with directions to vacate its decision. We also direct the Court of Appeals to reverse the decision of the district court which affirmed the revocation order and to remand the cause to the district court with instructions to the district court to vacate its order and dismiss Sherman's action in district court.

REVERSED AND REMANDED WITH DIRECTIONS.

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# BUTLER COUNTY SCHOOL DISTRICT 12-0502, ALSO KNOWN AS EAST BUTLER PUBLIC SCHOOL DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, APPELLANT, AND BRENDA COUFAL, AN INDIVIDUAL RESIDENT TAXPAYER OF BUTLER COUNTY SCHOOL DISTRICT 12-0502, ALSO KNOWN AS EAST BUTLER PUBLIC SCHOOL DISTRICT, APPELLEE, V. FREEHOLDER PETITIONERS 1 THROUGH 10: FERN JANSA ET AL., APPELLEES.

___ N.W.2d ___

Filed May 25, 2012. No. S-11-562.

1. **Standing: Jurisdiction: Parties.** Standing is a jurisdictional component of a party's case.
2. **Jurisdiction: Appeal and Error.** An appellate court reviews de novo jurisdictional determinations that do not involve a factual dispute.
3. **Statutes: Appeal and Error.** Statutory interpretation presents a question of law that an appellate court independently reviews.
4. **Standing: Jurisdiction.** Standing relates to a court's power, that is, jurisdiction, to address issues presented and serves to identify those disputes that are appropriately resolved through the judicial process.
5. ____: ____. Standing requires that a litigant have a personal stake in the outcome of a controversy that warrants invocation of a court's jurisdiction and justifies exercise of the court's remedial powers on the litigant's behalf.
6. **Standing: Claims: Parties: Proof.** To have standing, a litigant must assert its own rights and interests and demonstrate an injury in fact, which is concrete in both a qualitative and temporal sense. The alleged injury in fact must be distinct and palpable, as opposed to merely abstract, and the alleged harm must be actual or imminent, not conjectural or hypothetical.
7. **Standing.** To have standing, a party must have some legal or equitable right, title, or interest in the subject of the controversy.
8. **Actions: Standing: Proof.** Standing requires that the injury can be fairly traced to the challenged action and is likely to be redressed by a favorable decision.

9. **Statutes: Appeal and Error.** An appellate court gives statutory language its plain and ordinary meaning.
10. **Statutes: Legislature: Intent: Appeal and Error.** In discerning the meaning of a statute, an appellate court gives effect to the purpose and intent of the Legislature as ascertained from the entire language of a statute considered in its plain, ordinary, and popular sense.
11. ____: ____: ____: ____. When possible, an appellate court determines the legislative intent from the language of the statute itself.
12. **Statutes: Appeal and Error.** In construing statutory language, an appellate court attempts to give effect to all parts of a statute and avoid rejecting as superfluous or meaningless any word, clause, or sentence.
13. ____: ____. An appellate court will not read into a statute a meaning that is not there.

Appeal from the District Court for Saunders County: MARY C. GILBRIDE, Judge. Reversed and remanded for further proceedings.

Rex R. Schultze, Derek A. Aldridge, and Dyana Wolkenhauer, of Perry, Guthery, Haase & Gessford, P.C., L.L.O., for appellant.

Maureen Freeman-Caddy, of Bromm, Lindahl, Freeman-Caddy & Lausterer, for appellees Fern Jansa et al.

HEAVICAN, C.J., WRIGHT, CONNOLLY, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

CONNOLLY, J.

## SUMMARY

Butler County School District 12-0502, also known as East Butler Public School District (East Butler), appeals from the district court's order dismissing its appeal from an order of the Saunders County freeholder board (the Board). The Board's order granted the appellee property owners' petitions to move their property from Prague Public School District (Prague District) to Wahoo Public School District (Wahoo District). The appellees had petitioned for the move while a dissolution and merger petition involving the same territory was pending before the State Committee for the Reorganization of School Districts (Reorganization Committee). At the Reorganization Committee, the school boards of East Butler and the Prague District petitioned to dissolve their separate districts and merge

them into a single school district. The appellees' property would be a part of this newly merged district.

After the Reorganization Committee approved the merger but before it became effective, the Board granted the appellees' petitions to move their property to the Wahoo District. East Butler appealed that decision to the district court. It argued that the Board lacked jurisdiction to consider the appellees' petitions while East Butler's merger petition was pending. But the court concluded that under Neb. Rev. Stat. § 79-458(5) (Reissue 2008), the appeal was untimely. It also determined that East Butler lacked standing to challenge the Board's order.

