

AMENDMENTS TO LB 988

(Amendments to E & R amendments, ER8211)

Introduced by Friend, 10.

1 1. Insert the following new section:

2 Sec. 3. Section 79-458, Revised Statutes Supplement,  
3 2007, is amended to read:

4 79-458 (1) Any freeholder or freeholders, person in  
5 possession or constructive possession as vendee pursuant to a  
6 contract of sale of the fee, holder of a school land lease under  
7 section 72-232, or entrant upon government land who has not yet  
8 received a patent therefor may file a petition ~~on or before July~~  
9 ~~15 for 2007 and~~ on or before June 1 for all other years with  
10 a board consisting of the county assessor, county clerk, and  
11 county treasurer, asking to have any tract or tracts of land  
12 described in the petition set off from an existing ~~Class II or III~~  
13 school district in which the land is situated and attached to ~~an~~  
14 ~~accredited~~ a different school district which is contiguous to such  
15 tract or tracts of land if:

16 ~~(a)~~ (a)(i) The school district in which the land is  
17 situated is a Class II or III school district which has had an  
18 average daily membership in grades nine through twelve of less  
19 than sixty for the two consecutive school fiscal years immediately  
20 preceding the filing of the petition;

21 ~~(b)~~ The (ii) Such Class II or III school district has  
22 voted pursuant to section 77-3444 to exceed the maximum levy

1 established pursuant to subdivision (2)(a) of section 77-3442,  
2 which vote is effective for the school fiscal year in which the  
3 petition is filed or for the following school fiscal year;

4 ~~(e)~~ (iii) The high school in such Class II or III school  
5 district is within fifteen miles on a maintained public highway or  
6 maintained public road of another public high school; and

7 ~~(d)~~ (iv) Neither school district is a member of a  
8 learning community; or-

9 (b) Except as provided in subsection (7) of this section,  
10 the school district in which the land is situated, regardless of  
11 the class of school district, has approved a budget for the school  
12 fiscal year in which the petition is filed that will cause the  
13 combined levies for such school fiscal year, except levies for  
14 bonded indebtedness approved by the voters of such school district  
15 and levies for the refinancing of such bonded indebtedness, to  
16 exceed the greater of (i) one dollar and twenty cents per one  
17 hundred dollars of taxable valuation of property subject to the  
18 levy or (ii) the maximum levy authorized by a vote pursuant to  
19 section 77-3444.

20 For purposes of determining whether a tract of land is  
21 contiguous, all petitions currently being considered by the board  
22 shall be considered together as a whole.

23 (2) The petition shall state the reasons for the proposed  
24 change and shall show with reference to the land of each  
25 petitioner: (a) That (i) the land described in the petition is  
26 either owned by the petitioner or petitioners or that he, she,  
27 or they hold a school land lease under section 72-232, are in

1 possession or constructive possession as vendee under a contract  
2 of sale of the fee simple interest, or have made an entry on  
3 government land but have not yet received a patent therefor and  
4 (ii) such tract of land includes all such contiguous land owned or  
5 controlled by each petitioner; (b) that the land described in the  
6 petition is located in a Class II or III district that is not a  
7 member of a learning community, the district has had an average  
8 daily membership in grades nine through twelve of less than sixty  
9 for the two consecutive school fiscal years immediately preceding  
10 the filing of the petition, the district has voted to exceed the  
11 maximum levy established pursuant to subdivision (2)(a) of section  
12 77-3442 as provided in subdivision (1)(b) of this section, and the  
13 land is to be attached to an accredited school district which is  
14 contiguous to such tract or tracts of land and which is not a  
15 member of a learning community; conditions of subdivision (1)(a) or  
16 (1)(b) of this section have been met; and (c) that such petition is  
17 approved by a majority of the members of the school board of the  
18 district to which such land is sought to be attached.

19 (3) The petition shall be verified by the oath of each  
20 petitioner. Notice of the filing of the petition and of the hearing  
21 on such petition before the board constituted as prescribed in  
22 subsection (1) or (4) of this section shall be given at least  
23 ten days prior to the date of such hearing by one publication  
24 in a legal newspaper of general circulation in each district and  
25 by posting a notice on the outer door of the schoolhouse in each  
26 district affected thereby, and such notice shall designate the  
27 territory to be transferred. Following the filing of a petition

1 pursuant to this section, such board shall hold a public hearing  
2 on the petition and, ~~on or before November 1~~ following the filing  
3 ~~of the petition,~~ shall approve or disapprove the petition on or  
4 before July 15 following the filing of the petition based on  
5 a determination of whether the petitioner has complied with all  
6 requirements of this section. If such board approves the petition,  
7 such board shall change the boundaries of the school districts so  
8 as to set off the land described in the petition and attach it to  
9 such district pursuant to the petition with an effective date of  
10 August 15 following the filing of the petition, which actions shall  
11 cause such transfer to be in effect for levies set for the year in  
12 which such transfer takes effect.

13 (4) Petitions requesting transfers of property across  
14 county lines shall be addressed jointly to the county clerks of  
15 the counties concerned, and the petitions shall be acted upon  
16 by the county assessors, county clerks, and county treasurers of  
17 the counties involved as one board, with the county clerk of the  
18 county from which the land is sought to be transferred acting as  
19 chairperson of the board.

