

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 602

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend sections
2 32-515, 32-607, 79-1201, 79-1208, 79-1212, and 79-1217,
3 Reissue Revised Statutes of Nebraska; to establish
4 election districts for educational service unit boards;
5 to change provisions relating to the election of board
6 members; to harmonize provisions; and to repeal the
7 original sections.

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

1 Section 1. Section 32-515, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-515 Candidates for the boards of educational service
4 units shall be elected to represent the geographical boundaries of
5 the educational service unit as provided in section 79-1217. The
6 terms of members elected in 2008 to represent odd-numbered election
7 districts established pursuant to section 7 of this act shall
8 expire in 2011. The terms of members elected in 2008 to represent
9 even-numbered election districts shall expire in 2013. Successors
10 to the members elected in 2008 initially appointed to the board
11 shall be elected for terms of four years. County candidates shall
12 file their written applications with the election commissioner or
13 county clerk no later than the deadline prescribed in subsection
14 ~~(2)~~ of section 32-606. Candidates for the position of members at
15 large shall file their written applications with the Secretary of
16 State no later than the deadline prescribed in subsection ~~(2)~~ of
17 section 32-606. Candidates for the board of educational service
18 units shall meet the qualifications found in ~~such~~ section 79-1217.
19 Board members shall be elected on the nonpartisan ballot.

20 Sec. 2. Section 32-607, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-607 All candidate filing forms shall contain the
23 following statement: I hereby swear that I will abide by the laws
24 of the State of Nebraska regarding the results of the primary and
25 general elections, that I am a registered voter and qualified to be

1 elected, and that I will serve if elected. Candidate filing forms
2 shall be filed with the following filing officers:

3 (1) For candidates for national, state, or congressional
4 office, directors of public power and irrigation districts,
5 directors of reclamation districts, directors of natural resources
6 districts, members at large of the boards of educational service
7 units, members of governing boards of community colleges, delegates
8 to national conventions, and other offices filled by election held
9 in more than one county and judges desiring retention, in the
10 office of the Secretary of State;

11 (2) For officers elected within a county, in the office
12 of the election commissioner or county clerk. If the candidate is
13 not a resident of the county, he or she shall submit a certificate
14 of registration obtained under section 32-316 with the candidate
15 filing form;

16 ~~(3) For representatives from the county in which they~~
17 ~~reside on the boards of educational service units, in the office of~~
18 ~~the election commissioner or county clerk;~~

19 ~~(4)~~ (3) For officers in school districts which include
20 land in adjoining counties, in the office of the election
21 commissioner or county clerk of the county in which the greatest
22 number of registered voters entitled to vote for the officers
23 reside. If the candidate is not a resident of the county, he or she
24 shall submit a certificate of registration obtained under section
25 32-316 with the candidate filing form; and

1 ~~(5)~~ (4) For city or village officers, in the office
2 of the city or village clerk, except that in the case of joint
3 elections, the filing may be either in the office of the election
4 commissioner or county clerk or in the office of the city or
5 village clerk with deputized personnel. When the city or village
6 clerk is deputized to take filings, he or she shall return all
7 filings to the office of the election commissioner or county clerk
8 by the end of the next business day following the filing deadline.

9 Sec. 3. Section 79-1201, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 79-1201 Sections 79-1201 to 79-1244 and section 7 of this
12 act shall be known and may be cited as the Educational Service
13 Units Act.

14 Sec. 4. Section 79-1208, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-1208 Petitions to the State Board of Education
17 to change educational service unit boundaries shall include a
18 description of the proposed boundaries and shall be accompanied
19 by a plan of reorganization which shall include (1) a summary
20 of the reasons for the proposed reorganization, (2) a plan for
21 the provision of services to school districts affected by any
22 reorganization plan, (3) in cases when a petition proposes the
23 dissolution of an entire educational service unit or units for
24 attachment to an existing educational service unit or for the
25 merger of two or more educational service units into a new

1 educational service unit, a summary of the terms on which such
2 reorganization is made, including provision for the utilization of
3 existing facilities, equipment, and materials and provision for the
4 disposition of assets and any unbonded indebtedness of affected
5 educational service units, ~~and~~ (4) when a petition deals with the
6 attachment of new territory to an existing educational service
7 unit, verification of approval by majority vote of the receiving
8 educational service unit governing board, and (5) a plan for the
9 establishment of new election districts as required under section
10 79-1217.

11 Sec. 5. Section 79-1212, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1212 Members of boards of educational service units
14 existing prior to approval of any plan of reorganization shall
15 serve as board members of educational service units which are
16 reorganized pursuant to sections 79-1206 to 79-1211 until the
17 expiration of their original terms. Such persons shall be members
18 of the board of the reorganized educational service unit in which
19 they reside. Within thirty days after approval of any plan of
20 reorganization by the State Board of Education, the Commissioner of
21 Education shall call a meeting of board members of each educational
22 service unit being reorganized pursuant to sections 79-1206 to
23 79-1211. At such meeting, members of each such board shall appoint
24 one member from each ~~county~~ election district to be created
25 pursuant to the plan of reorganization not having representation

1 on such board to serve until the next general election. The board
2 shall take all necessary action to prepare for operation of the
3 reorganized educational service unit commencing one year following
4 approval of any plan of reorganization by the State Board of
5 Education. Expenses incurred by such board prior to such times
6 shall be prorated between the counties comprising the educational
7 service unit on the basis of the assessed valuation of such
8 counties.