We reverse. We conclude that because East Butler had a valid merger petition that involved the same property pending at the time of the appellees' freeholder petitions, it had sufficient interest in the matter to invoke the court's jurisdiction. In addition, we conclude that its appeal was timely. We therefore remand the cause for further proceedings.

## BACKGROUND

The district court summarized the facts as follows:

- On April 13, 2010, East Butler and the Prague District filed a petition and plan for dissolution and merger with the Reorganization Committee.
- On April 20, 2010, the appellees filed freeholder petitions with the Board seeking to remove property owned by them from the Prague District and move it to the Wahoo District.
- On May 14, 2010, the Reorganization Committee approved the dissolution and merger and entered an order merging East Butler and the Prague District. This order did not become effective immediately.
- On May 17, 2010, the Board granted the appellees' petitions to move their property into the Wahoo District.
- On June 10, 2010, the merger of East Butler and the Prague District became effective.
- On July 1, 2010, East Butler appealed to the district court. In the appeal, East Butler sought vacation or reversal of the Board's order. It alleged that the Board lacked jurisdiction because the Reorganization Committee had exclusive

jurisdiction over the matter or that the Reorganization Committee had prior jurisdiction to act under the prior jurisdiction rule.

The district court dismissed the appeal for lack of jurisdiction. It found that East Butler had not complied with § 79-458(5) when that section was read in pari materia with Neb. Rev. Stat. § 23-136 (Reissue 2007). Section 79-458(5) permits a party to appeal from an action of a freeholder board in the same manner that a party can appeal from a county board's allowance or disallowance of a claim. The court read § 79-458(5) to require a party to comply with the time limit to appeal under § 23-136, which governs appeals from a county board's allowance of a claim. Because East Butler did not appeal within the 10 days specified for appeals under § 23-136, the court determined that it did not acquire jurisdiction over the appeal. In addition, citing case law holding that a school district cannot maintain an action to challenge its boundaries,[1] the court found that East Butler lacked standing.

## ASSIGNMENTS OF ERROR

East Butler assigns that the district court erred in concluding that (1) it lacked standing and (2) its appeal was untimely.

## STANDARD OF REVIEW

[1-3] Standing is a jurisdictional component of a party's case.[2] We review de novo jurisdictional determinations that do not involve a factual dispute.[3] And statutory interpretation presents a question of law that we independently review.[4]

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[1] See, *In re Plummer Freeholder Petition*, 229 Neb. 520, 428 N.W.2d 163 (1988); *School Dist. No. 46 v. City of Bellevue*, 224 Neb. 543, 400 N.W.2d 229 (1987); *In re Hilbers Property Freehold Transfer*, 211 Neb. 268, 318 N.W.2d 265 (1982); *Board of Education v. Winne*, 177 Neb. 431, 129 N.W.2d 255 (1964).

[2] *Brook Valley Ltd. Part. v. Mutual of Omaha Bank*, 281 Neb. 455, 797 N.W.2d 748 (2011).

[3] *Field Club v. Zoning Bd. of Appeals of Omaha, ante* p. 847, ___ N.W.2d ___ (2012).

[4] See *Project Extra Mile v. Nebraska Liquor Control Comm., ante* p. 379, 810 N.W.2d 149 (2012).

## ANALYSIS

### EAST BUTLER DOES HAVE STANDING

East Butler asserts that the district court erred in concluding that it did not have standing. Relying on several of our cases holding that a school district cannot maintain an action to challenge its boundaries,[5] the district court held that East Butler lacked standing. We conclude that East Butler does have standing because the facts of this case—the authorized petition that was pending before the Reorganization Committee—distinguish it.

[4-8] Standing relates to a court's power, that is, jurisdiction, to address issues presented and serves to identify those disputes that are appropriately resolved through the judicial process.[6] Standing requires that a litigant have a personal stake in the outcome of a controversy that warrants invocation of a court's jurisdiction and justifies exercise of the court's remedial powers on the litigant's behalf.[7] To have standing, a litigant must assert its own rights and interests[8] and demonstrate an injury in fact, which is concrete in both a qualitative and temporal sense.[9] The alleged injury in fact must be distinct and palpable, as opposed to merely abstract, and the alleged harm must be actual or imminent, not conjectural or hypothetical. A party must have some legal or equitable right, title, or interest in the subject of the controversy.[10] Finally, standing requires that the injury can be fairly traced to the challenged action and is likely to be redressed by a favorable decision.[11]

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[5] See, *In re Plummer Freeholder Petition, supra* note 1; *School Dist. No. 46, supra* note 1; *In re Hilbers Property Freehold Transfer, supra* note 1; *Winne, supra* note 1.

[6] *Latham v. Schwerdtfeger*, 282 Neb. 121, 802 N.W.2d 66 (2011).

