

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 473**

Introduced by Chambers, 11

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 32-545, 32-552,  
2 32-601, 32-604, 79-552, and 79-567, Reissue Revised  
3 Statutes of Nebraska, and sections 79-4,117, 79-4,122,  
4 79-4,125, 79-4,129, and 79-4,130, Revised Statutes  
5 Cumulative Supplement, 2006; to change provisions  
6 relating to Class V school district elections and  
7 to orders issued by the State Committee for the  
8 Reorganization of School Districts relating to learning  
9 communities; to harmonize provisions; to repeal the  
10 original sections; and to declare an emergency.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-545, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-545 (1) A member of the board of education of a Class  
4 V school district shall be elected from each district provided for  
5 in section 32-552. The members shall meet the qualifications found  
6 in ~~section~~ sections 79-543 and 79-552. At

7           (2) Except as provided in subsection (3) of this section,  
8 at each statewide general election, six members of the board of  
9 a Class V school district shall be elected to serve for four  
10 years from and including the first Monday of the January following  
11 their election or until their successors are elected and qualified.  
12 Candidates shall be nominated at the statewide primary election  
13 upon a nonpartisan ballot. At the statewide general election in  
14 1976 and each four years thereafter, one member shall be elected  
15 from each even-numbered district. At the statewide general election  
16 in 1978 and each four years thereafter, one member shall be  
17 elected from each odd-numbered district. The members shall meet the  
18 qualifications found in section 79-543.

19           (3) In the year in which a new Class V school district  
20 will be formed, at the statewide primary election all twelve  
21 members of the board of such district shall be elected to serve  
22 beginning on June 1 of such year and until their successors  
23 are elected and qualified. After the initial board is elected,  
24 succeeding board members shall be elected pursuant to subsection  
25 (2) of this section based on the number of the election district.

1           Sec. 2. Section 32-552, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-552 (1) ~~At~~ Except as provided in subsection (3)  
4 of this section, at least five months prior to an election,  
5 the governing board of any political subdivision requesting the  
6 adjustment of the boundaries of election districts shall provide  
7 written notification to the election commissioner or county clerk  
8 of the need and necessity of his or her office to perform such  
9 adjustments.

10           (2) After the next federal decennial census, the election  
11 commissioner of the county in which the greater part of a Class IV  
12 school district is situated shall, subject to review by the school  
13 board, divide the school district into seven numbered districts,  
14 substantially equal in population as determined by the most recent  
15 federal decennial census. The election commissioner shall consider  
16 the location of schools within the district and their boundaries.  
17 The election commissioner shall adjust the boundaries of the  
18 election districts, subject to final review and adjustment by the  
19 school board, to conform to changes in the territory and population  
20 of the school district and also following each federal decennial  
21 census. Except when specific procedures are otherwise provided,  
22 section 32-553 shall apply to all Class IV school districts.

23           (3) ~~The~~ Within thirty days after a request by the State  
24 Committee for the Reorganization of School Districts, whenever  
25 a new Class V school district is being formed the election

1 commissioner of the county in which the greater part of a Class V  
 2 school district is situated shall divide the school district into  
 3 twelve numbered districts of compact and contiguous territory and  
 4 of as nearly equal population as may be practical. The election  
 5 commissioner shall adjust the boundaries of such districts, subject  
 6 to final review and adjustment by the school board, ~~to conform to~~  
 7 ~~changes in the territory of the school district and also following~~  
 8 each federal decennial census.

9           Sec. 3. Section 32-601, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11           32-601 Each political subdivision shall notify the  
 12 election commissioner or county clerk of the offices to be filled  
 13 no later than January 5 of any election year as provided in  
 14 subsection (2) of section 32-404, except that the State Committee  
 15 for the Reorganization of School Districts shall notify the  
 16 election commissioner or county clerk of offices to be filled for a  
 17 new Class V school district no later than January 5 of the year in  
 18 which such new Class V school district will be formed. The election  
 19 commissioner or county clerk shall give notice of the offices to be  
 20 filled by election and the filing deadlines for such offices by  
 21 publication in at least one newspaper of general circulation in the  
 22 county once at least fifteen days prior to such deadlines.

23           Sec. 4. Section 32-604, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25           32-604 (1) Except as provided in subsection (2) or (4) of

1 this section, no person shall be precluded from being elected or  
2 appointed to or holding an elective office for the reason that he  
3 or she has been elected or appointed to or holds another elective  
4 office.

