

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 524**

Introduced by Aguilar, 35

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-473, Revised  
2 Statutes Cumulative Supplement, 2006, as affected by  
3 Referendum 2006, No. 422; to change provisions relating  
4 to annexed school district territory; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-473, Revised Statutes Cumulative  
2 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
3 amended to read:

4           79-473 (1) If the territory annexed by a change of  
5 boundaries of a city or village which lies within a Class III  
6 school district as provided in section 79-407 has been part of a  
7 Class IV or Class V school district prior to such annexation, a  
8 merger of the annexed territory with the Class III school district  
9 shall become effective only if the merger is approved by a majority  
10 of the members of the school board of the Class IV or V school  
11 district and a majority of the members of the school board of the  
12 Class III school district within ninety days after the effective  
13 date of the annexation ordinance, except that a merger shall not  
14 become effective pursuant to this section if such merger involves a  
15 school district that is a member of a learning community.

16           (2) Notwithstanding subsection (1) of this section, when  
17 territory which lies within a Class III school district, Class  
18 VI school district, or Class I school district which is attached  
19 to a Class VI school district or which does not lie within a  
20 Class IV or V school district is annexed by a city of the second  
21 class or village pursuant to section 79-407, the affected school  
22 board of the annexing city of the second class or village school  
23 district and the affected school board or boards serving the  
24 territory subject to the annexation ordinance shall meet within  
25 thirty days after the effective date of the annexation ordinance

1 if neither school district is a member of a learning community and  
2 negotiate in good faith as to which school district shall serve the  
3 annexed territory and the effective date of any transfer. During  
4 the process of negotiation, the affected boards shall consider the  
5 following criteria:

6 (a) The educational needs of the students in the affected  
7 school districts;

8 (b) The economic impact upon the affected school  
9 districts;

10 (c) Any common interests between the annexed or platted  
11 area and the affected school districts and the community which has  
12 zoning jurisdiction over the area; and

13 (d) Community educational planning.

14 If no agreement has been reached within ninety days after  
15 the effective date of the annexation ordinance, the territory shall  
16 transfer to the school district of the annexing city of the second  
17 class or village ten days after the expiration of such ninety-day  
18 period unless an affected school district petitions the district  
19 court within the ten-day period and obtains an order enjoining the  
20 transfer and requiring the boards of the affected school districts  
21 to continue negotiation. The court shall issue the order upon a  
22 finding that the affected board or boards have not negotiated in  
23 good faith based on one or more of the criteria listed in this  
24 subsection. The district court shall require no bond or other  
25 surety as a condition for any preliminary injunctive relief. If no

1 agreement is reached after such order by the district court and  
2 additional negotiations, the annexed territory shall become a part  
3 of the school district of the annexing city of the second class or  
4 village.

5 (3) Notwithstanding subsections (1) and (2) of this  
6 section, when territory which does not lie within a Class IV or V  
7 school district is annexed by a city of the first class pursuant  
8 to section 79-407, the annexed territory shall become a part of the  
9 school district of the annexing city of the first class, except  
10 that such annexations shall not affect the boundaries of any school  
11 district that is a member of a learning community.

12 ~~(3)~~ (4) If, within the boundaries of the annexed  
13 territory, there exists a Class VI school, the school building,  
14 facilities, and land owned by the school district shall remain  
15 a part of the Class VI school district. If the Class VI school  
16 district from which territory is being annexed wishes to dispose  
17 of such school building, facilities, or land to any individual or  
18 political subdivision, including a Class I school district, the  
19 question of such disposition shall be placed on the ballot for the  
20 next primary or general election. All legal voters of such Class VI  
21 school district shall then vote on the question at such election. A  
22 simple majority of the votes cast shall resolve the issue.

23 ~~(4)~~ (5) Whenever an application for approval of a final  
24 plat or replat is filed for territory which lies within the zoning  
25 jurisdiction of a city of the ~~first or~~ second class and does not

1 lie within the boundaries of a Class IV or V school district, the  
2 boundaries of a school district that is a member of a learning  
3 community, the boundaries of any county in which a city of the  
4 metropolitan class is located, or the boundaries of any county that  
5 has a contiguous border with a city of the metropolitan class, the  
6 affected school board of the school district within the city of  
7 the ~~first or~~ second class or its representative and the affected  
8 board or boards serving the territory subject to the final plat or  
9 replat or their representative shall meet within thirty days after  
10 such application and negotiate in good faith as to which school  
11 district shall serve the platted or replatted territory and the  
12 effective date of any transfer based upon the criteria prescribed  
13 in subsection (2) of this section.

14           If no agreement has been reached prior to the approval  
15 of the final plat or replat, the territory shall transfer to the  
16 school district of the city of the first or second class upon  
17 the filing of the final plat unless an affected school district  
18 petitions the district court within ten days after approval of the  
19 final plat or replat and obtains an order enjoining the transfer  
20 and requiring the affected boards to continue negotiation. The  
21 court shall issue the order upon a finding that the affected board  
22 or boards have not negotiated in good faith based on one or more of  
23 the criteria listed in subsection (2) of this section. The district  
24 court shall require no bond or other surety as a condition for  
25 any preliminary injunctive relief. If no agreement is reached after

1 such order by the district court and additional negotiations, the  
2 platted or replatted territory shall become a part of the school  
3 district of the city of the ~~first or~~ second class.

4 Whenever an application for approval of a final plat  
5 or replat is filed for territory which lies within the zoning  
6 jurisdiction of a city of the first class and does not lie within  
7 the boundaries of a Class IV or V school district, of any county  
8 in which a city of the metropolitan class is located, or of any  
9 county that has a contiguous border with a city of the metropolitan  
10 class, the platted or replatted territory shall become a part of  
11 the school district of the city of the first class.

12 For purposes of this subsection, plat and replat apply  
13 only to (a) vacant land, (b) land under cultivation, or (c) any  
14 plat or replat of land involving a substantive change in the size  
15 or configuration of any lot or lots.

16 ~~(5)~~ (6) Notwithstanding any other provisions of this  
17 section, all negotiated agreements relative to boundaries or to  
18 real or personal property of school districts reached by the  
19 affected school boards shall be valid and binding, except that such  
20 agreements shall not be binding on reorganization plans pursuant to  
21 the Learning Community Reorganization Act.

22 Sec. 2. Original section 79-473, Revised Statutes  
23 Cumulative Supplement, 2006, as affected by Referendum 2006, No.  
24 422, is repealed.