

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 125

Introduced by Lautenbaugh, 18.

Read first time January 11, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to school boards; to amend sections 32-545,
2 32-552, 79-4,129, 79-552, and 79-559, Reissue Revised
3 Statutes of Nebraska, and section 32-570, Revised
4 Statutes Cumulative Supplement, 2012; to change
5 membership provisions and provide for salaries for school
6 boards for Class V school districts; to harmonize
7 provisions; to repeal the original sections; and to
8 declare an emergency.
9 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 in
5 section 32-552. Such election shall be held on the date provided in
6 section 14-201 for the election of elective officers of a city of the
7 metropolitan class. The members of such board of education shall meet
8 the qualifications found in ~~section~~ sections 79-543 and 79-552. At
9 each statewide general election, six

10 (2) The term of office of each member serving on the
11 effective date of this act expires on the fourth Monday after such
12 election in 2013.

13 (3) Any eligible registered voter may file a candidate
14 filing form on or before March 1, 2013, for placement of his or her
15 name on the nonpartisan ballot for the election on the date provided
16 in subsection (1) of this section for 2013 for the district in which
17 he or she resides.

18 (4) At the election on the date provided in subsection
19 (1) of this section for 2013, members representing odd-numbered
20 districts shall be elected for four-year terms and members
21 representing even-numbered districts shall be elected for two-year
22 terms. Such terms shall begin on the fourth Monday after such
23 election. Thereafter, members of the board shall be elected to serve
24 for four years from and including the ~~first~~ fourth Monday of the
25 January following after their election or until their successors are

1 elected and qualified.

2 (5) Beginning in 2015, candidates ~~Candidates~~ shall be
3 nominated at the ~~statewide~~ primary election held for nomination of
4 candidates for city council pursuant to section 14-204. Candidates
5 for election to such board of education shall be nominated upon a
6 nonpartisan ballot except as provided in section 32-557. At the
7 ~~statewide general election in 1976 and each four years thereafter,~~
8 ~~one member shall be elected from each even numbered district. At the~~
9 ~~statewide general election in 1978 and each four years thereafter,~~
10 ~~one member shall be elected from each odd numbered district. The~~
11 ~~members shall meet the qualifications found in section 79-543.~~

12 (6) No person shall be eligible to serve as a member of
13 the board of education of a Class V school district for four years
14 next after the expiration of two consecutive terms regardless of the
15 district represented.

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

18 32-552 (1) At least five months prior to an election, the
19 governing board of any political subdivision requesting the
20 adjustment of the boundaries of election districts shall provide
21 written notification to the election commissioner or county clerk of
22 the need and necessity of his or her office to perform such
23 adjustments.

24 (2) After the next federal decennial census, the election
25 commissioner of the county in which the greater part of a Class IV

1 school district is situated shall, subject to review by the school
2 board, divide the school district into seven numbered districts,
3 substantially equal in population as determined by the most recent
4 federal decennial census. The election commissioner shall consider
5 the location of schools within the district and their boundaries. The
6 election commissioner shall adjust the boundaries of the election
7 districts, subject to final review and adjustment by the school
8 board, to conform to changes in the territory and population of the
9 school district and also following each federal decennial census.
10 Except when specific procedures are otherwise provided, section
11 32-553 shall apply to all Class IV school districts.

12 (3) For purposes of election of members to the board of
13 education of a Class V school district:

14 (a)(i) For the Class V school district in existence on
15 the effective date of this act, the Legislature hereby divides such
16 school district into nine numbered election districts of compact and
17 contiguous territory and of as nearly equal population as may be
18 practical. Each election district shall be entitled to one member on
19 the board of education of such Class V school district. The
20 Legislature adopts the official population figures and maps from the
21 2010 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles
22 published by the United States Department of Commerce, Bureau of the
23 Census. The numbers and boundaries of the election districts are
24 designated and established by maps identified and labeled as [XX],
25 filed with the election commissioner of the county in which such