[7] *Id.*

[8] *Id.*

[9] See *Frenchman-Cambridge Irr. Dist. v. Dept. of Nat. Res.*, 281 Neb. 992, 801 N.W.2d 253 (2011).

[10] See *Brook Valley Ltd. Part., supra* note 2.

[11] See *Central Neb. Pub. Power Dist. v. North Platte NRD*, 280 Neb. 533, 788 N.W.2d 252 (2010).

In addressing standing, the district court correctly noted that we have long held that school districts may not bring an action to challenge their boundaries.[12] We have often reasoned, at least in part, that the governing statutes did not authorize such actions. Yet in other cases, we have reasoned that school districts, as political subdivisions of the state, have no interest in their territorial integrity[13]; changes to their borders do not constitute "injuries" sufficient to confer standing.

But this case presents facts that are different from our prior cases, and we believe that these differences dictate a different result. Here, the school districts had already presented a plan for merger to the Reorganization Committee before the appellees petitioned the Board to move their property to a different district. Neb. Rev. Stat. § 79-415 (Reissue 2008) permits the school districts to do this. Given this statutory authorization, our prior cases' rationales no longer apply. The statutes *do* allow East Butler to initiate changes to its boundaries. And it cannot be seriously contended that East Butler does not have an interest that could be harmed in its plan before the Reorganization Committee.

To not allow a school district the opportunity to challenge actions that could threaten its plan before the Reorganization Committee would negate the power given to the school district by the Legislature. The plan that the school district expended time and money in developing could be destroyed by a gradual chipping away of freeholder petitions. If a school district may initiate changes in its boundaries, there is no reason its hands should be tied in fending off a postpetition dismantling of its plan.

Simply stated, if the Legislature saw fit to allow a school district to initiate changes in its boundaries, surely it intended that this be done in an orderly fashion. To not allow the school

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[12] See, e.g., *In re Plummer Freeholder Petition, supra* note 1; *Cowles v. School Dist.*, 23 Neb. 655, 37 N.W. 493 (1888). See, also, *School Dist. v. School Dist.*, 55 Neb. 716, 76 N.W. 420 (1898).

[13] See, e.g., *In re Hilbers Property Freehold Transfer, supra* note 1; *Winne, supra* note 1; *Halstead v. Rozmiarek*, 167 Neb. 652, 94 N.W.2d 37 (1959).

districts to challenge subsequent freeholder petitions would invite chaos. The Reorganization Committee should not have to base its decision on whether to grant a merger petition on a factual basis that is constantly changing, as would be the case if subsequent freeholder petitions could remove property from the area under consideration. We conclude that East Butler has an interest in a proposed plan before the Reorganization Committee sufficient to afford it standing.

## THE APPEAL WAS TIMELY

The Board rendered its decision on May 17, 2010, and East Butler appealed to the district court on July 1. As mentioned previously, the district court concluded that East Butler had not complied with § 79-458(5), which governs appeals from a freeholder board.

The relevant portions of § 79-458(5) read as follows:

> Appeals may be taken from the action of such board or, when such board fails to act on the petition, on or before August 1 following the filing of the petition, to the district court of the county in which the land is located on or before August 10 following the filing of the petition, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county.

The court determined that the relevant time limits for appeals under § 79-458(5) were those that applied to appeals from a county board's allowance or disallowance of a claim. Under Neb. Rev. Stat. § 23-135(4) (Reissue 2007), if a county board disallows a claim, a party has 20 days to appeal. Under § 23-136, if the county board allows a claim, a party has 10 days to appeal. The court concluded that the August 10 date under § 79-458(5) was not intended to alter the time limits imposed under § 23-135(4) or § 23-136.

Applying the district court's rationale to the facts, the district court reasoned that because the Board had allowed the petitions, appeals had to be brought within 10 days of the decision, which was rendered on May 17, 2010. East Butler did not appeal until July 1, which was clearly outside the 10 days the district court concluded was the time for appeals.

We have not previously decided the proper timeframe within which to appeal a decision from a freeholder board. East Butler argues that if the appeal is from a freeholder board's decision or its failure to act on or before August 1, the party has until August 10 to appeal. Of course, the appellees view it differently. They argue that the court correctly determined that a party has only 10 or 20 days to appeal, depending on whether the freeholder board granted or denied the petition. According to the appellees, August 10 is the "drop-dead deadline,"[14] although how a "drop-dead deadline" relates to the 10- or 20-day deadline is left unexplained. But from our reading of the statute, we conclude that East Butler's appeal was timely.

