

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 281

Introduced by Mello, 5; Cornett, 45.

Read first time January 14, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend sections
2 32-515, 79-1212, 79-1217, and 79-1217.01, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 membership on certain reorganized boards as prescribed;
5 to harmonize provisions; and to repeal the original
6 sections.
7 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, ~~except boards of educational service units with only~~
5 ~~one member school district,~~ shall be elected to represent the
6 ~~geographical boundaries of the educational service unit~~ or
7 appointed as provided in section 79-1217. The terms of members
8 elected in 2008 to represent odd-numbered election districts
9 established pursuant to section 79-1217.01 shall expire in 2011.
10 The terms of members elected in 2008 to represent even-numbered
11 election districts established under such section shall expire in
12 2013. Successors to the members elected in 2008 shall be elected
13 for terms of four years. Candidates for the board of educational
14 service units shall meet the qualifications found in section
15 79-1217. Board members shall be elected on the nonpartisan ballot.

16 Sec. 2. Section 79-1212, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-1212 (1) Members of boards of educational service
19 units existing prior to approval of any plan of reorganization
20 shall serve as board members of educational service units which
21 are reorganized pursuant to sections 79-1206 to 79-1211 until the
22 expiration of their original terms. Such persons shall be members
23 of the board of the reorganized educational service unit in which
24 they reside.

25 (2) Except as provided in subsection (3) of this section,

1 ~~within~~ ~~Within~~ thirty days after approval of ~~any~~ a plan of
2 reorganization other than a plan described in such subsection
3 by the State Board of Education, the Commissioner of Education
4 shall call a meeting of board members of each educational service
5 unit being reorganized pursuant to sections 79-1206 to 79-1211. At
6 such meeting, members of each such board shall appoint one member
7 from each election district to be created pursuant to the plan
8 of reorganization not having representation on such board to serve
9 until the next general election.

10 (3) For a plan of reorganization that changes educational
11 service unit boundaries by transferring a school district that is
12 a member of a learning community from one educational service unit
13 to another educational service unit with existing territory in such
14 learning community, within thirty days after approval of the plan
15 of reorganization by the state board, the school board members of
16 each school district belonging to such learning community involved
17 in the reorganization shall meet and appoint no fewer than five and
18 no more than twelve of such board members to constitute the board
19 of the reorganized educational service unit.

20 (4) The board shall take all necessary action to
21 prepare for operation of the reorganized educational service
22 unit commencing one year following approval of any plan of
23 reorganization by the State Board of Education. Expenses incurred
24 by such board prior to such times shall be prorated between the
25 counties comprising the educational service unit on the basis of

1 the assessed valuation of such counties.

2 Sec. 3. Section 79-1217, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-1217 ~~(1)~~ (1)(a) All educational service units shall be
5 governed by a board to be known as the Board of Educational Service
6 Unit No.

7 (b) Until the first Thursday after the first Tuesday
8 in January 2009, the educational service unit board, except the
9 board of an educational service unit with only one member school
10 district, shall be composed of one member from each county and four
11 members at large, all of whom shall reside within the geographical
12 boundaries of the educational service unit, but no more than two
13 of the members at large shall be appointed or elected from the
14 same county unless any one county within the educational service
15 unit has a population in excess of one hundred fifty thousand
16 inhabitants or the educational service unit consists of only one
17 county.

18 (c) Beginning on the first Thursday after the first
19 Tuesday in January 2009 and continuing until the first Thursday
20 after the first Tuesday in January 2011, the educational service
21 unit board, except the board of an educational service unit with
22 only one member school district, shall be composed of one member
23 elected to represent each election district established pursuant to
24 section 79-1217.01.

