

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1059

Introduced by Lautenbaugh, 18.

Read first time January 22, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to learning communities; to amend sections
2 32-567, 79-2102, and 79-2102.01, Reissue Revised Statutes
3 of Nebraska, and sections 32-604 and 32-1203, Revised
4 Statutes Cumulative Supplement, 2012; to change
5 membership of the learning community coordinating
6 council; to harmonize provisions; to repeal the original
7 sections; and to outright repeal sections 32-546.01 and
8 32-555.01, Revised Statutes Cumulative Supplement, 2012.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-567, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-567 Vacancies in office shall be filled as follows:

4 (1) In state and judicial district offices and in the
5 membership of any board or commission created by the state when no
6 other method is provided, by the Governor;

7 (2) In county offices, by the county board;

8 (3) In the membership of the county board, by the county
9 clerk, county attorney, and county treasurer;

10 (4) In township offices, by the township board or, if
11 there are two or more vacancies on the township board, by the county
12 board;

13 (5) In offices in public power and irrigation districts,
14 according to section 70-615;

15 (6) In offices in natural resources districts, according
16 to section 2-3215;

17 (7) In offices in community college areas, according to
18 section 85-1514;

19 (8) In offices in educational service units, according to
20 section 79-1217;

21 (9) In offices in hospital districts, according to
22 section 23-3534;

23 (10) In offices in metropolitan utilities districts,
24 according to section 14-2104;

25 (11) In membership on airport authority boards, according

1 to section 3-502, 3-611, or 3-703, as applicable;

2 (12) In membership on the board of trustees of a road
3 improvement district, according to section 39-1607; and

4 (13) In membership on the council of a municipal county,
5 by the council. ~~;~~ and

6 ~~(14) For learning community coordinating councils,~~
7 ~~according to section 32-546.01.~~

8 Unless otherwise provided by law, all vacancies shall be
9 filled within forty-five days after the vacancy occurs unless good
10 cause is shown that the requirement imposes an undue burden.

11 Sec. 2. Section 32-604, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 32-604 (1) Except as provided in subsection (2) or (4) of
14 this section, no person shall be precluded from being elected or
15 appointed to or holding an elective office for the reason that he or
16 she has been elected or appointed to or holds another elective
17 office.

18 (2) No person serving as a member of the Legislature or
19 in an elective office described in Article IV, section 1 or 20, or
20 Article VII, section 3 or 10, of the Constitution of Nebraska shall
21 simultaneously serve in any other elective office, except that such a
22 person may simultaneously serve in another elective office which is
23 filled at an election held in conjunction with the annual meeting of
24 a public body.

25 (3) Whenever an incumbent serving as a member of the

1 Legislature or in an elective office described in Article IV, section
2 1 or 20, or Article VII, section 3 or 10, of the Constitution of
3 Nebraska assumes another elective office, except an elective office
4 filled at an election held in conjunction with the annual meeting of
5 a public body, the office first held by the incumbent shall be deemed
6 vacant.

7 (4) No person serving in a high elective office shall
8 simultaneously serve in any other high elective office, except that a
9 county attorney may serve as the county attorney for more than one
10 county if appointed under subsection (2) of section 23-1201.01.

11 (5) Notwithstanding subsection (4) of this section, any
12 person holding more than one high elective office upon July 15, 2010,
13 shall be entitled to serve the remainder of all terms for which he or
14 she was elected or appointed.

15 (6) For purposes of this section, (a) elective office has
16 the meaning found in section 32-109 and includes an office which is
17 filled at an election held in conjunction with the annual meeting of
18 a public body created by an act of the Legislature ~~but does not~~
19 ~~include a member of a learning community coordinating council~~
20 ~~appointed pursuant to subsection (5) or (7) of section 32-546.01 and~~
21 (b) high elective office means a member of the Legislature, an
22 elective office described in Article IV, section 1 or 20, or Article
23 VII, section 3 or 10, of the Constitution of Nebraska, or a county,
24 city, community college area, ~~learning community,~~ or school district
25 elective office.

