

AMENDMENTS TO LB 658

(Amendments to E & R amendments, ER8064)

Introduced by Dierks, 40

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. On the effective date of this act, the Class
4 I, II, III, IV, V, and VI school districts which were organized
5 as such immediately before December 1, 2005, shall be reorganized
6 according to the boundaries on file with the State Department of
7 Education on November 30, 2005.

8 Sec. 2. The school board or board of education of each
9 school district reorganized pursuant to section 1 of this act shall
10 consist of the persons who were elected at the two most recent
11 elections which were held for that particular school board.

12 Sec. 3. Within sixty days after the effective date of
13 this act, each Class I district referred to in section 1 of this
14 act shall call a special meeting of the board of education and
15 the legal voters of each such Class I district for purposes of
16 ascertaining whether such legal voters desire such Class I district
17 to remain in existence. In the absence of an affirmative vote by
18 fifty-five percent of the legal voters of such district who are in
19 attendance and voting on the matter at such special meeting to the
20 contrary, the Class I district shall be legally presumed to be in
21 existence and duly constituted.

22 The special meeting referred to in this section shall

1 be called by posting notice in three public places within the
2 boundaries of the Class I district at least five days before the
3 meeting. The notice shall state the purpose of the meeting and
4 shall contain the agenda of the meeting.

5 Sec. 4. If, at the special meeting described in section
6 3 of this act the legal voters of the Class I district, by a
7 fifty-five percent majority vote of those present and voting, vote
8 to dissolve the district, the secretary of the Class I school
9 district school board shall forward to the State Committee for
10 the Reorganization of School Districts, within ten days after such
11 special meeting, a copy of the notice of the call of such special
12 meeting including the agenda items, the names of the persons moving
13 and seconding the issue of dissolution of the district, the number
14 of votes cast in favor of the motion, the number of votes cast
15 against the motion, the number of legal voters present and voting
16 at such meeting, and the number of legal voters present and not
17 voting, if any.

18 Sec. 5. For school fiscal years 2007-08 and 2008-09,
19 every Class I school district shall be entitled to a budget at
20 least equal to the budget it had for school fiscal year 2005-06.
21 Such budget may include cash reserves not to exceed forty-five
22 percent of the general fund budget. In addition to the general fund
23 budget referred to in this section, every school district shall
24 be entitled to exceed the levy limitations set forth in sections
25 77-3442 to 77-3444, without a vote of the people, for the purpose
26 of paying for any costs incurred as a result of the enactment of
27 Laws 2005, LB 126, and its subsequent repeal.

1 Sec. 6. Nothing in sections 1 to 5 of this act shall be
2 construed to prevent any such district from availing itself of any
3 other levy limit exemptions provided by law.

4 Sec. 7. Any school district or local system affected by
5 the enactment of Laws 2005, LB 126, and its subsequent repeal may,
6 in addition to the budget authority set forth in the Tax Equity
7 and Educational Opportunities Support Act, exceed the budget limits
8 contained in the act for school fiscal years 2007-08 and 2008-09
9 to pay for additional costs, expenses, salaries, transportation
10 equipment, excess staff, or any other cost or expense resulting
11 from the enactment of Laws 2005, LB 126, and its subsequent repeal.

12 Exceptions to levy limitations and budget limitations
13 described in this section and section 5 of this act shall
14 be identified to the appropriate county clerks, and the levy
15 identified by the affected school boards shall be levied.

16 Sec. 8. Section 32-1206, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-1206 ~~Any~~ Except as provided in section 3 of this act,
19 any election not otherwise provided for in sections 32-1203 to
20 32-1205 which is conducted by the election commissioner or county
21 clerk shall be paid for by the entity holding the election.

22 Sec. 9. Section 79-403, Revised Statutes Cumulative
23 Supplement, 2006, as affected by Referendum 2006, No. 422, is
24 amended to read:

25 79-403 (1) Except as provided in subsections (2) and (3)
26 of this section, no new school district shall be created unless
27 such district provides instruction in kindergarten through grade

1 twelve.

