration of school children in the school district. The list in writing of the names of the children and taxpayers shall not be required to be reported, ~~to the county superintendent,~~ but the names of all of the children belonging to such school district, from birth through twenty years of age, shall instead be kept in a depository maintained by such school district and subject to inspection at all times. Such record shall not or need not include the names of all the taxpayers in the district.

Sec. 73. Section 79-528, Revised Statutes Supplement, 1998, is amended to read:

79-528. (1) On or before July 20 in all school districts, the secretary of the school board shall ~~deliver to the county superintendent, to be filed in the county superintendent's office,~~ file with the State Department of Education a report under oath showing the number of children from birth through twenty years of age belonging to the school district according to the census taken as provided in sections 79-524 and 79-578. The report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report children from birth through eleven years of age and (b) in grades kindergarten through eight shall report children from birth through thirteen years of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report children who are twelve through twenty years of age and (ii) in grades nine through twelve children who are fourteen through twenty years of age. Each Class I district which has affiliated in whole or in part shall report children from birth through thirteen years of age. Each Class I district which is not in whole or in part a part of a Class VI district and which has not affiliated in whole or in part shall report children from birth through twenty years of age. Each Class II, III, IV, or V district shall report children who are fourteen through twenty years of age residing in Class I districts or portions thereof which have affiliated with such district. The board of any district neglecting to take and report the enumeration shall be liable to the school district for all school money which such district may lose by such neglect.

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

(3) On or before October 15 in Class I school districts, ~~the secretary of the school board shall submit to the county superintendent, to be filed in the county superintendent's office,~~ and on or before November 1 in Class II, III, IV, V, and VI school districts, the secretary of the school board shall submit to the ~~county superintendent and to the~~ Commissioner of Education, to be filed in ~~their offices~~ his or her office, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as

shall be necessary to fulfill the requirements of the Tax Equity and Educational Opportunities Support Act and section 79-1114, and (e) such other information as the Commissioner of Education directs.

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

Sec. 74. Section 79-537, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 75. Section 79-544, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 76. Section 79-569, Revised Statutes Supplement, 1998, is amended to read:

79-569. The president of the school board of a Class I, II, III, IV, or VI school district shall: (1) Preside at all meetings of the district; (2) countersign all orders upon the treasury for money to be disbursed by the district and all warrants of the secretary on the county treasurer for money raised for district purposes or apportioned to the district by the county ~~superintendent~~ treasurer; (3) administer the oath to the secretary and treasurer of the district when such an oath is required by law in the transaction of the business of the district; and (4) perform such other duties as may be required by law of the president of the board. He or she is entitled to vote on any issue that may come before any meeting. If the president is absent from any district meeting, the legal voters present may elect a suitable person to preside at the meeting.

Sec. 77. Section 79-575, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 78. Section 79-577, Reissue Revised Statutes of Nebraska, is amended to read:

79-577. The secretary of a Class I, II, III, IV, or VI school

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

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

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

Sec. 80. Section 79-579, Reissue Revised Statutes of Nebraska, is amended to read:

79-579. Whenever a secretary or president of the school board ~~or board of education~~ of a Class I, II, III, IV, or VI school district refuses to sign orders on the treasurer or the treasurer thinks best to refuse the payment of orders drawn upon him or her, the difficulty shall be referred for adjudication to the county ~~superintendent~~ attorney, who shall proceed at once to investigate the matter. If the county ~~superintendent~~ attorney finds that the officer complained of refuses through contumacy or for insufficient reasons, the county ~~superintendent~~ attorney, on behalf of the district, shall apply to the proper court for a writ of mandamus to compel the officer to perform his or her duty.

Sec. 81. Section 79-588, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 82. Section 79-598, Reissue Revised Statutes of Nebraska, is amended to read:

79-598. (1) The school board ~~or board of education~~ 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 public school district or districts.

(2) The school board ~~or board of education~~ 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, (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 public school 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 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 of the primary high school district 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 board of every sending district contracting under this section shall enter into contracts with school districts of the choice of the parents of the children to be educated under the contract plan. Any school district failing to comply with this section shall not be paid any funds from the state apportionment of school funds while such violation continues.