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

12 (3) Whenever an incumbent serving as a member of the  
13 Legislature or in an elective office described in Article IV,  
14 section 1 or 20, or Article VII, section 3 or 10, of the  
15 Constitution of Nebraska assumes another elective office, except  
16 an elective office filled at an election held in conjunction with  
17 the annual meeting of a public body, the office first held by the  
18 incumbent shall be deemed vacant.

19 (4) No person serving in a high elective office shall  
20 simultaneously serve in any other high elective office, except  
21 that (a) a county attorney may serve as the county attorney for  
22 more than one county if appointed under subsection (2) of section  
23 23-1201.01 and (b) a school board member for a new Class V school  
24 district may serve as a school board member for a school district  
25 that has territory that will become part of such new Class V school

1 district until the order forming such new Class V school district  
2 issued by the State Committee for the Reorganization of School  
3 Districts becomes effective.

4 (5) Notwithstanding subsections (2) through (4) of this  
5 section, any person holding more than one high elective office upon  
6 September 13, 1997, shall be entitled to serve the remainder of all  
7 terms for which he or she was elected or appointed.

8 (6) For purposes of this section, (a) elective office has  
9 the meaning found in section 32-109 and includes an office which is  
10 filled at an election held in conjunction with the annual meeting  
11 of a public body created by an act of the Legislature and (b)  
12 high elective office means a member of the Legislature, an elective  
13 office described in Article IV, section 1 or 20, or Article VII,  
14 section 3 or 10, of the Constitution of Nebraska, or a county,  
15 city, or school district elective office.

16 Sec. 5. Section 79-4,117, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 79-4,117 Sections 79-4,117 to 79-4,130 and section 6 of  
19 this act shall be known and may be cited as the Learning Community  
20 Reorganization Act.

21 Sec. 6. Any Class V school district created or modified  
22 by an order of the state committee shall be deemed a new Class  
23 V school district on the effective date of such order. An order  
24 creating a new Class V school district shall have an effective date  
25 of January 1 of an even-numbered year for election purposes and

1 July 1 of such even-numbered year for all other purposes.

2           Sec. 7. Section 79-4,122, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           79-4,122 Before any plan of reorganization submitted by  
5 a learning community coordinating council or any plan described  
6 in section 79-4,130 is approved by the state committee pursuant  
7 to the Learning Community Reorganization Act, the state committee  
8 shall hold one or more public hearings. At such hearings, the state  
9 committee shall hear any and all persons interested with respect to  
10 the areas of consideration listed in section 79-4,121. The state  
11 committee shall keep a record of all hearings in the formulation  
12 or approval of plans for the reorganization of school districts.  
13 Notice of such public hearings of the state committee shall be  
14 given by publication in a legal newspaper of general circulation in  
15 the county or counties in which the affected districts are located  
16 at least ten days prior to such hearing.

17           Sec. 8. Section 79-4,125, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           79-4,125 ~~Except as provided in section 79-4,130, if~~ If  
20 the state committee disapproves the plan pursuant to the Learning  
21 Community Reorganization Act, it shall be considered a disapproved  
22 plan and returned to the learning community coordinating council as  
23 a disapproved plan.

24           Sec. 9. Section 79-4,129, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1                   79-4,129 (1) ~~Within~~ Except as provided in subsection (6)  
2 of this section and section 32-545, within thirty days after the  
3 classification of the reorganized school districts by the county  
4 clerk under section 79-4,128, the state committee shall appoint  
5 from among the legal voters of each new school district created  
6 the number of members necessary to constitute a school board of  
7 the class in which the new school district has been classified. A  
8 reorganized school district shall be formed and organized and shall  
9 have a school board not later than April 1 following the last legal  
10 action, as prescribed in section 79-4,128, necessary to effect the  
11 changes in boundaries as set forth in the plan of reorganization,  
12 although the physical reorganization of such reorganized school  
13 district shall take effect July 1 following the classification of  
14 the reorganized school districts under section 79-4,128. The first  
15 board shall be appointed on an at-large basis, and all boards  
16 shall be elected at large until such time as election districts are  
17 established as provided in section 32-554.