1 school district is located and with the Secretary of State, and
2 incorporated by reference as part of this legislative bill; (ii) when
3 questions of interpretation of such election district boundaries
4 arise, the maps referred to in subdivision (a)(i) of this subsection
5 in possession of such election commissioner shall serve as the
6 indication of the legislative intent in drawing the election district
7 boundaries; (iii) the Secretary of State and such election
8 commissioner shall also have available for viewing on his or her web
9 site the maps referred to in subdivision (a)(i) of this subsection
10 identifying the boundaries for such election districts; and (iv) the
11 twelve numbered districts in existence on January 1, 2013, shall
12 remain unchanged until the terms of members elected at the election
13 in May 2013 begin; and

14 (3) ~~The~~ (b) For purposes of election of school board
15 members to the board of education of a Class V school district after
16 the next federal decennial census after the effective date of this
17 act, the election commissioner of the county in which the greater
18 part of a Class V school district is situated shall divide the school
19 district into ~~twelve~~ nine numbered districts of compact and
20 contiguous territory and of as nearly equal population as may be
21 practical. The election commissioner shall adjust the boundaries of
22 such districts, subject to final review and adjustment by the school
23 board, to conform to changes in the territory of the school district
24 and also following each federal decennial census.

25 Sec. 3. Section 32-570, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 32-570 (1) A vacancy in the membership of a school board
3 shall occur as set forth in section 32-560 or in the case of
4 absences, unless excused by a majority of the remaining members of
5 the board, when a member is absent from the district for a continuous
6 period of sixty days at one time or from more than two consecutive
7 regular meetings of the board. The resignation of a member or any
8 other reason for a vacancy shall be made a part of the minutes of the
9 school board. The school board shall give notice of the date the
10 vacancy occurred, the office vacated, and the length of the unexpired
11 term (a) in writing to the election commissioner or county clerk and
12 (b) by a notice published in a newspaper of general circulation in
13 the school district.

14 (2) A person appointed to fill a vacancy on the school
15 board of a Class I school district by the remaining members of the
16 board shall hold office until the beginning of the next school year.
17 A board member of a Class I school district elected to fill a vacancy
18 at a regular or special school district meeting shall serve for the
19 remainder of the unexpired term or until a successor is elected and
20 qualified.

21 (3) Except as provided in subsection (4) of this section,
22 a vacancy in the membership of a school board of a Class II, III, IV,
23 ~~V,~~ or VI school district resulting from any cause other than the
24 expiration of a term shall be filled by appointment of a qualified
25 registered voter by the remaining members of the board. If the

1 vacancy occurs in a Class II school district prior to July 1
2 preceding the general election in the middle of the vacated term, the
3 appointee shall serve until a registered voter is elected at such
4 general election for the remainder of the unexpired term. If the
5 vacancy occurs in a Class III, IV, ~~V~~, or VI school district prior to
6 February 1 preceding the general election in the middle of the
7 vacated term, the appointee shall serve until a registered voter is
8 nominated at the next primary election and elected at the following
9 general election for the remainder of the unexpired term. If the
10 vacancy occurs on or after the applicable deadline, the appointment
11 shall be for the remainder of the unexpired term. A registered voter
12 appointed or elected pursuant to this subsection shall meet the same
13 requirements as the member whose office is vacant.

14 (4) Any vacancy in the membership of a school board of a
15 school district described in section 79-549 which does not nominate
16 candidates at a primary election and elect members at the following
17 general election shall be filled by appointment of a qualified
18 registered voter by the remaining members of the board. If the
19 vacancy occurs at least twenty days prior to the first regular caucus
20 to be held during the term that was vacated, the appointee shall
21 serve until a registered voter is nominated and elected to fill the
22 vacancy for the remainder of the term in the manner provided for
23 nomination and election of board members in the district. If the
24 vacancy occurred less than twenty days prior to the first regular
25 caucus and at least twenty days prior to the second regular caucus to

1 be held during the term that was vacated, the appointee shall serve
2 until a registered voter is nominated and elected to fill the vacancy
3 for the remainder of the term in the manner provided for nomination
4 and election of board members in the district. If the vacancy
5 occurred less than twenty days prior to the second regular caucus
6 held during the term that was vacated or after such caucus, the
7 appointment shall be for the remainder of the unexpired term.

