

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1066

Introduced by Erdman, 47.

Read first time January 21, 2020

Committee: Education

- 1 A BILL FOR AN ACT relating to school districts; to amend section 79-414,
- 2 Reissue Revised Statutes of Nebraska, and sections 79-413 and
- 3 79-419, Revised Statutes Cumulative Supplement, 2018; to change
- 4 provisions for changing school district boundaries; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-413, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 79-413 (1) The State Committee for the Reorganization of School
4 Districts created under section 79-435 may create a new school district
5 from other districts or change the boundaries of any district that is not
6 a member of a learning community upon receipt of petitions signed by
7 sixty percent of the legal voters of each district affected. If the
8 petitions contain signatures of at least sixty-five percent of the legal
9 voters of each district affected, the state committee shall approve the
10 petitions.

11 (2) Petitions proposing to change the boundaries of existing school
12 districts through the transfer of a parcel of land containing a residence
13 and not exceeding six hundred forty acres shall be approved by the state
14 committee when the petitions involve a transfer between Class III or IV
15 school districts and the distance to the closest school building or the
16 closest school bus pickup point of the receiving district is ten or more
17 miles closer to such residence, by the shortest distance on a maintained
18 public highway or maintained public road, than the distance to the
19 closest school building or closest school bus pickup point of the current
20 district to such residence.

21 (3) (2) Petitions proposing to change the boundaries of existing
22 school districts that are not members of a learning community through the
23 transfer of a parcel of land, not to exceed six hundred forty acres,
24 shall be approved by the state committee when the petitions involve the
25 transfer of land between Class III or IV school districts or when there
26 would be an exchange of parcels of land between Class III or IV school
27 districts and the petitions have the approval of at least sixty-five
28 percent of the school board of each affected district.

29 (4)(a) (3)(a) Petitions proposing to create a new school district or
30 to change the boundary lines of existing school districts that are not
31 members of a learning community, any of which involves the transfer of

1 more than six hundred forty acres, shall, when signed by at least sixty
2 percent of the legal voters in each district affected, be submitted to
3 the state committee. The state committee shall, within forty days after
4 receipt of the petition, hold one or more public hearings and review and
5 approve or disapprove such proposal.

6 (b) If there is a bond election to be held in conjunction with the
7 petition, the state committee shall hold the petition until the bond
8 election has been held, during which time names may be added to or
9 withdrawn from the petitions. The results of the bond election shall be
10 certified to the state committee.

11 (c) If the bond election held in conjunction with the petition is
12 unsuccessful, no further action on the petition is required. If the bond
13 election is successful, within fifteen days after receipt of the
14 certification of the bond election results, the state committee shall
15 approve the petition and notify the county clerk to effect the changes in
16 district boundary lines as set forth in the petitions.

17 ~~(5)~~ ~~(4)~~ Any person adversely affected by the changes made by the
18 state committee may appeal to the district court of any county in which
19 the real estate or any part thereof involved in the dispute is located.
20 If the real estate is located in more than one county, the court in which
21 an appeal is first perfected shall obtain jurisdiction to the exclusion
22 of any subsequent appeal.

23 ~~(6)~~ ~~(5)~~ A signing petitioner may withdraw his or her name from a
24 petition and a legal voter may add his or her name to a petition at any
25 time prior to the end of the period when the petition is held by the
26 state committee. Additions and withdrawals of signatures shall be by
27 notarized affidavit filed with the state committee.

28 Sec. 2. Section 79-414, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-414 A list or lists of all the legal voters in each district or
31 territory affected, made under the oath of a resident of each district or

1 territory, shall be given to the State Committee for the Reorganization
2 of School Districts when the petition is filed under subsection (1) or
3 (4) of section 79-413.

4 Sec. 3. Section 79-419, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 79-419 (1) When a new district is to be created from other districts
7 as provided in subsection (1) or (4) of section 79-413, the petition
8 shall contain:

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

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

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

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

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

28 (f) Such other matters as the petitioners determine proper to be
29 included.

30 (2) A petition under subsection (1) of this section may contain
31 provisions for the holding of school within existing buildings in the

1 newly reorganized district and that a school constituted under this
2 section shall be maintained from the date of reorganization unless the
3 legal voters served by the school vote by a majority vote for
4 discontinuance of the school.

5 Sec. 4. Original section 79-414, Reissue Revised Statutes of
6 Nebraska, and sections 79-413 and 79-419, Revised Statutes Cumulative
7 Supplement, 2018, are repealed.