

LEGISLATIVE BILL 1023

Approved by the Governor February 18, 1972

Introduced by Committee on Constitutional Revision,
George Syas, 13th District, Chairman; Gerald
A. Stromer, 36th District; Harold T. Moylan,
6th District; Duke Snyder, 14th District;
Wally Barnett, Jr., 26th District

AN ACT for submission to the electors of amendments to Article VII of the Constitution of Nebraska by amending sections 1, 2, 3, 4, 6, 7, 8, and 9, and by repealing sections 14 to 17 relating to education; to recodify, revise, and clarify the provisions of Article VII; to provide for the submission of the proposed amendments to the electors at the general election in November, 1972; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

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

Section 1. That at the general election in November, 1972, there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VII of the Constitution of Nebraska, which are hereby proposed by the Legislature:

"1. That sections 1, 2, 3, 4, 6, 7, 8, and 9 be amended to read as follows:

~~Sec. 1. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.~~

~~Sec. 2. All lands, money or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest, or conveyance. The State Department of~~

Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.

Sec. 3. The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated; to-wit:

First:--Such per centum as has been, or may hereafter be, granted by congress on the sale of lands in this state:

Second:--All moneys arising from the sale or leasing of sections number sixteen and thirty six in each township in this state, and the lands selected, or that may be selected, in lieu thereof:

Third:--The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated:

Fourth:--The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons:

Fifth:--All moneys, stocks, bonds, lands, and other property, now belonging to the common school fund. The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.

Sec. 4. All other grants, gifts and devises, that have been, or may hereafter be, made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the funds mentioned in the preceding section, together with all the rents of the unsold school lands, and such other means as the Legislature may provide, shall be exclusively applied to the support and maintenance of common schools in each school district in the state; Provided, that the costs of

administration of the unsold school lands shall be deducted from the income before the income is applied to the support and maintenance of the common schools. The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.

Sec. 6. The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide.

Sec. 7. Provision shall be made by general law for equitable distribution of the income of the fund set apart for the support of the common schools among the several school districts of the state and no appropriation shall be made from said fund to any district for the year in which school is not maintained for the minimum term required by law. The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to wit:

First. Such per cent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

Sec. 8. No--lands--now--owned--or--hereafter acquired by the state for educational purposes--shall--be sold except at public auction under--such--conditions--as the legislature shall provide: All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in the Constitution, such funds shall be invested as the Legislature may by statute provide.

Sec. 9. All funds belonging to--the--state--for educational purposes,--the--interest--and--income--whereof only are to be used, shall be deemed trust funds held--by the state,--and the state shall supply any net aggregate losses thereof realized during any calendar year that may in any manner accrue,--so--that--the--same--shall--remain forever inviolate and undiminished;--and--notwithstanding any other provisions in the Constitution such funds shall be invested as the Legislature shall by statute--provide. Such funds and--the--interest--and--income--thereof,--are hereby solemnly pledged to the purposes--for--which--they are granted and set apart;--and shall not--be--transferred to any other fund for other uses: The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide:

a. Income arising from the perpetual funds;

b. The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

c. All other grants, gifts and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift or devise; and

d. Such other support as the Legislature may provide.

No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.

2. That sections 14, 15, 16, and 17 are hereby repealed."

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendments shall be placed upon the ballot in the following form:

"Constitutional amendments to recodify, revise, and clarify provisions of Article VII of the Constitution of Nebraska.

For
Against"

Sec. 3. That the proposed amendments, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim them as part of the Constitution of Nebraska.