

## LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 720**

Introduced by Lautenbaugh, 18.

Read first time January 04, 2012

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, 2010; 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. The members shall meet the qualifications found in  
6 ~~seetion—sections~~ 79-543 and 79-552. At ~~each statewide general~~  
7 ~~election, six~~

8                   (2) The term of office of each member serving on the  
9 effective date of this act expires on the first Monday of January  
10 2013.

11                  (3) Any eligible registered voter may file a candidate  
12 filling form on or before August 1, 2012, for placement of his or her  
13 name on the nonpartisan ballot for the statewide general election in  
14 November 2012 for the district in which he or she resides.

15                  (4) At the statewide general election in November 2012,  
16 members representing odd-numbered districts shall be elected for  
17 four-year terms and members representing even-numbered districts  
18 shall be elected for two-year terms. Such terms begin on the first  
19 Monday of January 2013. Thereafter, members of the board shall be  
20 elected to serve for four years from and including the first Monday  
21 of the January following their election or until their successors are  
22 elected and qualified. Candidates

23                  (5) Beginning in 2014, candidates shall be nominated at  
24 the statewide primary election upon a nonpartisan ballot. At the  
25 statewide general election in 1976 and each four years thereafter,

1       one member shall be elected from each even numbered district. At the  
2       statewide general election in 1978 and each four years thereafter,  
3       one member shall be elected from each odd numbered district. The  
4       members shall meet the qualifications found in section 79-543.

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

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

11                 32-552 (1) At least five months prior to an election, the  
12      governing board of any political subdivision requesting the  
13      adjustment of the boundaries of election districts shall provide  
14      written notification to the election commissioner or county clerk of  
15      the need and necessity of his or her office to perform such  
16      adjustments.

17                 (2) After the next federal decennial census, the election  
18      commissioner of the county in which the greater part of a Class IV  
19      school district is situated shall, subject to review by the school  
20      board, divide the school district into seven numbered districts,  
21      substantially equal in population as determined by the most recent  
22      federal decennial census. The election commissioner shall consider  
23      the location of schools within the district and their boundaries. The  
24      election commissioner shall adjust the boundaries of the election  
25      districts, subject to final review and adjustment by the school

1 board, to conform to changes in the territory and population of the  
2 school district and also following each federal decennial census.  
3 Except when specific procedures are otherwise provided, section  
4 32-553 shall apply to all Class IV school districts.

(3) The election commissioner of the county in which the greater part of a Class V school district is situated shall divide the school district into ~~twelve~~five numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The election commissioner shall adjust the boundaries of such districts, subject to final review and adjustment by the school board, to conform to changes in the territory of the school district and also following each federal decennial census. The twelve numbered districts in existence on the effective date of this act shall remain unchanged until January 7, 2013, for purposes of members whose terms expire in January 2013.

16 Sec. 3. Section 32-570, Revised Statutes Cumulative  
17 Supplement, 2010, is amended to read:

18                           32-570 (1) A vacancy in the membership of a school board  
19 shall occur as set forth in section 32-560 or in the case of  
20 absences, unless excused by a majority of the remaining members of  
21 the board, when a member is absent from the district for a continuous  
22 period of sixty days at one time or from more than two consecutive  
23 regular meetings of the board. The resignation of a member or any  
24 other reason for a vacancy shall be made a part of the minutes of the  
25 school board. The school board shall give notice of the date the

1       vacancy occurred, the office vacated, and the length of the unexpired  
2       term (a) in writing to the election commissioner or county clerk and  
3       (b) by a notice published in a newspaper of general circulation in  
4       the school district.

5                     (2) A person appointed to fill a vacancy on the school  
6       board of a Class I school district by the remaining members of the  
7       board shall hold office until the beginning of the next school year.  
8       A board member of a Class I school district elected to fill a vacancy  
9       at a regular or special school district meeting shall serve for the  
10      remainder of the unexpired term or until a successor is elected and  
11      qualified.

12                    (3) Except as provided in subsection (4) of this section,  
13       a vacancy in the membership of a school board of a Class II, III, IV,  
14       V,—or VI school district resulting from any cause other than the  
15       expiration of a term shall be filled by appointment of a qualified  
16       registered voter by the remaining members of the board. If the  
17       vacancy occurs in a Class II school district prior to July 1  
18       preceding the general election in the middle of the vacated term, the  
19       appointee shall serve until a registered voter is elected at such  
20       general election for the remainder of the unexpired term. If the  
21       vacancy occurs in a Class III, IV, V,—or VI school district prior to  
22       February 1 preceding the general election in the middle of the  
23       vacated term, the appointee shall serve until a registered voter is  
24       nominated at the next primary election and elected at the following  
25       general election for the remainder of the unexpired term. If the

1       vacancy occurs on or after the applicable deadline, the appointment  
2       shall be for the remainder of the unexpired term. A registered voter  
3       appointed or elected pursuant to this subsection shall meet the same  
4       requirements as the member whose office is vacant.

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

24                     (5) A vacancy in the membership of a school board of a  
25       Class V school district resulting from any cause other than the

1       expiration of a term shall be filled by appointment of a qualified  
2       registered voter by the remaining members of the board for the  
3       remainder of the unexpired term. A registered voter appointed  
4       pursuant to this subsection shall meet the same requirements as the  
5       member whose office is vacant.