2 (2) A new Class VI school district may be created if:

3 (a) Such Class VI school district will include at least
4 two or more previously existing Class II or Class III school
5 districts, except that if a reorganization petition for formation
6 of a Class VI school district is initiated by a petition signed by
7 fifty-five percent of the legal voters of a Class II or III school
8 district, then such Class VI school district may include only one
9 Class II or III school district; and

10 (b) The enrollment of the new Class VI school district
11 is (i) at least one hundred twenty-five pupils if the district
12 offers instruction in grades nine through twelve, (ii) at least one
13 hundred seventy-five pupils if the district offers instruction in
14 grades seven through twelve, or (iii) at least two hundred students
15 if the district offers instruction in grades six through twelve,
16 except that if such district will have population density of less
17 than three persons per square mile, then the enrollment shall be
18 at least seventy-five students if the district offers instruction
19 in grades nine through twelve, at least one hundred students if
20 the district offers instruction in grades seven through twelve, or
21 at least one hundred twenty-five students if the district offers
22 instruction in grades six through twelve.

23 (3) One or more new Class I districts may be created
24 as provided in sections 1 to 7 of this act or as a part of a
25 reorganization petition pursuant to subsection (2) of this section.

26 Sec. 10. Section 79-415, Revised Statutes Cumulative
27 Supplement, 2006, as affected by Referendum 2006, No. 422, is

1 amended to read:

2 79-415 (1) In addition to the petitions of legal voters
3 pursuant to section 79-413 and the method provided in sections 1
4 to 7 of this act, changes in boundaries and the creation of a new
5 school district from other districts may be initiated and accepted
6 by the school board or board of education of any district that is
7 not a member of a learning community.

8 (2) In addition to the petitions of legal voters pursuant
9 to section 79-413, the affiliation of a Class I district or portion
10 thereof with one or more Class II, III, IV, or V districts may be
11 initiated and accepted by:

12 (a) The board of education of any Class II, III, IV, or V
13 district; and

14 (b) The school board of any Class I district in which is
15 located a city or incorporated village.

16 Sec. 11. Section 79-479, Revised Statutes Cumulative
17 Supplement, 2006, as affected by Referendum 2006, No. 422, is
18 amended to read:

19 79-479 (1)(a) Beginning January 1, 1992, any school
20 district boundaries changed by the means provided by Nebraska law,
21 but excluding the method provided by sections 79-407, and 79-473
22 to 79-475, or sections 1 to 7 of this act, shall be made only
23 upon an order issued by the State Committee for the Reorganization
24 of School Districts or county clerk. The state committee shall
25 not issue an order changing boundaries relating to affiliation of
26 school districts if twenty percent or more of any tract of land
27 under common ownership which is proposing to affiliate is not

1 contiguous to the high school district with which affiliation is
2 proposed unless (i) one or more resident students of the tract of
3 land under common ownership has attended the high school program of
4 the high school district within the immediately preceding ten-year
5 period or (ii) approval of the petition or plan would allow
6 siblings of such resident students to attend the same school as the
7 resident students attended.

8 (b) The order issued by the state committee shall be
9 certified to the county clerk of each county in which boundaries
10 are changed and shall also be certified to the State Department of
11 Education. Whenever the order changes the boundaries of a school
12 district due to the transfer of land, the county assessor, the
13 Property Tax Administrator, and the State Department of Education
14 shall be provided with the legal description and a map of the
15 parcel of land which is transferred. Such order shall be issued
16 no later than June 1 and shall have an effective date no later
17 than August 1 of the same year. For purposes of determining
18 school district counts pursuant to sections 79-524 and 79-578
19 and calculating state aid allocations pursuant to the Tax Equity
20 and Educational Opportunities Support Act, any change in school
21 district boundaries with an effective date between June 1 and
22 August 1 of any year shall be considered effective July 1 of such
23 year.

24 (2) Unless otherwise provided by sections 1 to 7 of
25 this act or other state law or by the terms of an affiliation
26 or reorganization plan or petition which is consistent with state
27 law, all assets, including budget authority as provided in sections

1 79-1023 to 79-1030, and liabilities, except bonded obligations, of
2 school districts merged, dissolved, or annexed shall be transferred
3 to the receiving district or districts on the basis of the
4 proportionate share of assessed valuation received at the time of
5 reorganization. When a Class II, III, IV, or V school district
6 becomes a Class I school district:

7 (a) Which becomes part of a Class VI district which
8 offers instruction in grades six through twelve, 37.9310 percent of
9 the Class II, III, IV, or V district's assets and liabilities shall
10 be transferred to the new Class I district and the remainder shall
11 be transferred to the Class VI district or districts of which the
12 Class I district becomes a part on the basis of the proportionate
13 share of assessed valuation each high school district received at
14 the time of such change in class of district;