8 (5) A vacancy in the membership of a school board of a
9 Class V school district resulting from any cause other than the
10 expiration of a term shall be filled by appointment of a qualified
11 registered voter by the remaining members of the board for the
12 remainder of the unexpired term. A registered voter appointed
13 pursuant to this subsection shall meet the same requirements as the
14 member whose office is vacant.

15 ~~(5)-(6)~~ If any school board fails to fill a vacancy on
16 the board, the vacancy may be filled by election at a special
17 election or school district meeting called for that purpose. Such
18 election or meeting shall be called in the same manner and subject to
19 the same procedures as other special elections or school district
20 meetings.

21 ~~(6)-(7)~~ If there are vacancies in the offices of one-half
22 or more of the members of a school board, the Secretary of State
23 shall conduct a special school district election to fill such
24 vacancies.

25 Sec. 4. Section 79-4,129, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

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

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

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

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

24 (5) In appointing the first school board of a Class IV
25 school district, the members shall be appointed so that the terms of

1 three members shall expire on the third Monday in May of the first
2 odd-numbered year following their appointment and the terms of four
3 members shall expire on the third Monday in May of the second odd-
4 numbered year following their appointment. Thereafter all Class IV
5 district school boards shall be elected to terms of four years.

6 (6) In appointing the first school board of a Class V
7 school district after a reorganization under this section with a
8 ~~twelve member~~ nine member board serving terms of four years, the
9 terms of ~~six~~ four members shall expire on the ~~first Monday in January~~
10 ~~after the first even-numbered~~ fourth Monday after the date of the
11 election held pursuant to section 14-201 in the first odd-numbered
12 year following their appointment and the terms of ~~six~~ five members
13 shall expire on the ~~first Monday in January after the second even-~~
14 ~~numbered~~ fourth Monday after the date of the election held pursuant
15 to section 14-201 in the second odd-numbered year following their
16 appointment. Thereafter all Class V district school boards shall be
17 elected to terms of four years.

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

20 Sec. 5. Section 79-552, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-552 (1) The board of education of a Class V school
23 district shall consist of twelve members, ~~one~~ until the fourth Monday
24 after the date in 2013 of the election held pursuant to section
25 14-201 and shall consist of nine members thereafter. One member shall

1 ~~be~~ elected from each district pursuant to section 32-545., ~~and also~~
2 ~~may include a nonvoting student member or members selected pursuant~~
3 ~~to section 79-559.~~ Each elected member shall be a resident of the
4 district for at least six months prior to the election. Each
5 candidate for election to and each member of the board of education
6 shall be a taxpayer in and a resident of the district of such school
7 district as designated pursuant to section 32-552.

8 (2) All persons elected as members of the board of
9 education shall take and subscribe to the usual oath of office before
10 the ~~first~~ fourth Monday in January following their election., ~~and~~
11 ~~the student member shall take and subscribe to the usual oath of~~
12 ~~office before the first Monday in January following his or her~~
13 ~~designation.~~ In case any person so elected fails so to do, his or her
14 election shall be void and the vacancy shall be filled by the board
15 as provided in section 32-570.

16 Sec. 6. Section 79-559, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-559 (1) The school board or board of education of any
19 Class II, III, IV, ~~V,~~ or VI school district may include at least one
20 nonvoting member who is a public high school student from the
21 district. If the board elects to include such a nonvoting student
22 member, the student member shall serve for a term of one year,
23 beginning on September 1, and shall be the student body or student
24 council president, the senior class representative, or a
25 representative elected from and by the entire student body, as

1 designated by the voting members of the board.

2 (2) Any nonvoting student member of the board has the
3 privilege of attending all open meetings of the board but shall be
4 excluded from executive sessions.

5 Sec. 7. Original sections 32-545, 32-552, 79-4,129,
6 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and section
7 32-570, Revised Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 8. Since an emergency exists, this act takes effect
9 when passed and approved according to law.