

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 201

Introduced by Haar, 21.

Read first time January 15, 2013

Committee:

A BILL

1 FOR AN ACT relating to educational entities; to amend sections 79-526
2 and 79-1201, Reissue Revised Statutes of Nebraska; to
3 authorize emergency expenditures as prescribed; to
4 harmonize provisions; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-526, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-526 (1) The school board or board of education of a
4 Class I, II, III, IV, or VI school district has responsibility for
5 the general care and upkeep of the schools, shall provide the
6 necessary supplies and equipment, and, except as otherwise provided,
7 has the power to cause pupils to be taught in such branches and
8 classified in such grades or departments as may seem best adapted to
9 a course of study which the board shall establish with the consent
10 and advice of the State Department of Education. The board shall make
11 provision for pupils that may enter at any time during the school
12 year. The board shall have a record kept of the advancement of all
13 pupils in each branch of study. The board shall make rules and
14 regulations as it deems necessary for the government and health of
15 the pupils and devise any means as may seem best to secure the
16 regular attendance and progress of children at school.

17 (2) In the event of a disaster or emergency impacting
18 school district personnel, students, property, or operations, the
19 school board or board of education of the impacted Class I, II, III,
20 IV, or VI school district may make emergency expenditures, enter into
21 contracts, and incur obligations for emergency management purposes
22 regardless of existing statutory limitations and requirements
23 pertaining to appropriations, budgeting, levies, or the manner of
24 entering into contracts. If any such expenditure, contract, or
25 obligation will be in excess of or in violation of existing statutory

1 limitations or requirements, then before any such expenditure,
2 contract, or obligation is undertaken it shall be approved by a
3 majority vote of the school board or board of education of the
4 impacted Class I, II, III, IV, or VI school district, and such
5 governing body may not vote its approval unless it has secured the
6 certificate of a city, village, county, or interjurisdictional
7 emergency management director under the Emergency Management Act that
8 such action is necessary in the public interest for emergency
9 management purposes. For purposes of this subsection, (a) disaster
10 means any event or the imminent threat thereof causing widespread or
11 severe damage, injury, or loss of life or property resulting from any
12 natural or manmade cause and (b) emergency means any event or the
13 imminent threat thereof causing serious damage, injury, or loss of
14 life or property resulting from any natural or manmade cause which
15 requires immediate action to accomplish the school district's
16 educational purposes and to effectively respond to the event or
17 threat of the event.

18 Sec. 2. Section 79-1201, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-1201 Sections 79-1201 to 79-1249 and section 3 of this
21 act shall be known and may be cited as the Educational Service Units
22 Act.

23 Sec. 3. In the event of a disaster or emergency impacting
24 educational service unit personnel, property, or operations, the
25 educational service unit board may make emergency expenditures, enter

1 into contracts, and incur obligations for emergency management
2 purposes regardless of existing statutory limitations and
3 requirements pertaining to appropriations, budgeting, levies, or the
4 manner of entering into contracts. If any such expenditure, contract,
5 or obligation will be in excess of or in violation of existing
6 statutory limitations or requirements, then before any such
7 expenditure, contract, or obligation is undertaken it shall be
8 approved by a majority vote of the board, and such board may not vote
9 its approval unless it has secured the certificate of a city,
10 village, county, or interjurisdictional emergency management director
11 under the Emergency Management Act that such action is necessary in
12 the public interest for emergency management purposes. For purposes
13 of this section, (1) disaster means any event or the imminent threat
14 thereof causing widespread or severe damage, injury, or loss of life
15 or property resulting from any natural or manmade cause and (2)
16 emergency means any event or the imminent threat thereof causing
17 serious damage, injury, or loss of life or property resulting from
18 any natural or manmade cause which requires immediate action to
19 accomplish the educational service unit's purposes and to effectively
20 respond to the event or threat of the event.

21 Sec. 4. Original sections 79-526 and 79-1201, Reissue
22 Revised Statutes of Nebraska, are repealed.