(5) The ~~county superintendent~~ State Committee for the Reorganization of School Districts may dissolve any district (a) failing to comply with this section, (b) 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 ~~county superintendent~~ state committee 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 when such dissolution will create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board ~~or board of education~~ 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 this section shall be effected in the manner prescribed in section 79-498. 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 and shall apply to the ~~county superintendent~~ state committee for approval to reopen that schoolhouse for school use. The ~~county superintendent~~ state committee or its designee shall, before granting that approval, personally inspect the school building and toilets and approve them as being safe, clean, and sanitary. ~~He or she~~ The state committee or its designee shall also inspect the supplies, equipment, and furnishings and approve them as being adequate for proper instruction.

Sec. 83. Section 79-605, Reissue Revised Statutes of Nebraska, is amended to read:

79-605. Except as otherwise provided in this section, any school board ~~or board of education~~ may authorize the use of buses belonging to the school district for the transportation of school children residing outside such district. A fee sufficient to pay the additional costs of such transportation shall be charged each person so transported. The board shall prepare a schedule of all such fees charged, and a copy of such schedule shall be filed in the office of the ~~county superintendent of schools for the county in which such district is maintained~~ superintendent of the primary high school district. This section shall not apply to an agreement for transportation entered into pursuant to section 79-241.

Sec. 84. Section 79-611, Revised Statutes Supplement, 1998, is amended to read:

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

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

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

(c) When a student attends a secondary school in his or her own Class II or Class III school district and lives more than four miles from the public schoolhouse. This subdivision does not apply when one or more Class I

school districts merge with a Class VI school district to form a new Class II or III school district on or after January 1, 1997; and

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

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

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

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

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

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

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

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

Sec. 85. Section 79-709, Reissue Revised Statutes of Nebraska, is amended to read:

79-709. There may be held at the county fair or other place in each county, under the supervision and direction of the ~~county superintendent and county board of commissioners or county board of supervisors~~ or its designee, an exhibit of school work done in each school district of the county during the current school year. The nature and character of the exhibit shall be determined by the county ~~superintendent~~. ~~The county superintendent board.~~ The county board may annually offer and award premiums intended to stimulate the interest in school affairs. A list of premiums to be awarded shall be mailed by the county ~~superintendent board or its designee~~ to the teacher, principal, or superintendent of each public, private, denominational, and parochial school in each school district in the county on or before January 15 of each year in which an exhibit shall be held.

Sec. 86. Section 79-724, Reissue Revised Statutes of Nebraska, is amended to read:

79-724. An informed, loyal, just, and patriotic citizenry is necessary to a strong, stable, just, and prosperous America. Such a citizenry necessitates that every member thereof be fully acquainted with the nation's history and that he or she be in full accord with our form of government and fully aware of the liberties, opportunities, and advantages of which we are possessed and the sacrifices and struggles of those through whose efforts these benefits were gained. Since youth is the time most susceptible to the acceptance of principles and doctrines that will influence men and women throughout their lives, it is one of the first duties of our educational system to conduct its activities, choose its textbooks, and arrange its curriculum in such a way that the love of liberty, justice, democracy, and America will be instilled in the hearts and minds of the youth of the state.

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

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

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

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

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

(3) All grades of all public, private, denominational, and parochial schools, below the sixth grade, shall devote at least one hour per week to exercises or teaching periods for the following purpose:

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

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

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

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

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

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

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

(c) The duties of citizenship.

(6) Appropriate patriotic exercises suitable to the occasion shall be held under the direction of the ~~school~~ superintendent in every public, private, denominational, and parochial school on Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans Day, or on the day preceding or following such holiday, if the school is in session.

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

Sec. 87. Section 79-804, Reissue Revised Statutes of Nebraska, is amended to read:

79-804. (1) Each teacher or administrator shall register his or her certificate ~~in the office of the county superintendent of the county with the public, private, denominational, or parochial school in which the teacher or administrator is employed. The superintendent or administrator of the school shall endorse upon the certificate~~ The county superintendent shall endorse upon the certificate that it has been registered and the date of registration. Such registration shall be without fee. No employment of a teacher or

