

LEGISLATIVE BILL 244

Approved by the Governor March 15, 1985

Introduced by Beutler, 28; Marsh, 29; Warner, 25;
Wesely, 26; Landis, 46

AN ACT relating to schools; to amend section 79-438, Reissue Revised Statutes of Nebraska, 1943, and section 79-902.01, Revised Statutes Supplement, 1984; to specify in which school districts the county superintendent may be required to prepare an estimate of expenses; to increase the number of members on a Class IV school district board; and to repeal the original sections.

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

Section 1. That section 79-438, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-438- In Class I and II school districts, when~~
Where (1) no levy is voted at the annual school district meeting or election, (2) the district votes to have no school, or (3) no action is taken by the annual meeting or election to provide for school, it shall be the duty of the county superintendent of the proper county to make and deliver to the county clerk of such county in which any part of the district is situated, not later than the first Monday in August following the annual meeting or election, an itemized estimate of the amounts necessary to be expended during the ensuing year for school purposes in such district. It shall be the duty of the county clerk to levy such taxes on the taxable property of the district to be collected by the county treasurer at the same time and in the same manner as the state and county taxes are collected, and when collected, to be paid to the treasurer of the proper district on the order of the secretary countersigned by the president of the district.

Sec. 2. That section 79-902.01, Revised Statutes Supplement, 1984, be amended to read as follows:

~~79-902.01. The board of education of a Class IV school fourth class district shall consist of seven six~~
members and also may include a nonvoting student member or members selected pursuant to section 79-547.02. ~~Voting~~
~~Except as otherwise provided in this section, voting~~
members shall be elected for four years. Voting members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Vacancies in office shall occur as set forth in section 32-1037, or when a member elected from a district no longer resides in such election district. Whenever any vacancy occurs on the board, the remaining members shall appoint an

individual residing within the geographical boundaries of the school district and within the geographical boundaries of the election district of the member whose term has become vacant in the manner prescribed in section 79-464. Nonstudent candidates for the board of education shall be nominated and elected at the same time as members of the city council. No filing fee shall be required of such candidates. The After the next federal decennial census, the election commissioner of the county in which the greater part of the district is situated shall, subject to review by the school board, divide the school district into seven ~~six~~ numbered districts, substantially equal in population as determined by the most recent federal census. The election commissioner shall consider the location of schools within the district and their boundaries. A member of the board shall be elected from each such district, except that a student member may be selected pursuant to section 79-547.02. Candidates shall be nominated from the district at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon an official ballot for the board of education to be elected at large at the general city election. Members of the board of education shall serve until the expiration of their terms. At the general city election in 1979 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general city election in 1981 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. A seventh member of the board shall be elected at large in 1987 for a two-year term. In 1989, a seventh member of the board shall be elected at large for a four-year term. Commencing in 1993, all seven members of the board shall be elected by district. The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census. ~~Section~~ Except when specific procedures are otherwise provided, section 5-108 shall apply to all Class IV school districts.

Sec. 3. That original section 79-438, Reissue Revised Statutes of Nebraska, 1943, and section 79-902.01, Revised Statutes Supplement, 1984, are repealed.