

LEGISLATIVE BILL 1098

Approved by the Governor March 27, 1984

Introduced by Schmit 23

AN ACT relating to schools; to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to changing the boundaries of certain school districts; and to repeal the original section.

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

Section 1. That section 79-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402. The county superintendent shall create a new district from other districts, or change the boundaries of any district upon petitions signed by sixty per cent of the legal voters of each district affected, ~~except~~, ~~Provided~~, that petitions must contain signatures of at least sixty-five per cent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization. ~~When~~, ~~and provided further~~, that when area is added to a Class VI school district, or when a Class I school district, which is entirely within a Class VI school district, is taken from a Class VI school district, the Class VI district will be deemed to be an affected district.

Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent of schools when the petitions involve the transfer of land between Class III, IV, or V school districts or when there would be an exchange of parcels of land between Class III, IV, or V school districts if the petitions have the approval of at least sixty-five per cent of each board of education. Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent of schools when the petitions involve the transfer of a parcel of land from a Class I or a Class II school district to a school district of a higher classification if the petition has the approval of sixty-five per cent of the legal voters or the board of education of each affected school district, as set forth in this section or section 79-402.03.

Petitions proposing to create a new school district or to change the boundary lines of existing

school districts involving the transfer of more than six hundred forty acres shall, when signed by at least sixty per cent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization. The state committee shall, within forty days, review and approve or disapprove the proposal and return it, with any recommendations deemed advisable, to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee, and determine whether to give final approval or disapproval to the proposal. The county committee shall also, within fifteen days of receipt of the returned proposal, advertise and hold a public hearing at which the recommendations and action of the state and county committees shall be presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing, at the end of which time the committee shall file the petitions with the county superintendent. The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions. ~~Any ; Provided, that any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate, or any part thereof, involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal. A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.~~

Sec. 2. That original section 79-402, Reissue Revised Statutes of Nebraska, 1943, is repealed.