18                   (2) In appointing the first school board of a Class  
19 II school district, the members shall be appointed so that the  
20 terms of three members expire on the date of the first regular  
21 meeting of the board in January after the first even-numbered year  
22 following their appointment and the terms of the three remaining  
23 members expire on the date of the first regular meeting of the  
24 board in January after the second even-numbered year following  
25 their appointment. At the statewide general election in the first



1 even-numbered year after the reorganization, three board members  
2 in each Class II school district shall be elected to terms of  
3 four years. Thereafter all candidates shall be elected to terms  
4 of four years. Each member's term shall begin on the date of the  
5 first regular meeting of the board in January following his or her  
6 election.

7 (3) In appointing the first school board of a Class  
8 III school district with a six-member board serving terms of  
9 four years, the terms of three members shall expire on the first  
10 Thursday after the first Tuesday in January after the first  
11 even-numbered year following their appointment and the terms of  
12 the three remaining members shall expire on the first Thursday  
13 after the first Tuesday in January after the second even-numbered  
14 year following their appointment. Thereafter all Class III district  
15 school boards with six-member boards shall be elected to terms of  
16 four years.

17 (4) In appointing the first school board of a Class  
18 III school district with a nine-member board serving terms of  
19 four years, the terms of four members shall expire on the first  
20 Thursday after the first Tuesday in January after the first  
21 even-numbered year following their appointment and the terms of  
22 five members shall expire on the first Thursday after the first  
23 Tuesday in January after the second even-numbered year following  
24 their appointment. Thereafter all Class III district school boards  
25 with nine-member boards shall be elected to terms of four years.

1           (5) In appointing the first school board of a Class IV  
2 school district, the members shall be appointed so that the terms  
3 of three members shall expire on the third Monday in May of the  
4 first odd-numbered year following their appointment and the terms  
5 of four members shall expire on the third Monday in May of the  
6 second odd-numbered year following their appointment. Thereafter  
7 all Class IV district school boards shall be elected to terms of  
8 four years.

9           (6) For Class V school districts, the state committee  
10 shall request the election commissioner of the county in which  
11 the greater portion of the territory of a Class V school district  
12 is situated to divide the school district into twelve numbered  
13 districts of compact and contiguous territory and of as nearly  
14 equal population as may be practical, within thirty days after  
15 such request. Such election districts shall be included in the  
16 order forming the new Class V school district. The state committee  
17 shall notify the election commissioner or county clerk of offices  
18 to be filled for the new Class V school district no later than  
19 January 5 of the year in which the new Class V school district  
20 will be formed. The initial board of the Class V school district  
21 shall be elected pursuant to subsection (3) of section 32-545. ~~In~~  
22 appointing the first school board of a Class V school district with  
23 a twelve-member board serving terms of four years, the terms of six  
24 members shall expire on the first Monday in January after the first  
25 even-numbered year following their appointment and the terms of

1 ~~six members shall expire on the first Monday in January after the~~  
2 ~~second even-numbered year following their appointment. Thereafter~~  
3 ~~all Class V district school boards shall be elected to terms of~~  
4 ~~four years.~~

5 (7) The school boards appointed under this section shall  
6 proceed at once to organize in the manner prescribed by law.

7 Sec. 10. Section 79-4,130, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 79-4,130 (1) On or before ~~July 1, 2007,~~ each learning  
10 community coordinating council shall submit a plan to December  
11 31, 2007, and on or before December 31 of each odd-numbered  
12 year thereafter, the state committee to divide any Class V  
13 school districts in the learning community shall issue orders  
14 to reorganize school districts in a city of the metropolitan  
15 class if any Class V school district in such city has more than  
16 three high school buildings which are not currently being used  
17 exclusively for specialized programs or if such district has more  
18 than twenty thousand students. The orders shall reorganize such  
19 Class V school district and any contiguous Class II or Class III  
20 school districts that (1) are completely within the boundaries of  
21 such city of the metropolitan class and (2) have not had another  
22 incorporated city or portion thereof within their boundaries in the  
23 preceding thirty years into new Class V school districts organized  
24 around the attendance areas of existing high school buildings which  
25 are not currently being used exclusively for specialized programs,

1 with two or three such high school buildings in each new Class  
2 V school district. Such new Class V districts shall consist of  
3 school buildings having attendance areas which are contiguous. The  
4 effective date for reorganizations pursuant to this section shall  
5 be ~~July 1, 2008.~~ the January 1 following the issuance of such  
6 orders by the state committee for election purposes and July 1  
7 following the issuance of such orders for all other purposes. Such  
8 reorganizations shall not be subject to the approval or disapproval  
9 of any school board pursuant to section 79-4,126.