[9-13] We begin with familiar canons of statutory construction. We give statutory language its plain and ordinary meaning.[15] And in discerning the meaning of a statute, we give effect to the purpose and intent of the Legislature as ascertained from the entire language of a statute considered in its plain, ordinary, and popular sense.[16] When possible, we determine the legislative intent from the language of the statute itself.[17] In construing statutory language, we attempt to give effect to all parts of a statute and avoid rejecting as superfluous or meaningless any word, clause, or sentence.[18] Likewise, we will not read into a statute a meaning that is not there.[19]

In a case involving somewhat similar statutory language, we held that the time limit under the disputed statute was not altered by the time limits under §§ 23-135 and 23-136.[20]

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[14] Brief for appellees at 15.

[15] *Village of Hallam v. L.G. Barcus & Sons*, 281 Neb. 516, 798 N.W.2d 109 (2011).

[16] *Id.*

[17] *Id.*

[18] *City of North Platte v. Tilgner*, 282 Neb. 328, 803 N.W.2d 469 (2011).

[19] *Cargill Meat Solutions v. Colfax Cty. Bd. of Equal.*, 281 Neb. 93, 798 N.W.2d 823 (2011).

[20] *Knoefler Honey Farms v. County of Sherman*, 193 Neb. 95, 225 N.W.2d 855 (1975), *overruled in part on other grounds, United Way of the Midlands v. Douglas County Board of Equalization*, 199 Neb. 323, 259 N.W.2d 270 (1977).

At that time, the statute for appeals from a county board of equalization provided that "'[a]ppeals may be taken . . . to the district court within forty-five days after adjournment of the board, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims . . . .'"[21] Then, as now, claims against the county had to be appealed within 10 or 20 days, depending on whether the county allowed or disallowed the claim. In *Knoefler Honey Farms v. County of Sherman*,[22] we concluded that the statutes relating to appeals from a county—§§ 23-135 and 23-136—did not alter the necessary time limit for appeals from a county board of equalization. The timeframe was controlled by the text of the statute, which provided for a period of 45 days after the adjournment of the board. Applying this reasoning to § 79-458(5), we conclude that appeals must be filed by August 10, not within 10 or 20 days of the Board's decision.

The appellees, however, correctly point out that 2 years after *Knoefler Honey Farms* was decided, we overruled it in part in *United Way of the Midlands v. Douglas County Board of Equalization*.[23] But the appellees fail to realize that we limited our disapproval of *Knoefler Honey Farms* to an issue irrelevant to this appeal. In *Knoefler Honey Farms*, our language had indicated that a party had to file everything necessary to perfect the appeal within the statutory time limit of 45 days, including the notice of appeal, the appeal bond, and the transcript from the proceedings. Our decision in *United Way of the Midlands* made clear that the party was not required to file the transcript within the time limit for perfecting an appeal. We overruled *Knoefler Honey Farms* only to the extent that it was inconsistent with that holding. The reasoning of *Knoefler Honey Farms* that the 10- or 20-day periods under § 23-135 or § 23-136 did not alter the 45-day period was not affected by *United Way of the Midlands*.

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[21] See *Knoefler Honey Farms, supra* note 20, 193 Neb. at 97-98, 225 N.W.2d at 857.

[22] *Knoefler Honey Farms, supra* note 20.

[23] *United Way of the Midlands, supra* note 20.

Furthermore, the district court's reading of § 79-458(5) would in large part negate the language "on or before August 10." If a party had to appeal within 10 or 20 days, it is by no means clear what, if anything, the August 10 date would mean. The appellees' contention that a party must appeal within 10 or 20 days but that August 10 is a "drop-dead deadline" would confuse litigants as to when to appeal; there would be two deadlines—a deadline of 10 or 20 days and then a separate "drop-dead deadline." In contrast, reading the statute to require a party to appeal by August 10 any decision establishes an easily administrable rule. We adopt that reading.

Finally, to the extent that the statute can be considered ambiguous, the legislative history supports our reading of the statute. The committee statement for an introduced bill that was later made a part of the 2008 amendment to § 79-458 states, "*Appeals would need to be filed on or before August 10, instead of within 20 days of the action of the board* or of November 1 if the board fails to take action."[24] The legislative history confirms that our reading of the statutory text is correct.

The Board rendered its decision on May 17, 2010. East Butler filed its appeal on July 1. This was before the August 10 deadline. The appeal was timely.

## CONCLUSION

We conclude that the district court erred in concluding that East Butler lacked standing. We also conclude that East Butler's appeal was timely filed. We reverse, and remand for further proceedings.

REVERSED AND REMANDED FOR FURTHER PROCEEDINGS.

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[24] Statement of Purpose, L.B. 977, Committee on Education, 100th Leg., 2d Sess. (Feb. 4, 2008) (emphasis supplied).