~~administrator and no certificate to contract for a school shall be valid until the certificate is so registered. On or before September 15 of each year, the public, private, denominational, and parochial schools shall file with the State Department of Education a fall personnel report which shall specify the names of all individuals employed by the school who are required by law to hold a certificate and such other information as the Commissioner of Education directs. The school board or board of education at the time of contracting with a teacher or administrator shall transmit to the county superintendent superintendent or administrator of the school shall transmit within ten days to the State Department of Education the name of the teacher or administrator to be employed, together with the position to which elected. Fifteen calendar days after the first day of school, the county superintendent employed, if the teacher or administrator is employed after the submission of the fall personnel report. The Commissioner of Education shall certify to the board school the name of any teacher or administrator who has not registered his or her been issued a certificate or given evidence of application to the State Department of Education and qualification for a certificate or permit. Sixty calendar days after the first day of school, the county superintendent shall certify to the board the name of any teacher or administrator who has not registered a certificate or permit valid for the position to which elected and that the contract of the teacher or administrator has been declared invalid. The teacher or administrator shall not be reimbursed for any services to the school district after the date of receipt of notification by the board that the contract of the teacher or administrator has been declared invalid school.~~

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

Sec. 88. Section 79-818, Reissue Revised Statutes of Nebraska, is amended to read:

79-818. A majority of the members of a school board ~~or board of education~~ of any school district may enter into a contract of employment with a legally qualified teacher or administrator. Such majority has authority to designate one or more members of the board to sign such contract, which signature shall be binding upon the entire board. A duplicate of such contract shall be filed with the secretary. No member of the board shall enter into or execute on behalf of the district any contract with any teacher or administrator related to him or her or to the majority of the board by blood or marriage notwithstanding section 49-1499.01. The secretary shall notify the ~~county superintendent~~ State Department of Education, at the time the contract is made, of the length of the proposed term of school, ~~when the school will begin,~~ and the name of the teacher or administrator. No money belonging to the district shall be paid for teaching to any but legally qualified teachers, and a board shall not pay out money belonging to the school district to any teacher or administrator after such board has received a sworn statement upon behalf of a board that the services of the teacher or administrator in question are under previous contract to that board.

Sec. 89. Section 79-819, Reissue Revised Statutes of Nebraska, is amended to read:

79-819. A contract for employment of a teacher or administrator authorized under section 79-818 shall contain (1) a provision by which the employed person affirms that he or she holds or will hold, at the beginning of the term of the contract, a valid certificate properly registered ~~in the office of the county superintendent with the school district~~ and that he or she is not under contract with another school board ~~or board of education~~ of a school district in this state and (2) a provision that there shall be no penalty for release from the contract.

Sec. 90. Section 79-850, Revised Statutes Supplement, 1998, is amended to read:

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

(1) Reorganized school district means: (a) Any expanded or altered school district, reorganized or altered by any of the means provided by Nebraska law including, but not limited to, the methods provided by the Reorganization of School Districts Act, section 79-407, 79-413, ~~79-463,~~ or 79-473, or sections 79-415 to 79-417 or 79-452 to 79-455; or (b) any school district to be formed in the future if the petition or plan for such reorganized school district has been approved pursuant to any of the methods set forth in subdivision (1)(a) of this section when the effective date of such



reorganization is prospective. For purposes of this subdivision, a petition or plan shall be deemed approved when the last legal action has been taken, as prescribed in section 79-413, 79-450, or 79-455, necessary to effect the changes in boundaries as set forth in the petition or plan; and

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

Sec. 91. Section 79-902, Revised Statutes Supplement, 1998, is amended to read:

79-902. For purposes of the School Employees Retirement Act, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

(11) School employee means a contributing member who acquires five hundred sixteen hours or more of service in a fiscal year and thereby earns one-half year of service credit. A contributing member who acquires one thousand thirty-two hours or more of service in a fiscal year shall earn one year of service credit. For purposes of this section, contributing member means the following persons who receive compensation from a public school: (a) Regular employees hired upon a full-time basis which contemplates a workweek of not less than thirty hours and (b) part-time employees hired for not less than sixty hours per month;

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

(13) Public school means any and all schools offering instruction in elementary or high school grades, as defined in section 79-101, which schools are supported by public funds and are wholly under the control and management of the State of Nebraska or any subdivision thereof, including (a) schools or other entities established, maintained, and controlled by the school boards of local school districts, except Class V school districts, (b) any educational service unit, and (c) any other educational institution wholly supported by public funds, except schools under the control and management of the Board of Trustees of the Nebraska State Colleges, the Board of Regents of the

