

AMENDMENTS TO LB 965

Introduced by Sullivan, 41.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 32-570, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-570 (1) A vacancy in the membership of a school board
6 shall occur as set forth in section 32-560 or in the case of
7 absences, unless excused by a majority of the remaining members
8 of the board, when a member is absent from the district for a
9 continuous period of sixty days at one time or from more than two
10 consecutive regular meetings of the board. The resignation of a
11 member or any other reason for a vacancy shall be made a part
12 of the minutes of the school board. The school board shall give
13 notice of the date the vacancy occurred, the office vacated, and
14 the length of the unexpired term (a) in writing to the election
15 commissioner or county clerk and (b) by a notice published in a
16 newspaper of general circulation in the school district. unless
17 excused by a majority of the remaining members of the board.

18 (2) A person appointed to fill a vacancy on the school
19 board of a Class I school district by the remaining members of
20 the board shall hold office until the beginning of the next school
21 year. A board member of a Class I school district elected to fill a
22 vacancy at a regular or special school district meeting shall serve
23 for the remainder of the unexpired term or until a successor is

1 elected and qualified.

2 (3) Except as provided in subsection (4) of this section,
3 a vacancy in the membership of a school board of a Class II, III,
4 IV, V, or VI school district resulting from any cause other than
5 the expiration of a term shall be ~~temporarily~~ filled by appointment
6 of a qualified registered voter by the remaining members of the
7 board. A If the vacancy occurs in a Class II school district prior
8 to July 1 preceding the general election in the middle of the
9 vacated term, the appointee shall serve until a registered voter is
10 elected at such general election for the remainder of the unexpired
11 term. If the vacancy occurs in a Class III, IV, V, or VI school
12 district prior to February 1 preceding the general election in
13 the middle of the vacated term, the appointee shall serve until a
14 registered voter shall be is nominated at the next primary election
15 and elected at the following general election for the remainder
16 of the unexpired term. If the vacancy occurs on or after the
17 applicable deadline, the appointment shall be for the remainder
18 of the unexpired term. A registered voter appointed or elected
19 pursuant to this subsection shall meet the same requirements as the
20 member whose office is vacant.

21 (4) Any vacancy in the membership of a school board of a
22 school district described in section 79-549 which does not nominate
23 candidates at a primary election and elect members at the following
24 general election shall be ~~temporarily~~ filled by appointment of a
25 qualified registered voter by the remaining members of the board.
26 A If the vacancy occurs at least twenty days prior to the first
27 regular caucus to be held during the term that was vacated,

1 the appointee shall serve until a registered voter shall be is
2 nominated and elected to fill the vacancy for the remainder of the
3 term in the manner provided for nomination and election of board
4 members in the district. If the vacancy occurred less than twenty
5 days prior to the first regular caucus and at least twenty days
6 prior to the second regular caucus to be held during the term that
7 was vacated, the appointee shall serve until a registered voter is
8 nominated and elected to fill the vacancy for the remainder of the
9 term in the manner provided for nomination and election of board
10 members in the district. If the vacancy occurred less than twenty
11 days prior to the second regular caucus held during the term that
12 was vacated or after such caucus, the appointment shall be for the
13 remainder of the unexpired term.

14 (5) If any school board fails to fill a vacancy on the
15 board, the vacancy may be filled by election at a special election
16 or school district meeting called for that purpose. Such election
17 or meeting shall be called in the same manner and subject to
18 the same procedures as other special elections or school district
19 meetings.

20 (6) If there are vacancies in the offices of a majority
21 of the members of a school board, the Secretary of State shall
22 conduct a special school district election to fill such vacancies.

23 Sec. 2. Section 79-1217, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1217 (1) All educational service units shall be
26 governed by a board to be known as the Board of Educational
27 Service Unit No. Until the first Thursday after the first

1 Tuesday in January 2009, the educational service unit board, except
2 the board of an educational service unit with only one member
3 school district, shall be composed of one member from each county
4 and four members at large, all of whom shall reside within the
5 geographical boundaries of the educational service unit, but no
6 more than two of the members at large shall be appointed or
7 elected from the same county unless any one county within the
8 educational service unit has a population in excess of one hundred
9 fifty thousand inhabitants or the educational service unit consists
10 of only one county. Beginning on the first Thursday after the
11 first Tuesday in January 2009, the educational service unit board,
12 except the board of an educational service unit with only one
13 member school district, shall be composed of one member elected to
14 represent each election district established pursuant to section
15 79-1217.01. Successors to the members initially appointed pursuant
16 to section 79-1212 shall be elected pursuant to section 32-515.

17 (2) Vacancies in office shall occur as set forth in
18 section 32-560, except as otherwise provided in section 79-1212
19 regarding the requirement to live in the district represented, or
20 in the case of absences, unless excused by a majority of the
21 remaining members of the board, when a member is absent from
22 the geographical boundaries of the educational service unit for a
23 continuous period of sixty days at one time or from more than two
24 consecutive regular meetings of the board. Whenever any vacancy
25 occurs on the board, the remaining members of such board shall
26 appoint an individual residing within the election district of the
27 educational service unit for which the vacancy exists and meeting

1 the qualifications for the office to fill such vacancy for the
2 balance of the unexpired term.

3 (3) Members of the board shall receive no compensation
4 for their services but shall be reimbursed for the actual and
5 necessary expenses incurred in the performance of their duties
6 under the Educational Service Units Act as provided in sections
7 81-1174 to 81-1177.

8 (4) Except as provided in subsection (5) of this section,
9 any joint school district located in two or more counties shall
10 be considered a part of the educational service unit in which the
11 greater number of school-age children of such joint school district
12 reside.

13 (5) Any Class I district which is part of a Class VI
14 district shall be considered a part of the educational service
15 unit of which the Class VI district is a member. If the Class
16 VI district has removed itself from an educational service unit,
17 each Class I district which is part of such Class VI district may
18 continue its existing membership in an educational service unit
19 or may change its status relative to membership in an educational
20 service unit in accordance with section 79-1209. The patrons of a
21 Class I district maintaining membership in an educational service
22 unit pursuant to this subsection shall have the same rights and
23 privileges as other patrons of the educational service unit, and
24 the taxable valuation of the taxable property within the geographic
25 boundaries of such Class I district shall be subject to the
26 educational service unit's tax levy established pursuant to section
27 79-1225.

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

10 (7) Educational service units with only one member school
11 district shall be governed by the school board of such school
12 district.

13 Sec. 3. Original sections 32-570 and 79-1217, Reissue
14 Revised Statutes of Nebraska, are repealed.