

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 8

Final Reading

Introduced by Executive Board: Wightman, 36, Chairperson.

Read first time January 06, 2011

Committee: General File

A BILL

1 FOR AN ACT relating to schools; to amend section 79-413, Reissue
2 Revised Statutes of Nebraska, and section 79-1008.01,
3 Revised Statutes Cumulative Supplement, 2010; to repeal a
4 provision governing incentive payments to school
5 districts that were to be made prior to July 1, 2004; to
6 harmonize provisions; to repeal the original sections;
7 and to outright repeal section 79-1010, Reissue Revised
8 Statutes of Nebraska.

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

1 Section 1. Section 79-413, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-413 (1) The State Committee for the Reorganization of
4 School Districts created under section 79-435 may create a new school
5 district from other districts, change the boundaries of any district
6 that is not a member of a learning community, or affiliate a Class I
7 district or portion thereof with one or more existing Class II, III,
8 IV, or V districts upon receipt of petitions signed by sixty percent
9 of the legal voters of each district affected. If the petitions
10 contain signatures of at least sixty-five percent of the legal voters
11 of each district affected, the state committee shall approve the
12 petitions. When area is added to a Class VI district or when a Class
13 I district which is entirely or partially within a Class VI district
14 is taken from the Class VI district, the Class VI district shall be
15 deemed to be an affected district.

16 Any petition of the legal voters of a Class I district in
17 which no city or village is situated which is commenced after January
18 1, 1996, and proposes the dissolution of the Class I district and the
19 attachment of a portion of it to two or more districts shall require
20 signatures of more than fifty percent of the legal voters of such
21 Class I district. If the state committee determines that such
22 petition contains valid signatures of more than fifty percent of the
23 legal voters of such Class I district, the state committee shall
24 grant the petition.

25 (2)(a) Petitions proposing to change the boundaries of

1 existing school districts that are not members of a learning
2 community through the transfer of a parcel of land, not to exceed six
3 hundred forty acres, shall be approved by the state committee when
4 the petitions involve the transfer of land between Class I, II, III,
5 or IV school districts or when there would be an exchange of parcels
6 of land between Class I, II, III, or IV school districts and the
7 petitions have the approval of at least sixty-five percent of the
8 school board of each affected district. If the transfer of the parcel
9 of land is from a Class I school district to one or more Class II,
10 III, IV, V, or VI school districts of which the parcel is not a part
11 or with which the parcel is not affiliated, any Class II, III, IV, V,
12 or VI school district of which the parcel is not a part or with which
13 the parcel is affiliated shall be deemed an affected district.

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

25 (3)(a) Petitions proposing to create a new school

1 district, to change the boundary lines of existing school districts
2 that are not members of a learning community, to create an affiliated
3 school system, or to affiliate a Class I district in part and to join
4 such district in part with a Class VI district, any of which involves
5 the transfer of more than six hundred forty acres, shall, when signed
6 by at least sixty percent of the legal voters in each district
7 affected, be submitted to the state committee. In the case of a
8 petition for affiliation or a petition to affiliate in part and in
9 part to join a Class VI district, the state committee shall review
10 the proposed affiliation subject to sections 79-425 and 79-426. The
11 state committee shall, within forty days after receipt of the
12 petition, hold one or more public hearings and review and approve or
13 disapprove such proposal.

14 ~~(b) The state committee shall also review and approve or~~
15 ~~disapprove incentive payments under section 79-1010.~~

16 ~~(e)~~(b) If there is a bond election to be held in
17 conjunction with the petition, the state committee shall hold the
18 petition until the bond election has been held, during which time
19 names may be added to or withdrawn from the petitions. The results of
20 the bond election shall be certified to the state committee.

21 ~~(d)~~(c) If the bond election held in conjunction with the
22 petition is unsuccessful, no further action on the petition is
23 required. If the bond election is successful, within fifteen days
24 after receipt of the certification of the bond election results, the
25 state committee shall approve the petition and notify the county

1 clerk to effect the changes in district boundary lines as set forth
2 in the petitions.

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

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

15 Sec. 2. Section 79-1008.01, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 79-1008.01 Except as provided in sections 79-1008.02 ~~to~~
18 ~~79-1010, and 79-1009,~~ each local system shall receive equalization
19 aid in the amount that the total formula need of each local system,
20 as determined pursuant to sections 79-1007.01 to 79-1007.23 and
21 section 79-1007.25, exceeds its total formula resources as determined
22 pursuant to sections 79-1015.01 to 79-1018.01.

23 Sec. 3. Original section 79-413, Reissue Revised Statutes
24 of Nebraska, and section 79-1008.01, Revised Statutes Cumulative
25 Supplement, 2010, are repealed.

1 Sec. 4. The following section is outright repealed:

2 Section 79-1010, Reissue Revised Statutes of Nebraska.