University of Nebraska, or the community college boards of governors for any community college areas;

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

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

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

(17) Required deposit means the deduction from a member's compensation as provided for in section 79-958 which shall be deposited in the School Retirement Fund;

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

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

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

(21) School retirement allowance means the total of the savings annuity and the service annuity or formula annuity paid a person who has retired under sections 79-931 to 79-935. The monthly payments shall be payable at the end of each calendar month during the life of a retired member. The first payment shall include all amounts accrued since the effective date of the award of annuity. The last payment shall be at the end of the calendar month in which such member dies or in accordance with the payment option chosen by the member;

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

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

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

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

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

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

(28) Retirement date means the first day of the month following the date upon which a member's request for retirement is received on a retirement

application provided by the retirement system if the member has terminated employment in the school system. An application may be filed no more than ninety days in advance of the date on which a member terminates employment in the school system;

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

(30) Retirement application means the form approved by the retirement system for acceptance of a member's request for either regular or disability retirement;

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

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

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

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

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

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

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

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

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

(38) Termination of employment occurs on the date on which the members' employer determines that the member's employer-employee relationship with the employer is dissolved. The employer shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred. Termination of employment does not include ceasing active work at

the end of the school year if the member will return to active work during the following school year with any school district under the retirement system.

Sec. 92. Section 79-960, Reissue Revised Statutes of Nebraska, is amended to read:

79-960. Every employer shall deduct and withhold an amount pursuant to section 79-958 from the compensation as a school employee of each member on each payroll period after such school employee becomes a member of the retirement system. The employer, through its proper agents, the superintendent ~~of schools~~ of the school district or the ~~county superintendent administrator of a Class I school district~~, or the secretary of the school board, ~~or board of education~~, shall transmit monthly, quarterly, or semiannually if the retirement board so directs a copy of such payroll, in such form as is approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to rules and regulations adopted and promulgated by the retirement board. The board may charge the employer a late fee, not to exceed fifty dollars, if the deduction report, the monthly remittance report, or the monthly money due is not received and properly completed by the date due as prescribed by the board. The board shall charge the employer an amount equal to the interest which would have accrued if the delinquent report causes the employee to lose interest on his or her account. The proceeds of the interest charge shall be used to reimburse the account of each school employee deprived of interest by the delay.

Sec. 93. Section 79-1024, Revised Statutes Supplement, 1998, is amended to read:

79-1024. (1) The department may require each district to submit to the department a duplicate copy of such portions of the district's budget statement as the Commissioner of Education directs. The department may verify any data used to meet the requirements of the Tax Equity and Educational Opportunities Support Act. The Auditor of Public Accounts, after consultation with the department, shall review each district's budget statement for statutory compliance, make necessary changes in the budget documents for districts to effectuate the budget limitations imposed pursuant to sections 79-1023 to 79-1030, and notify the Commissioner of Education (a) of any district failing to submit to the department or the auditor the budget documents required pursuant to this subsection by the date established in subsection (1) of section 13-508 or failing to make any corrections of errors in the documents pursuant to section 13-504 and (b) of any Class I district failing to submit the items required by ~~such this~~ subsection to its high school districts by the date established in section 79-1083.03.

(2) If a school district fails to submit to the department or the auditor the budget documents required pursuant to subsection (1) of this section by the date established in subsection (1) of section 13-508 or fails to make any corrections of errors in the documents pursuant to section 13-504 or a Class I district fails to submit the items required by ~~such subsection subsection (1) of this section~~ to its high school districts by the date established in section 79-1083.03, the commissioner, upon notification from the auditor or upon his or her own knowledge that the required budget documents and any required corrections of errors from any school district have not been properly filed in accordance with the Nebraska Budget Act and after notice to the district and an opportunity to be heard, shall direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the required budget documents or corrections of errors are received by the auditor and the department. In addition, the commissioner shall ~~notify the county superintendent to~~ direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county ~~superintendent treasurer~~ of receipt of the required budget documents or corrections of errors. The county treasurer shall withhold such money. If the school district does not comply with this section prior to the end of the state's biennium following the biennium which included the fiscal year for which state aid was calculated, the state aid funds shall revert to the General Fund. The amount of any reverted funds shall be included in data provided to the Governor in accordance with section 79-1031. The board of any district failing to submit to the department or the auditor the budget documents required pursuant to this section by the date established in subsection (1) of section 13-508 or failing to make any corrections of errors in the documents pursuant to section 13-504 or the board of a Class I district failing to submit the items required by ~~such subsection (1) of this section~~ to its high school districts by the date established in section 79-1083.03 shall be liable to the school district for all school money which such district may