15 (b) Which becomes part of a Class VI district which
16 offers instruction in grades seven through twelve, 44.8276 percent
17 of the Class II, III, IV, or V district's assets and liabilities
18 shall be transferred to the new Class I district and the remainder
19 shall be transferred to the Class VI district or districts of
20 which the Class I district becomes a part on the basis of the
21 proportionate share of assessed valuation each high school district
22 received at the time of such change in class of district; or

23 (c) Which is affiliated or becomes part of a Class VI
24 district which offers instruction in grades nine through twelve,
25 61.3793 percent of the Class II, III, IV, or V school district's
26 assets and liabilities shall be transferred to the new Class I
27 district and the remainder shall be transferred to the Class VI

1 district or districts of which the Class I district becomes a part
2 and to the high school district or districts with which the Class I
3 district is affiliated on the basis of the proportionate share of
4 assessed valuation each high school district received at the time
5 of such change in class of district.

6 Sec. 12. Any certificated employee, as defined in
7 subsection (1) of section 79-824, who as a result of the enactment
8 of Laws 2005, LB 126, became employed by a Class II, III, IV, V, or
9 VI school district and who was under an employment contract with a
10 Class I school district on June 14, 2006, shall be reassigned and
11 reallocated to the Class I district to which he or she was under
12 contract on such date and shall remain employed by the Class I
13 district under the terms and conditions of the employment contract
14 between such certificated employee and the Class II, III, IV, V, or
15 VI district at the time he or she is reassigned and reallocated to
16 the Class I district. Such employment contract shall remain in full
17 force and effect until nonrenewed, terminated, canceled, or amended
18 pursuant to sections 79-824 to 79-842 or other applicable law.

19 Sec. 13. Any cost in addition to the cost that would
20 have been incurred by any Class II, III, IV, V, or VI district
21 as a result of the enactment of Laws 2005, LB 126, relating to
22 the compensation such certificated employee may be accounted for in
23 the budget of the applicable Class II, III, IV, V, or VI district,
24 or the Class I district, as appropriate, and may constitute an
25 exemption to applicable allowable budget growth rate and applicable
26 levy limitations placed upon such districts. Such exceptions shall
27 be allowable for school fiscal years 2007-08 and 2008-09.

1 Sec. 14. Every Class I district shall have levy authority
2 and budget authority separate and distinct from the budget and levy
3 authority of its principal Class II, III, IV, V, or VI district
4 for purposes of reconciling any lost revenue and assets as a result
5 of the enactment of Laws 2005, LB 126, as well as any increased
6 liabilities resulting from its reestablishment under such sections.
7 Such budget and levy authority shall exist for school fiscal years
8 2007-08 and 2008-09, after which the budget and levy authority of
9 every Class I district shall be as provided by section 79-1027.

10 Sec. 15. For school fiscal years 2007-08 and 2008-09,
11 every Class I district shall have the authority to borrow up to one
12 hundred percent of its established budget for purposes of funding
13 its budgets as established by section 14 of this act.

14 Sec. 16. For school fiscal years 2007-08 and 2008-09,
15 every Class I school district shall have returned to it all the
16 physical assets the Class I district possessed on June 14, 2006,
17 by the school district in possession thereof on the effective date
18 of this act, within ninety days after the effective date of this
19 act, except that any Class I district which by a special vote of
20 its legal voters has received authority to dispose of its building
21 and physical assets as excess property may be dissolved by order of
22 the State Committee for the Reorganization of School Districts upon
23 the forwarding by such Class I district to the state committee of
24 notice, agenda, minutes, and recorded vote relating to such vote to
25 dispose of its buildings and physical assets.

26 For purposes of this section, physical assets means the
27 schoolhouse, equipment, supplies, books, audio-visual equipment,

1 computers, desks, furniture, and tangible property of any kind
2 which belonged to the Class I district on June 14, 2006.

3 Sec. 17. The Revisor of Statutes shall assign sections 1
4 to 7 of this act within Chapter 79.

5 Sec. 18. If any section in this act or any part of any
6 section is declared invalid or unconstitutional, the declaration
7 shall not affect the validity or constitutionality of the remaining
8 portions.

9 Sec. 19. Original section 32-1206, Reissue Revised
10 Statutes of Nebraska, and sections 79-403, 79-415, and 79-479,
11 Revised Statutes Cumulative Supplement, 2006, as affected by
12 Referendum 2006, No. 422, are repealed.

13 Sec. 20. Since an emergency exists, this act takes effect
14 when passed and approved according to law.