

## LEGISLATIVE BILL 148

Approved by the Governor April 21, 1973

Introduced by Stull, 49

AN ACT to amend sections 79-403.02 and 79-603, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the conditions for transferring territory to a Class I district; to provide for the dissolution of districts and the waiver thereof; to provide for certain expenses; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-403.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-403.02. Notwithstanding other provisions of Chapter 79 concerning the transfer of territory from one school district to another and the reorganization of school districts, territory may be transferred to a Class I district when the following conditions are met:

(1) The receiving district contains at least twenty-five hundred acres and located thereon is a nonprofit facility licensed for the care and education of children;

(2) There are no children of school age in the territory to be transferred to the receiving district and the territory is owned by the owners of the facility referred to in subdivision (1) of this section; and

(3) As a part of the proposal for transfer, the board of the receiving district agrees to provide both elementary and-high-school education either in its own facilities or by contracting with another district; Provided, that no county shall pay tuition for any nonresident who is a ward of the court or state.

Sec. 2. That section 79-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-603. No Class I district which contracts for the instruction after June 1, 1970, of all of its pupils with a Class I, II, III, IV or V district shall merge with another Class I district; Provided, no district shall contract for the instruction of all of its pupils

with a Class II, III, IV or V district for more than two consecutive years and a district which has contracted for the instruction of all of its pupils with a Class II, III, IV or V district for two or more consecutive years before August 4, 1969 shall not contract for the instruction of all of its pupils with a Class II, III, IV or V district after June 1, 1970; and provided further, nothing herein shall be construed as an extension of the limitations on contracting for the instruction of the pupils of a district contained in section 79-486; and provided further, that the county superintendent shall dissolve and attach to a neighboring district or districts any school district which, for two consecutive years, contracts for the instruction of all of its pupils with a Class II, III, IV, or V district. The dissolution of any school district pursuant to this section shall be effected in the manner prescribed in section 79-420. When such dissolution would create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, waive the dissolution of the district on an annual basis.

Sec. 3. Any expenses incurred by a school district in opposing an order dissolving it under section 79-486 or 79-603 shall be a charge only against such district and the taxable property therein.

Sec. 4. That original sections 79-403.02 and 79-603, Reissue Revised Statutes of Nebraska, 1943, are repealed.