

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 937

FINAL READING

Introduced by Fischer, 43.

Read first time January 14, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to learning community coordinating councils;
2 to amend section 32-546.01, Revised Statutes Supplement,
3 2009; to terminate provisions relating to per diems; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-546.01, Revised Statutes
2 Supplement, 2009, is amended to read:

3 32-546.01 (1) Each learning community shall be governed
4 by a learning community coordinating council consisting of eighteen
5 voting members, with twelve members elected on a nonpartisan ballot
6 from six numbered subcouncil districts created pursuant to section
7 32-555.01 and with six members appointed from such subcouncil
8 districts pursuant to this section. Each voter shall be allowed
9 to cast votes for one candidate at both the primary and general
10 elections to represent the subcouncil district in which the voter
11 resides. The four candidates receiving the most votes at the
12 primary election shall advance to the general election. The two
13 candidates receiving the most votes at the general election shall
14 be elected. A candidate shall reside in the subcouncil district for
15 which he or she is a candidate. Coordinating council members shall
16 be elected on the nonpartisan ballot.

17 (2) The initial elected members shall be nominated at
18 the statewide primary election and elected at the statewide
19 general election immediately following the certification of the
20 establishment of the learning community, and subsequent members
21 shall be nominated at subsequent statewide primary elections
22 and elected at subsequent statewide general elections. Except
23 as provided in this section, such elections shall be conducted
24 pursuant to the Election Act.

25 (3) Vacancies in office for elected members shall occur

1 as set forth in section 32-560. Whenever any such vacancy occurs,
2 the remaining elected members of such council shall appoint an
3 individual residing within the geographical boundaries of the
4 subcouncil district for the balance of the unexpired term.

5 (4) Members elected to represent odd-numbered districts
6 in the first election for the learning community coordinating
7 council shall be elected for two-year terms. Members elected
8 to represent even-numbered districts in the first election for
9 the learning community coordinating council shall be elected for
10 four-year terms. Members elected in subsequent elections shall be
11 elected for four-year terms and until their successors are elected
12 and qualified.

13 (5) The appointed members shall be appointed in November
14 of each even-numbered year after the general election. Appointed
15 members shall be school board members of school districts in the
16 learning community either elected to take office the following
17 January or continuing their current term of office for the
18 following two years. For learning communities to be established
19 the following January pursuant to orders issued pursuant to section
20 79-2102, the Secretary of State shall hold a meeting of the school
21 board members of the school districts in such learning community to
22 appoint one member from such school boards to represent each of the
23 subcouncil districts on the coordinating council of such learning
24 community. For subsequent appointments, the current appointed
25 members of the coordinating council shall hold a meeting of

1 the school board members of such school districts to appoint one
2 member from such school boards to represent each of the subcouncil
3 districts on the coordinating council of the learning community.
4 The appointed members shall be selected by the school board members
5 of the school districts in the learning community who reside in the
6 subcouncil district to be represented pursuant to a secret ballot,
7 shall reside in the subcouncil district to be represented, and
8 shall be appointed for two-year terms and until their successors
9 are appointed and qualified.

10 (6) Vacancies in office for appointed members shall occur
11 upon the resignation, death, or disqualification from office of
12 an appointed member. Disqualification from office shall include
13 ceasing membership on the school board for which membership
14 qualified the member for the appointment to the learning community
15 coordinating council or ceasing to reside in the subcouncil
16 district represented by such member of the learning community
17 coordinating council. Whenever such vacancy occurs, the remaining
18 appointed members shall hold a meeting of the school board members
19 of the school districts in such learning community to appoint a
20 member from such school boards who lives in the subcouncil district
21 to be represented to serve for the balance of the unexpired term.

22 (7) Each learning community coordinating council shall
23 also have a nonvoting member from each member school district which
24 does not have either an elected or an appointed member who resides
25 in the school district on the council. Such nonvoting members

1 shall be appointed by the school board of the school district
2 to be represented to serve for two-year terms, and notice of the
3 nonvoting member selected shall be submitted to the Secretary of
4 State by such board prior to December 31 of each even-numbered
5 year. Each such nonvoting member shall be a resident of the
6 appointing school district and shall not be a school administrator
7 employed by such school district. Whenever a vacancy occurs, the
8 school board of such school district shall appoint a new nonvoting
9 member and submit notice to the Secretary of State and to the
10 learning community coordinating council.

11 (8) Members of a learning community coordinating council
12 shall take office on the first Thursday after the first Tuesday
13 in January following their election or appointment, except that
14 members appointed to fill vacancies shall take office immediately
15 following administration of the oath of office. Each voting member
16 elected or appointed prior to the effective date of this act shall
17 be paid a per diem in an amount determined by such council up to
18 two hundred dollars per day for official meetings of the council
19 and the achievement subcouncil for which he or she is a member,
20 for meetings that occur during the term of office for which the
21 election or appointment of the member took place prior to the
22 effective date of this act up to a maximum of twelve thousand
23 dollars per fiscal year. Each voting member ~~7~~ and shall be eligible
24 for reimbursement of reasonable expenses related to service on the
25 learning community coordinating council.

1 Sec. 2. Original section 32-546.01, Revised Statutes
2 Supplement, 2009, is repealed.

3 Sec. 3. Since an emergency exists, this act takes effect
4 when passed and approved according to law.