10 ~~(2) If the state committee disapproves such plan pursuant~~  
11 ~~to section 79-4,124, the state committee shall revise the plan and~~  
12 ~~shall hold one or more hearings pursuant to section 79-4,122 on the~~  
13 ~~revised plan. The state committee may further revise the plan and~~  
14 ~~hold one or more additional hearings pursuant to such section.~~

15 ~~(3) If a learning community coordinating council fails~~  
16 ~~to submit a plan as required pursuant to subsection (1) of this~~  
17 ~~section on or before July 1, 2007, the state committee shall~~  
18 ~~develop a plan to divide any Class V school districts in the~~  
19 ~~learning community into new Class V school districts organized~~  
20 ~~around the attendance areas of the existing high school buildings~~  
21 ~~which are not currently being used exclusively for specialized~~  
22 ~~programs, with two or three such high school buildings in each new~~  
23 ~~Class V school district.~~

24 (2) The state committee shall develop a plan meeting the  
25 requirements of subsection (1) of this section to be included in

1 the orders required by such subsection and shall hold a hearing  
2 pursuant to section 79-4,122. Such plan shall include an assignment  
3 of the assets and liabilities of the school districts included in  
4 the reorganization to the new Class V school districts created by  
5 such reorganization. The state committee and may revise the plan  
6 and may hold one or more additional hearings pursuant to such  
7 section.

8 ~~(4) On or before December 31, 2007, the state committee~~  
9 ~~shall approve plans to divide all Class V school districts in~~  
10 ~~learning communities into new Class V school districts organized~~  
11 ~~around the attendance areas of existing high school buildings,~~  
12 ~~which are not currently being used exclusively for specialized~~  
13 ~~programs, with two or three such high school buildings in each new~~  
14 ~~Class V school district.~~

15 Sec. 11. Section 79-552, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 79-552 The board of education of a Class V school  
18 district shall consist of twelve members, one elected from each  
19 district pursuant to section 32-545, and also may include a  
20 nonvoting student member or members selected pursuant to section  
21 79-559. Each elected member shall be a resident of the district  
22 for at least six months prior to the election. Each candidate for  
23 election to and each member of the board of education shall be a  
24 taxpayer in and a resident of the district of such school district  
25 as designated pursuant to section 32-552. All persons elected as

1 members of the board of education shall take and subscribe to the  
2 usual oath of office before the first Monday in January following  
3 their election, ~~and the~~ or, in the case of a new Class V school  
4 district, before June 1 following their election. The student  
5 member shall take and subscribe to the usual oath of office before  
6 the first Monday in January following his or her designation or, in  
7 the case of a new Class V school district, before June 1 following  
8 his or her designation. In case any person so elected fails so to  
9 do, his or her election shall be void and the vacancy shall be  
10 filled by the board.

11           Sec. 12. Section 79-567, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           79-567 The members of the board of education of a Class  
14 V school district, at their initial meeting for a new Class V  
15 school district and at their regular meeting in January each year,  
16 shall elect a president and vice president from their own members,  
17 who shall serve for terms of one year or until their successors  
18 are elected and qualified, or until their first regular meeting  
19 in January if elected at the initial meeting for a new Class V  
20 school district. The members of the board of education may also  
21 select from outside their own members one superintendent of public  
22 schools, one secretary, one treasurer, and such other officers as  
23 the board may deem necessary for the administration of the affairs  
24 of the school district, at such salary as the board may deem just,  
25 and in their discretion they may enter into contracts with such

1 officers for terms of not to exceed three years. The board shall  
2 have the power to elect its president and vice president and to  
3 select its officers and employees in accordance with rules adopted  
4 by the board.

5           Sec. 13. The school board members and employees of  
6 existing school districts affected by orders issued by the State  
7 Committee for the Reorganization of School Districts shall prepare  
8 their school districts for a smooth transition.

9           Sec. 14. Original sections 32-545, 32-552, 32-601,  
10 32-604, 79-552, and 79-567, Reissue Revised Statutes of Nebraska,  
11 and sections 79-4,117, 79-4,122, 79-4,125, 79-4,129, and 79-4,130,  
12 Revised Statutes Cumulative Supplement, 2006, are repealed.

13           Sec. 15. Since an emergency exists, this act takes effect  
14 when passed and approved according to law.