6                 (5)—(6) If any school board fails to fill a vacancy on  
7       the board, the vacancy may be filled by election at a special  
8       election or school district meeting called for that purpose. Such  
9       election or meeting shall be called in the same manner and subject to  
10      the same procedures as other special elections or school district  
11      meetings.

12                (6)—(7) If there are vacancies in the offices of a  
13      majority of the members of a school board, the Secretary of State  
14      shall conduct a special school district election to fill such  
15      vacancies.

16               Sec. 4. Section 79-4,129, Reissue Revised Statutes of  
17      Nebraska, is amended to read:

18               79-4,129 (1) Within thirty days after the classification  
19      of the reorganized school districts by the county clerk under section  
20      79-4,128, the state committee shall appoint from among the legal  
21      voters of each new school district created the number of members  
22      necessary to constitute a school board of the class in which the new  
23      school district has been classified. A reorganized school district  
24      shall be formed and organized and shall have a school board not later  
25      than April 1 following the last legal action, as prescribed in

1 section 79-4,128, necessary to effect the changes in boundaries as  
2 set forth in the plan of reorganization, although the physical  
3 reorganization of such reorganized school district shall take effect  
4 July 1 following the classification of the reorganized school  
5 districts under section 79-4,128. The first board shall be appointed  
6 on an at-large basis, and all boards shall be elected at large until  
7 such time as election districts are established as provided in  
8 section 32-554.

9 (2) In appointing the first school board of a Class II  
10 school district, the members shall be appointed so that the terms of  
11 three members expire on the date of the first regular meeting of the  
12 board in January after the first even-numbered year following their  
13 appointment and the terms of the three remaining members expire on  
14 the date of the first regular meeting of the board in January after  
15 the second even-numbered year following their appointment. At the  
16 statewide general election in the first even-numbered year after the  
17 reorganization, three board members in each Class II school district  
18 shall be elected to terms of four years. Thereafter all candidates  
19 shall be elected to terms of four years. Each member's term shall  
20 begin on the date of the first regular meeting of the board in  
21 January following his or her election.

22 (3) In appointing the first school board of a Class III  
23 school district with a six-member board serving terms of four years,  
24 the terms of three members shall expire on the first Thursday after  
25 the first Tuesday in January after the first even-numbered year

1 following their appointment and the terms of the three remaining  
2 members shall expire on the first Thursday after the first Tuesday in  
3 January after the second even-numbered year following their  
4 appointment. Thereafter all Class III district school boards with  
5 six-member boards shall be elected to terms of four years.

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

15 (5) In appointing the first school board of a Class IV  
16 school district, the members shall be appointed so that the terms of  
17 three members shall expire on the third Monday in May of the first  
18 odd-numbered year following their appointment and the terms of four  
19 members shall expire on the third Monday in May of the second odd-  
20 numbered year following their appointment. Thereafter all Class IV  
21 district school boards shall be elected to terms of four years.

22 (6) In appointing the first school board of a Class V  
23 school district after a reorganization under this section with a  
24 ~~twelve member~~ five-member board serving terms of four years, the  
25 terms of ~~six~~ two members shall expire on the first Monday in January

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

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

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

10 79-552 (1) The board of education of a Class V school  
11 district shall consist of twelve members, ~~one until the first Monday~~  
12 in January 2013 and shall consist of five members beginning on such  
13 ~~day. One member shall be elected from each district pursuant to~~  
14 ~~section 32-545.~~, ~~and also may include a nonvoting student member or~~  
15 ~~members selected pursuant to section 79-559.~~ Each elected member  
16 shall be a resident of the district for at least six months prior to  
17 the election. Each candidate for election to and each member of the  
18 board of education shall be a taxpayer in and a resident of the  
19 district of such school district as designated pursuant to section  
20 32-552.

21 (2) All persons elected as members of the board of  
22 education shall take and subscribe to the usual oath of office before  
23 the first Monday in January following their election., ~~and the~~  
24 ~~student member shall take and subscribe to the usual oath of office~~  
25 ~~before the first Monday in January following his or her designation.~~

1     In case any person so elected fails so to do, his or her election  
2     shall be void and the vacancy shall be filled by the board as  
3     provided in section 32-570.

4                 (3) Beginning in 2013, each member of the board of  
5     education shall receive an annual salary equal to twenty thousand  
6     dollars during his or her term of office.

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

9                 79-559 (1) The school board or board of education of any  
10    Class II, III, IV, V,—or VI school district may include at least one  
11    nonvoting member who is a public high school student from the  
12    district. If the board elects to include such a nonvoting student  
13    member, the student member shall serve for a term of one year,  
14    beginning on September 1, and shall be the student body or student  
15    council president, the senior class representative, or a  
16    representative elected from and by the entire student body, as  
17    designated by the voting members of the board.

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

21                 Sec. 7. Original sections 32-545, 32-552, 79-4,129,  
22    79-552, and 79-559, Reissue Revised Statutes of Nebraska, and section  
23    32-570, Revised Statutes Cumulative Supplement, 2010, are repealed.

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