lose by such failing.

Sec. 94. Section 79-1033, Revised Statutes Supplement, 1998, is amended to read:

79-1033. (1) Except as otherwise provided in the Tax Equity and Educational Opportunities Support Act, state aid payable pursuant to the act for each school fiscal year shall be based upon data found in applicable reports for the most recently available complete data year. The annual financial reports and the annual statistical summary of all school districts shall be submitted to the Commissioner of Education pursuant to the dates prescribed in section 79-528. If a school district fails to timely submit its reports, the commissioner, after notice to the district and an opportunity to be heard, shall direct that any state aid granted pursuant to the act be withheld until such time as the reports are received by the department. In addition, the commissioner shall ~~notify the county superintendent to~~ direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county ~~superintendent treasurer~~ of receipt of such reports. The county treasurer shall withhold such money. If the school district does not comply with this section prior to the end of the state's biennium following the biennium which included the school fiscal year for which state aid was calculated, the state aid funds shall revert to the General Fund. The amount of any reverted funds shall be included in data provided to the Governor in accordance with section 79-1031.

(2) A district which receives, or has received in the most recently available complete data year or in either of the two school fiscal years preceding the most recently available complete data year, federal funds in excess of twenty-five percent of its general fund budget of expenditures may apply for early payment of state aid paid pursuant to the act when such federal funds are not received in a timely manner. Such application may be made at any time by a district suffering such financial hardship and may be for any amount up to fifty percent of the remaining amount to which the district is entitled during the current school fiscal year. The state board may grant the entire amount applied for or any portion of such amount if the state board finds that a financial hardship exists in the district. The state board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the reduced amount of the monthly payments. The Director of Administrative Services shall, at the time of the next state aid payment made pursuant to section 79-1022, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district. For purposes of this subsection, financial hardship means a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.

Sec. 95. Section 79-1035, Revised Statutes Supplement, 1998, is amended to read:

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

(2) The Commissioner of Education shall certify the amount of the apportionment of the temporary school fund as provided in subsection (1) of this section to the ~~superintendent of the proper county treasurer~~ and to the Director of Administrative Services. The Director of Administrative Services shall draw a warrant on the State Treasurer in favor of the various districts for the respective amounts so certified by the Commissioner of Education.

Sec. 96. Section 79-1036, Revised Statutes Supplement, 1998, is amended to read:

79-1036. (1) In making the apportionment under section 79-1035, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such

lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that:

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

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

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

(2) The county ~~superintendents~~ assessor shall certify to the Commissioner of Education the tax levy for school purposes of each school district in which school land or saline land is located and the last appraised value of such school land, which value shall be the same percentage of the appraised value as the percentage of the assessed value is of market value in subsection (2) of section 77-201 for the purpose of applying the applicable tax levy for each district in determining the distribution to the districts of such amounts. The school board of any school district in which there is located any leased or undeeded school land or saline land subject to this section may appeal to the Board of Educational Lands and Funds for a reappraisal of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisal. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in each school fiscal year.

Sec. 97. Section 79-1037, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 98. Section 79-1039, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 99. Section 79-1044, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) The State Treasurer shall annually on the first Monday in July

certify to the commissioner the amount of money received from the United States Government as Nebraska's proportionate share of the income from the forest reserves within the state for the most recent complete fiscal year;

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

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

Sec. 100. Section 79-1045, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 101. Section 79-1046, Reissue Revised Statutes of Nebraska, is amended to read:

79-1046. The county ~~superintendent~~ treasurer shall, immediately after making the apportionment under section 79-1044, (1) enter the apportionment in a book kept for that purpose, ~~and furnish the county treasurer with a certified copy of such apportionment,~~ (2) furnish the secretary of each district in the county a certificate showing the amount due such district, and (3) ~~draw warrants on the county treasurer in favor of each individual~~ distribute the funds to each district in the amount due such district for its share of the Forest Reserve Fund.