20 (5) Appeals may be taken from the action of such board  
21 or, when such board fails to agree, act on the petition, on or  
22 before August 1 following the filing of the petition, to the  
23 district court of the county in which the land is located ~~within~~  
24 ~~twenty days after entry of such action on the records of the board~~  
25 ~~by the county clerk of the county in which the land is located~~  
26 ~~or within twenty days after November 1 if such board fails to act~~  
27 ~~upon such petition,~~ on or before August 10 following the filing

1 of the petition, in the same manner as appeals are now taken from  
2 the action of the county board in the allowance or disallowance of  
3 claims against the county. If an appeal is taken from the action of  
4 the board approving the petition or failing to act on the petition,  
5 the transfer shall occur effective August 15 following the filing  
6 of the petition, which actions shall cause such transfer to be in  
7 effect for levies set for the year in which such transfer takes  
8 effect, unless action by the district court prevents such transfer.

9 (6) This section does not apply to any school district  
10 located on an Indian reservation and substantially or totally  
11 financed by the federal government.

12 ~~(7) If approved by the board, the transfer shall take~~  
13 ~~place on January 1 next following the filing of the petition.~~

14 (7) For school districts that have approved a budget for  
15 school fiscal year 2007-08 that will cause the combined levies,  
16 except levies for bonded indebtedness approved by the voters of  
17 the school district and levies for the refinancing of such bonded  
18 indebtedness, to exceed the greater of (a) one dollar and twenty  
19 cents per one hundred dollars of taxable valuation of property  
20 subject to the levy or (b) the maximum levy authorized by a vote  
21 pursuant to section 77-3444, the school boards of such school  
22 districts may adopt a binding resolution stating that the combined  
23 levies, except levies for bonded indebtedness approved by the  
24 voters of the school district and levies for the refinancing of  
25 such bonded indebtedness, for school fiscal year 2008-09 shall not  
26 exceed the greater of (i) one dollar and twenty cents per one  
27 hundred dollars of taxable valuation of property subject to the

1 levy or (ii) the maximum levy authorized by a vote pursuant to  
2 section 77-3444. On or before May 9, 2008, such binding resolutions  
3 shall be filed with the Auditor of Public Accounts and the county  
4 assessors, county clerks, and county treasurers for all counties in  
5 which the school district has territory. If such binding resolution  
6 is filed on or before May 9, 2008, land shall not be set off and  
7 attached to another district pursuant to subdivision (2) (b) of this  
8 section in 2008.

9 (8) Nothing in this section shall be construed to detach  
10 obligations for voter-approved bonds from any tract of land.

11 2. On page 8, after line 15, insert the following new  
12 subsection:

13 "(14) For school districts that file a binding resolution  
14 on or before May 9, 2008, with the county assessors, county clerks,  
15 and county treasurers for all counties in which the school district  
16 has territory pursuant to subdivision (7) of section 79-458, if the  
17 combined levies, except levies for bonded indebtedness approved by  
18 the voters of the school district and levies for the refinancing  
19 of such bonded indebtedness, are in excess of the greater of (a)  
20 one dollar and twenty cents per one hundred dollars of taxable  
21 valuation of property subject to the levy or (b) the maximum  
22 levy authorized by a vote pursuant to section 77-3444, all school  
23 district levies, except levies for bonded indebtedness approved by  
24 the voters of the school district and levies for the refinancing of  
25 such bonded indebtedness, shall be considered unauthorized levies  
26 under section 77-1606.".

27 3. On page 12, after line 14, insert the following new

1 subsection:

2           "(5) The withdrawal of a participating school district  
3 from a unified system or dissolution of a unified system shall  
4 occur only if each participating school district in such unified  
5 system either will be merged with at least one other school  
6 district or will continue participation in such unified system  
7 with at least one other participating school district following  
8 such withdrawal or dissolution. The withdrawal of a participating  
9 school district from a unified system or dissolution of a unified  
10 system shall be accomplished and the rights and liabilities of  
11 the participating school districts determined through an action for  
12 declaratory judgment pursuant to the Uniform Declaratory Judgments  
13 Act. An action under the act praying for the withdrawal of a  
14 participating school district, dissolution of the unified system,  
15 or a declaration of the rights and liabilities of the participating  
16 school districts may be brought by the school board of any  
17 participating school district. The court shall have jurisdiction  
18 to determine all matters relating to the rights and liabilities  
19 of the participating school districts, including, but not limited  
20 to, the allocation among the participating school districts of  
21 (a) the certificated staff employed by the unified system among  
22 the participating school districts, (b) the real and personal  
23 property acquired by and held in the name of the unified system,  
24 (c) the local, state, and federal revenue of the unified system,  
25 including state aid to be paid to the unified system for the year  
26 following the withdrawal of a participating school district or the  
27 dissolution of the unified system, and (d) the liability for the

1 repayment pursuant to subsection (8) of section 79-1010 of any  
2 incentive aid received by the unified system and its participating  
3 school districts, which liability shall be subtracted from the  
4 state aid of the participating school districts to which such  
5 repayment is allocated for the school fiscal years following the  
6 last school fiscal year of participation of a withdrawing school  
7 district or the operation of the dissolved unified system. The  
8 State Department of Education shall implement and enforce all terms  
9 of any decree of declaratory judgment entered pursuant to this  
10 section.

11 (6) After the effective date of this act, the State  
12 Committee for the Reorganization of School Districts shall not  
13 approve or order into effect any new unified system under  
14 this section. The committee may approve and order into effect  
15 the addition of school districts to a unified system or the  
16 continuation of a unified system if the continuing unified system  
17 will consist of at least two school districts which are continuing  
18 participation in the unified system."

19 4. Renumber the remaining sections, correct internal  
20 references, and amend the repealer accordingly.