1 Sec. 3. Section 32-1203, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-1203 (1) Each city, village, school district, public
4 power district, sanitary and improvement district, metropolitan
5 utilities district, fire district, natural resources district,
6 community college area, ~~learning community coordinating council,~~
7 educational service unit, hospital district, reclamation district,
8 and library board shall pay for the costs of nominating and electing
9 its officers as provided in subsection (2), (3), or (4) of this
10 section. If a special issue is placed on the ballot at the time of
11 the statewide primary or general election by any political
12 subdivision, the political subdivision shall pay for the costs of the
13 election as provided in subsection (2), (3), or (4) of this section.
14 The districts listed in this subsection shall furnish to the
15 Secretary of State and election commissioner or county clerk any maps
16 and additional information which the election commissioner or county
17 clerk may require in the proper performance of their duties in the
18 conduct of elections and certification of results.

19 (2) The charge for each primary and general election
20 shall be determined by (a) ascertaining the total cost of all
21 chargeable costs as described in section 32-1202, (b) dividing the
22 total cost by the number of precincts participating in the election
23 to fix the cost per precinct, (c) prorating the cost per precinct by
24 the inked ballot inch in each precinct for each political
25 subdivision, and (d) totaling the cost for each precinct for each

1 political subdivision, except that the minimum charge for each
2 primary and general election for each political subdivision shall be
3 fifty dollars.

4 (3) In lieu of the charge determined pursuant to
5 subsection (2) of this section, the election commissioner or county
6 clerk may charge public power districts the fee for election costs
7 set by section 70-610.

8 (4) In lieu of the charge determined pursuant to
9 subsection (2) of this section, the election commissioner or county
10 clerk may bill school districts directly for the costs of an election
11 held under section 10-703.01.

12 Sec. 4. Section 79-2102, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-2102 On or before September 15, 2007, and on or before
15 August 1 of each odd-numbered year following the official designation
16 of any new city of the metropolitan class or any valid request to
17 form a new learning community, the Commissioner of Education shall
18 certify the establishment of a new learning community with the
19 effective date of the first Thursday after the first Tuesday in
20 January of the next odd-numbered year following such certification to
21 the ~~county clerks, election commissioners, and~~ county assessors of
22 the counties with territory in the new learning community, to the
23 Property Tax Administrator, to the State Department of Education, and
24 to the school boards of the member school districts of the new
25 learning community. A learning community shall be established for

1 each city of the metropolitan class and shall include all school
2 districts for which the principal office of the school district is
3 located in the county where the city of the metropolitan class is
4 located and all school districts for which the principal office of
5 the school district is located in a county that has a contiguous
6 border of at least five miles in the aggregate with such city of the
7 metropolitan class. A learning community may also be established at
8 the request of at least three school boards if (1) all school
9 districts for which the principal office of the school district is
10 located in one or more specified counties are participating in the
11 request and either (a) such school districts are all sparse or very
12 sparse as determined pursuant to the Tax Equity and Educational
13 Opportunities Support Act or (b) have a minimum combined total of at
14 least two thousand students or (2) the school districts participating
15 in the request have a minimum combined total of at least ten thousand
16 students. Such requests shall be received by the Commissioner of
17 Education on or before May 1 of each odd-numbered year.

18 Sec. 5. Section 79-2102.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-2102.01 ~~The Secretary of State or his or her designee~~
21 ~~shall schedule and host the first meeting of the newly elected~~
22 ~~learning community coordinating council during the month of January~~
23 ~~following the election and shall schedule and shall host at least one~~
24 ~~meeting each month for the immediately following February and March.~~
25 ~~The Secretary of State shall preside until the council elects~~

1 ~~officers designated by the bylaws. Those officers shall preside at~~
2 ~~the following meetings of such council. The Secretary of State shall~~
3 ~~serve as a facilitator at such meetings of the council through March~~
4 ~~31 of such year as the council begins taking steps necessary to~~
5 ~~operate as a learning community.~~

6 The superintendents of the member school districts of the
7 learning community shall comprise the learning community coordinating
8 council. The terms of any serving member of a learning community
9 coordinating council elected prior to the effective date of this act
10 ends on such date.

11 Sec. 6. Original sections 32-567, 79-2102, and
12 79-2102.01, Reissue Revised Statutes of Nebraska, and sections 32-604
13 and 32-1203, Revised Statutes Cumulative Supplement, 2012, are
14 repealed.

15 Sec. 7. The following sections are outright repealed:
16 Sections 32-546.01 and 32-555.01, Revised Statutes Cumulative
17 Supplement, 2012.