

## LEGISLATIVE BILL 465

Approved by the Governor April 25, 1983

Introduced by Wagner, 41

AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the annexation of property by cities or villages lying within certain school districts; to repeal the original section; and to declare an emergency.

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

Section 1. That section 79-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-801. (1) The territory embraced within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a school district of the third class and be known by the name of The School District of (name of city or village), in the county of (name of county), in the State of Nebraska. As such in that name, the district shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate, and control such obligations as are authorized by law. The title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city or village, shall, upon the organization of the district, vest immediately in the new district; and the board of education of the new district shall have exclusive control of the same for all purposes herein contemplated; Provided, that where the territory annexed by a change of boundaries of such city has been part of a Class IV, V, or VI school district for more than one year prior thereto, having been annexed by petition, the question as to which district the annexed territory shall be part of shall be

negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next primary or general election. The registered voters of all Class I districts which form the annexed territory shall then vote on the question at such election. When a city or village subject to this section annexes territory in which registered voters reside and which has been part of a Class III school district for more than one year prior thereto, the issue of whether the area annexed shall remain a part of its current school district or whether it shall become part of the school district of the annexing city or village shall be submitted to the registered voters of the area annexed. The issue may be submitted at a primary, general, or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.

If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the district shall remain a part of the Class VI district notwithstanding any action taken by the school boards and notwithstanding the result of such election.

If the Class VI district wishes to dispose of such school building, facilities, or land to any individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next primary or general election. All registered voters of such Class VI district shall then vote on the question at such election. A simple majority of the votes cast shall resolve the issue.

(2) Notwithstanding subsection (1) of this section or section 79-801.02, no annexation by a city or village encompassed within any Class III school district, which annexation occurs after the effective date of this act, but before August 15, 1984, shall operate to change any school district boundaries in the area annexed, nor shall any election prescribed by subsection (1) of this section be held after the effective date of this act but before August 15, 1984. Nothing in this section shall prevent the boards of education of annexing and annexed school districts affected by such annexation by a majority vote of the members of such boards from entering into an

agreement concerning any boundary changes and disposition of property. For annexations occurring on or after August 15, 1984, the provisions of this subsection shall be null and void and shall have no effect. Any changes in school district boundaries which would otherwise occur as a result of annexations occurring after the effective date of this act but before August 15, 1984, shall be governed by the provisions of applicable law as such may exist after August 15, 1984.

Sec. 2. That original section 79-801, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.