

LEGISLATIVE BILL 1002

Approved by the Governor May 22, 1971

Introduced by David H. Stahmer, 8th District

AN ACT to amend sections 79-1302 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the manner of apportioning the state school fund; and to repeal the original sections.

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

Section 1. That section 79-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1302. (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 school fund of the state as returned to him from the several counties together with the amount derived from other sources and deliver the same duly certified to the Commissioner of Education. Within twenty days thereafter, the Commissioner of Education shall make the apportionment of the funds in such counties as follows: From the whole amount there shall be paid to those districts in which there are school or saline lands and to the free high school fund of the county 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 79-1303; ~~one-fourth-of the remainder shall be divided--equally--among--the--districts--of--the--state entitled-to-receive-the-same-and-shall-be-distributed-to the-counties-according-to-the-number-of--such--districts as-shown-by-the-report-last--returned--from--the--county superintendent;-and-the-remaining-three-fourths-shall-be~~ apportioned to the counties according to the pro rata enumeration of children between the ages of five and eighteen years in each county last returned from the county superintendent.

(2) The Commissioner of Education shall certify the amount of the apportionment of ~~both--the--one-fourth and-the--three-fourths--of~~ the State School Fund as provided in subsection (1) of this section, to the superintendent of the proper county 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 counties for the respective amounts so certified by the Commissioner of

Education.

Sec. 2. That section 79-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1304. (1) The several county superintendents, within twenty days after receiving such apportionment, shall apportion the entire amount as follows: The share which the Commissioner of Education has certified as being payment in lieu of taxes shall be distributed to the nonresident high school tuition fund and to those districts in which are found school or saline lands in the amounts determined by the appraised valuation of those lands and the levies for school purposes of the respective districts. ~~The--share--which the--Commissioner--of--Education--has--certified--to--be distributed--equally--to--the--several--districts--in--the county--shall--be--so--distributed:~~

(2) To the balance of the amount, distributed to the county as referred to in subsection (1) of this section, the several county superintendents shall add (a) all money received by the county treasurer on account of fines and licenses, (b) the proceeds from sale of schoolhouses, sites, or other property of a district, and (c) all unexpended balances of proceeds of taxes heretofore levied by a district, when such district has been taken by the United States for any defense, flood control, irrigation, or war project.

(3) The sum total, referred to in subsection (2) of this section, shall be distributed to the several districts of the county pro rata according to the enumeration of children between the ages of five and eighteen years last returned by the secretaries of the various districts. The total apportionment of each district shall be (a) ~~its--share--in--the--district apportionment--made--by--the--Commissioner--of--Education--for each--district;~~ (b) its pro rata share of the balance of the amount of the state apportionment, (c) ~~(b)~~ the amount received from fines and licenses, and ~~(d)~~ (c) proceeds of sale and unexpended balances of taxes when a district has been taken over by the United States for any defense, flood control, irrigation, or war project.

(4) No share of state apportionment shall be paid to a district which has not held school for the length of time required by law and complied with all of the laws relating to school districts of those classes. The loss of state apportionment to any district employing more than one teacher because of the

employment of legally unqualified teachers shall be no greater than an amount which bears the same ratio to the district's total entitlement as the number of unqualified teachers bears to the total number of teaching positions for which teachers have been employed by the district. The loss of state apportionment to any district employing only one teacher, because of the employment of a legally unqualified teacher, shall be no greater than an amount which bears the same ratio to the district's total entitlement as the portion of the school year that an unqualified teacher was employed bears to the entire school year. In no event shall the loss of the state apportionment because of the employment of an unqualified teacher be less than ten per cent of the total entitlement of that district. For the purposes of Chapter 79, a district ~~that has voted nine-months-of-school~~ must have that school open and in session with pupils in attendance not less than one hundred seventy-five days, ~~and school districts that have voted an eight-months-school must have that school open and in session with pupils in attendance not less than one hundred-fifty-five days.~~

Sec. 3. That original sections 79-1302 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, are repealed.