Sec. 102. Section 79-1047, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

(3) The commissioner shall, on or before the third Monday in July, make apportionment of such funds to such counties according to the number of acres of grazing land in each county and certify the apportionment of each county to the county ~~superintendent~~ treasurer of the proper county and to the Director of Administrative Services. The director shall draw a warrant on the State Treasurer in favor of the various counties for the amount so specified by the Commissioner of Education.

Sec. 103. Section 79-1048, Reissue Revised Statutes of Nebraska, is amended to read:

79-1048. The county ~~superintendents~~ shall use the fund received from the apportionment under section 79-1047 to help support and maintain a

county school library treasurer shall, within twenty days after receiving the apportionment under section 79-1047, distribute the funds to the school districts in the county from which the public grazing funds were derived in proportion to the respective acreage of grazing lands in each district within the county.

Sec. 104. Section 79-1051, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 105. Section 79-1052, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 106. Section 79-1053, Reissue Revised Statutes of Nebraska, is amended to read:

79-1053. The county ~~superintendent~~ treasurer shall, immediately after making the apportionment under section 79-1052, enter the apportionment in a book kept for that purpose. ~~The county treasurer and shall furnish the county treasurer with a certified copy of such apportionment.~~ The county ~~superintendent~~ shall also furnish each of the ~~directors~~ school board secretary in each district in the county a certificate showing the amount due such district, which amount shall be subject to the order of the school district, through its proper officers, on the county treasurer.

Sec. 107. Section 79-1076, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Class II, III, IV, V, and VI districts which have not received full payment of nonresident high school tuition charges ~~certified pursuant to sections 79-4102 to 79-4104, as such sections existed immediately prior to July 17, 1993,~~ until each district has received full payment; and

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

The distribution shall be made to such districts in payments as nearly as practicable in the proportion that the taxable valuation of taxable property of each such Class I district bears to the total taxable valuation of all Class I districts comprising the nonresident high school tuition fund.

Sec. 108. Section 79-1077, Reissue Revised Statutes of Nebraska, is amended to read:

79-1077. (1) Whenever the affiliation of a Class I district or portion thereof becomes final, the general fund property tax requirement of the high school district and each Class I district or portion thereof in an



affiliated school system shall be certified to the county ~~superintendent and county clerk~~ assessor for computation of an affiliated school system tax levy. The proceeds of such tax levy, upon collection by the county, shall be distributed to the districts in the affiliated school system in amounts which are in proportion to the amounts of the general fund property tax requirements certified by such districts to the county ~~superintendent and county clerk~~ assessor. Such tax levy shall be computed as follows:

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

(b) If a Class I district or portion thereof affiliates with more than one high school district, such Class I district's general fund property tax requirement shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of all affiliated portions of the Class I district certified by the county clerk pursuant to section 79-1074, and the affiliated school system tax levy shall be computed as though it were a single district as prescribed in subdivision (a) of this subsection.

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

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

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

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

Sec. 109. Section 79-1078, Revised Statutes Supplement, 1998, is amended to read:

79-1078. ~~Commencing with the 1995-96 school year, the~~ The general fund property tax requirement of the Class VI school district and each Class I school district or portion thereof in a Class VI school system shall be certified to the county ~~superintendent and county clerk~~ assessor for computation of a Class VI school system tax levy which shall not exceed the limit in section 77-3442. The proceeds of such levy, upon collection by the county, shall be distributed to the districts in the Class VI school system in amounts which are in proportion to the amounts of the general fund property tax requirement certified by such districts to the county ~~superintendent and county clerk~~ assessor. Such levy shall be computed as follows: The sum of the property tax requirements necessary to fund the general fund property tax requirement of the Class VI school system shall be divided by the assessed valuation, in hundreds, of the system. If only a portion of a Class I district is part of the Class VI district, such Class I district's general fund property tax requirement shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of the entire Class I district.