25 (d) Beginning on the first Thursday after the first

1 Tuesday in January 2011, the educational service unit board,
2 except (i) the board of an educational service unit with only
3 one member school district or (ii) the board of an educational
4 service unit that has been reorganized pursuant to a petition
5 that changed educational service unit boundaries by transferring a
6 school district which is a member of a learning community from one
7 educational service unit to another educational service unit with
8 existing territory in such learning community, shall be composed of
9 one member elected to represent each election district established
10 pursuant to section 79-1217.01. Successors to the members initially
11 appointed pursuant to section 79-1212, other than successors to
12 members of the board of an educational service unit that has
13 been reorganized pursuant to a petition that changed educational
14 service unit boundaries by transferring a school district which
15 is a member of a learning community from one educational service
16 unit to another educational service unit with existing territory
17 in such learning community, shall be elected pursuant to section
18 32-515. Successors to members of the board of an educational
19 service unit that has been reorganized pursuant to a petition
20 that changed educational service unit boundaries by transferring a
21 school district which is a member of a learning community from one
22 educational service unit to another educational service unit with
23 existing territory in such learning community, upon expiration of
24 the terms of the members initially appointed pursuant to section
25 79-1212, shall be appointed by the school board members of the

1 school districts which are members of the reorganized educational
2 service unit.

3 (2) Vacancies in office shall occur as set forth in
4 section 32-560 except as otherwise provided in section 79-1212
5 regarding the requirement to live in the district represented.
6 Whenever any vacancy occurs on the board, the remaining members of
7 such board shall appoint an individual residing within the election
8 district of the educational service unit for which the vacancy
9 exists and meeting the qualifications for the office to fill such
10 vacancy for the balance of the unexpired term.

11 (3) Members of the board shall receive no compensation
12 for their services but shall be reimbursed for the actual and
13 necessary expenses incurred in the performance of their duties
14 under the Educational Service Units Act as provided in sections
15 81-1174 to 81-1177.

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

21 (5) Any Class I district which is part of a Class VI
22 district shall be considered a part of the educational service
23 unit of which the Class VI district is a member. If the Class
24 VI district has removed itself from an educational service unit,
25 each Class I district which is part of such Class VI district may

1 continue its existing membership in an educational service unit
2 or may change its status relative to membership in an educational
3 service unit in accordance with section 79-1209. The patrons of a
4 Class I district maintaining membership in an educational service
5 unit pursuant to this subsection shall have the same rights and
6 privileges as other patrons of the educational service unit, and
7 the taxable valuation of the taxable property within the geographic
8 boundaries of such Class I district shall be subject to the
9 educational service unit's tax levy established pursuant to section
10 79-1225.

11 (6) The administrator of each educational service unit,
12 prior to July 1 of each year in which a statewide primary election
13 is to be held, shall certify to the election commissioner or county
14 clerk of each county located within the unit the corporate name
15 of each school district, as described in section 79-405, located
16 within the county. If a school district is a joint school district
17 located in two or more counties, the administrator shall certify to
18 each election commissioner or county clerk the educational service
19 unit of which the school district is considered to be a part.

20 (7) Educational service units with only one member school
21 district shall be governed by the school board of such school
22 district.

23 Sec. 4. Section 79-1217.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1217.01 By December 31, 2007, and after each decennial

1 census pursuant to section 32-553, each educational service unit
2 board, except ~~boards~~ (1) the board of an educational service unit
3 unit with only one member school district or (2) the board of
4 an educational service unit that has been reorganized pursuant
5 to a petition that changed educational service unit boundaries by
6 transferring a school district which is a member of a learning
7 community from one educational service unit to another educational
8 service unit with existing territory in such learning community,
9 shall divide the territory of the educational service unit into at
10 least five and up to twelve numbered districts for the purpose of
11 electing members to the board in compliance with section 32-553.
12 Such districts shall be compact and contiguous and substantially
13 equal in population. The newly established election districts shall
14 apply beginning with the nomination and election of educational
15 service unit board members in 2008.

16 Sec. 5. Original sections 32-515, 79-1212, 79-1217, and
17 79-1217.01, Reissue Revised Statutes of Nebraska, are repealed.