9 Sec. 6. Section 79-1217, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 79-1217 (1) All educational service units, except
12 Educational Service Units No. 18 and 19, shall be governed by a
13 board to be known as the Board of Educational Service Unit No.
14 The Until the first Thursday after the first Tuesday in
15 January 2009, the educational service unit board shall be composed
16 of one member from each county and four members at large, all
17 of whom shall reside within the geographical boundaries of the
18 educational service unit, but no more than two of the members at
19 large shall be appointed or elected from the same county unless any
20 one county within the educational service unit has a population in
21 excess of one hundred fifty thousand inhabitants or the educational
22 service unit consists of only one county. ~~The four candidates who~~
23 ~~receive the highest number of votes for at-large representative~~
24 ~~shall be elected, except that if more than two of such candidates~~
25 ~~reside within the same county which has a population of one hundred~~

1 ~~fifty thousand inhabitants or less, the candidates from such county~~
2 ~~receiving fewer votes than the two candidates receiving the highest~~
3 ~~number of votes for at-large representative from such county shall~~
4 ~~not be elected and a vacancy or vacancies shall exist for at-large~~
5 ~~representative. The vacancy shall be filled pursuant to subsection~~
6 ~~(2) of this section. Beginning on the first Thursday after the~~
7 ~~first Tuesday in January 2009, the educational service unit board~~
8 ~~shall be composed of one member elected to represent each election~~
9 ~~district established pursuant to section 7 of this act. Successors~~
10 ~~to the members initially appointed pursuant to section 79-1212~~
11 ~~shall be elected pursuant to section 32-515.~~

12 (2) Vacancies in office shall occur as set forth in
13 section 32-560 except as otherwise provided in section 79-1212
14 regarding the requirement to live in the district represented.
15 Whenever any vacancy occurs on the board, the remaining members
16 of such board shall appoint an individual residing within the
17 geographical boundaries election district of the educational
18 service unit for which the vacancy exists and meeting the
19 qualifications for the office to fill such vacancy for the balance
20 of the unexpired term.

21 (3) Members of the board shall receive no compensation
22 for their services but shall be reimbursed for the actual and
23 necessary expenses incurred in the performance of their duties
24 under the Educational Service Units Act as provided in sections
25 81-1174 to 81-1177.

1 (4) Except as provided in subsection (5) of this section,
2 any joint school district located in two or more counties shall
3 be considered a part of the educational service unit in which the
4 greater number of school-age children of such joint school district
5 reside. ~~All legal voters of any such joint school district shall be~~
6 ~~eligible to hold office as the county representative of the county~~
7 ~~in which the greater number of school-age children reside.~~ Any
8 legal voter of any joint school district shall be eligible to hold
9 office ~~as the at-large representative~~ if such legal voter resides
10 within the geographical boundary of the school district comprising
11 the educational service unit.

12 (5) Any Class I district which is part of a Class VI
13 district shall be considered a part of the educational service
14 unit of which the Class VI district is a member. If the Class
15 VI district has removed itself from an educational service unit,
16 each Class I district which is part of such Class VI district may
17 continue its existing membership in an educational service unit
18 or may change its status relative to membership in an educational
19 service unit in accordance with section 79-1209. The patrons of a
20 Class I district maintaining membership in an educational service
21 unit pursuant to this subsection shall have the same rights and
22 privileges as other patrons of the educational service unit, and
23 the taxable valuation of the taxable property within the geographic
24 boundaries of such Class I district shall be subject to the
25 educational service unit's tax levy established pursuant to section

1 79-1225.

2 (6) The administrator of each educational service unit,
3 prior to July 1 of each year in which a statewide primary election
4 is to be held, shall certify to the election commissioner or county
5 clerk of each county located within the unit the corporate name
6 of each school district, as described in section 79-405, located
7 within the county. If a school district is a joint school district
8 located in two or more counties, the administrator shall certify to
9 each election commissioner or county clerk the educational service
10 unit of which the school district is considered to be a part.

11 (7) Educational Service Unit No. 18 shall be governed by
12 the school board of School District 55-001 of Lancaster County.

13 (8) Educational Service Unit No. 19 shall be governed by
14 the school board of School District 28-001 of Douglas County.

15 Sec. 7. By December 31, 2007, and after each decennial
16 census pursuant to section 32-553, each educational service unit
17 board shall divide the territory of the educational service
18 unit into twelve numbered districts for the purpose of electing
19 members to the board in compliance with section 32-553. The newly
20 established election districts shall apply beginning with the
21 nomination and election of educational service unit board members
22 in 2008.

23 Sec. 8. Original sections 32-515, 32-607, 79-1201,
24 79-1208, 79-1212, and 79-1217, Reissue Revised Statutes of
25 Nebraska, are repealed.