Sec. 110. Section 79-1083, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 111. Section 79-1089, Revised Statutes Supplement, 1998, is amended to read:

79-1089. In each school district the school board ~~or board of education~~ shall cause to be examined annually by a public accountant or by a certified public accountant all financial records which are maintained directly or indirectly in the administration and management of public school funds. Rules and regulations governing the scope, extent, pattern, and report of the examination shall be adopted and promulgated by the State Board of Education with the advice and counsel of the Auditor of Public Accounts. A

copy of the report shall be filed with the Commissioner of Education and the Auditor of Public Accounts on or before November 15. A copy of the report regarding the examination of a Class I school district shall be filed with the Commissioner of Education ~~and the county superintendent~~ on or before November 15. When any school district fails to comply with this section, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the district has complied with this section. In addition, the commissioner shall ~~notify the county superintendent~~ to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county ~~superintendent~~ treasurer of compliance by the district with this section. The county treasurer shall withhold such money. If the school district does not comply with this section prior to the end of the state's biennium following the biennium which included the fiscal year for which state aid was calculated, the state aid funds shall revert to the General Fund. The amount of any reverted funds shall be included in data provided to the Governor in accordance with section 79-1031.

Sec. 112. Section 79-1090, Revised Statutes Supplement, 1998, is amended to read:

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

Sec. 113. Section 79-1094, Reissue Revised Statutes of Nebraska, is amended to read:

79-1094. The school board ~~or board of education~~ of any district maintaining more than one school may close any school or schools within such district and may make provision for the education of children either in another school of the district, in the school of any other district, or by correspondence instruction for such children as may be physically incapacitated for traveling to or attending other schools, with the permission of the parent, ~~and on the approval of the county superintendent.~~

Sec. 114. Section 79-1605, Reissue Revised Statutes of Nebraska, is amended to read:

79-1605. The ~~county superintendent of schools in Class I school districts or the~~ superintendent of schools in all other districts, ~~where the high school district and its affiliated territory in which any private, denominational, or parochial school is located, which school and is not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and Supervisory Certificate, or a Nebraska Professional Administrative and Supervisory Certificate,~~ shall inspect such schools and report to the proper officers any evidence of failure to observe any of the provisions of sections 79-1601 to 79-1607. The Commissioner of Education, when in his or her judgment it is deemed advisable, may appoint a public school official other than such superintendent, including a member of the State Department of Education, for such inspections. Such appointee shall hold ~~either a Nebraska Administrative and Supervisory Certificate, or a Nebraska Professional Administrative and Supervisory Certificate.~~ The State Board of Education shall require the ~~county superintendents and~~ superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction in such schools shall permit such inspection and assist and cooperate in the making of the same.

Sec. 115. Sections 14, 18, 19, 21 to 28, 72 to 74, 76 to 81, 83 to 89, and 92 to 116 of this act become operative on their effective date. The other sections of this act become operative on July 1, 2000.

Sec. 116. Original sections 23-3312, 48-302, 48-303, 79-205, 79-206, 79-208, 79-524, 79-537, 79-575, 79-577 to 79-579, 79-588, 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1076, 79-1077, 79-1083, 79-1094, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 71-208, 71-212, 71-501,

79-203, 79-209, 79-528, 79-569, 79-611, 79-1024, 79-1033, 79-1035, 79-1036, 79-1078, 79-1089, and 79-1090, Revised Statutes Supplement, 1998, are repealed.

Sec. 117. Original sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.02 to 23-1114.06, 23-2518, 23-3302, 23-3311, 32-570, 32-608, 32-609, 68-621, 79-401, 79-414, 79-421, 79-425 to 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452 to 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499, 79-4,103, 79-544, and 79-598, Reissue Revised Statutes of Nebraska, and sections 79-413, 79-418, 79-419, 79-420, 79-424, 79-431, 79-441 to 79-447, 79-451, 79-458, 79-479, 79-850, and 79-902, Revised Statutes Supplement, 1998, are repealed.

Sec. 118. The following sections are outright repealed: Sections 23-3301, 23-3303, 23-3304, 23-3306, 23-3307, 23-3308, 23-3310, 23-3313, 32-527, 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska, and sections 23-3305, 79-437, 79-438, 79-438.01, 79-440, 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1998.