

AMENDMENTS TO LB 125

Introduced by Government, Military and Veterans Affairs

1 1. Strike the original sections and insert the following
2 new sections:

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

5 32-545 (1) A member of the board of education of a Class
6 V school district shall be elected from each district provided for
7 in section 32-552. Such election shall be held on the date provided
8 in section 14-201 for the election of elective officers of a city
9 of the metropolitan class. The members of such board of education
10 shall meet the qualifications found in ~~section~~ sections 79-543 and
11 79-552. At each statewide general election, six

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

15 (3) At the election on the date provided in subsection
16 (1) of this section for 2013, members of the board shall be
17 elected to serve for four years from and including the first fourth
18 Monday of the January following after their election or until their
19 successors are elected and qualified.

20 (4) Beginning in 2013, candidates ~~Candidates~~ shall be
21 nominated at the statewide primary election held for nomination of
22 candidates for city council pursuant to section 14-204. Candidates
23 for election to such board of education shall be nominated upon

1 a nonpartisan ballot. At the statewide general election in 1976
2 and each four years thereafter, one member shall be elected from
3 each even-numbered district. At the statewide general election
4 in 1978 and each four years thereafter, one member shall be
5 elected from each odd-numbered district. The members shall meet the
6 qualifications found in section 79-543.

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

9 32-552 (1) At least five months prior to an election,
10 the governing board of any political subdivision requesting the
11 adjustment of the boundaries of election districts shall provide
12 written notification to the election commissioner or county clerk
13 of the need and necessity of his or her office to perform such
14 adjustments.

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

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

3 (a) (i) The Legislature hereby divides such school
4 district into nine numbered election districts of compact and
5 contiguous territory and of as nearly equal population as may
6 be practical. Each election district shall be entitled to one
7 member on the board of education of such Class V school district.
8 The Legislature adopts the official population figures and maps
9 from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line
10 Shapefiles published by the United States Department of Commerce,
11 Bureau of the Census. The numbers and boundaries of the election
12 districts are designated and established by maps identified and
13 labeled as OPS 13-001, filed with the election commissioner of
14 the county in which such school district is located and with
15 the Secretary of State, and incorporated by reference as part
16 of this legislative bill; (ii) when questions of interpretation
17 of such election district boundaries arise, the maps referred
18 to in subdivision (a) (i) of this subsection in possession of
19 such election commissioner shall serve as the indication of the
20 legislative intent in drawing the election district boundaries;
21 (iii) the Secretary of State and such election commissioner shall
22 also have available for viewing on his or her web site the maps
23 referred to in subdivision (a) (i) of this subsection identifying
24 the boundaries for such election districts; and (iv) the twelve
25 numbered districts in existence on January 1, 2013, shall remain
26 unchanged until the terms of members elected at the election in
27 May 2013 begin; and

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

11 Sec. 3. Section 32-570, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 32-570 (1) A vacancy in the membership of a school board
14 shall occur as set forth in section 32-560 or in the case of
15 absences, unless excused by a majority of the remaining members
16 of the board, when a member is absent from the district for a
17 continuous period of sixty days at one time or from more than two
18 consecutive regular meetings of the board. The resignation of a
19 member or any other reason for a vacancy shall be made a part
20 of the minutes of the school board. The school board shall give
21 notice of the date the vacancy occurred, the office vacated, and
22 the length of the unexpired term (a) in writing to the election
23 commissioner or county clerk and (b) by a notice published in a
24 newspaper of general circulation in the school district.

25 (2) A person appointed to fill a vacancy on the school
26 board of a Class I school district by the remaining members of
27 the board shall hold office until the beginning of the next school

1 year. A board member of a Class I school district elected to fill a
2 vacancy at a regular or special school district meeting shall serve
3 for the remainder of the unexpired term or until a successor is
4 elected and qualified.

5 (3) Except as provided in subsection (4) of this section,
6 a vacancy in the membership of a school board of a Class II,
7 III, IV, ~~V~~, or VI school district resulting from any cause other
8 than the expiration of a term shall be filled by appointment of a
9 qualified registered voter by the remaining members of the board.
10 If the vacancy occurs in a Class II school district prior to July
11 1 preceding the general election in the middle of the vacated term,
12 the appointee shall serve until a registered voter is elected at
13 such general election for the remainder of the unexpired term. If
14 the vacancy occurs in a Class III, IV, ~~V~~, or VI school district
15 prior to February 1 preceding the general election in the middle
16 of the vacated term, the appointee shall serve until a registered
17 voter is nominated at the next primary election and elected at
18 the following general election for the remainder of the unexpired
19 term. If the vacancy occurs on or after the applicable deadline,
20 the appointment shall be for the remainder of the unexpired term.
21 A registered voter appointed or elected pursuant to this subsection
22 shall meet the same requirements as the member whose office is
23 vacant.

24 (4) Any vacancy in the membership of a school board
25 of a school district described in section 79-549 which does not
26 nominate candidates at a primary election and elect members at
27 the following general election shall be filled by appointment of a

1 qualified registered voter by the remaining members of the board.
2 If the vacancy occurs at least twenty days prior to the first
3 regular caucus to be held during the term that was vacated, the
4 appointee shall serve until a registered voter is nominated and
5 elected to fill the vacancy for the remainder of the term in the
6 manner provided for nomination and election of board members in
7 the district. If the vacancy occurred less than twenty days prior
8 to the first regular caucus and at least twenty days prior to the
9 second regular caucus to be held during the term that was vacated,
10 the appointee shall serve until a registered voter is nominated and
11 elected to fill the vacancy for the remainder of the term in the
12 manner provided for nomination and election of board members in the
13 district. If the vacancy occurred less than twenty days prior to
14 the second regular caucus held during the term that was vacated or
15 after such caucus, the appointment shall be for the remainder of
16 the unexpired term.

17 (5) A vacancy in the membership of a school board of a
18 Class V school district resulting from any cause other than the
19 expiration of a term shall be filled by appointment of a qualified
20 registered voter by the remaining members of the board for the
21 remainder of the unexpired term. A registered voter appointed
22 pursuant to this subsection shall meet the same requirements as the
23 member whose office is vacant.

24 ~~(5)~~ (6) If any school board fails to fill a vacancy on
25 the board, the vacancy may be filled by election at a special
26 election or school district meeting called for that purpose.
27 Such election or meeting shall be called in the same manner and

1 subject to the same procedures as other special elections or school
2 district meetings.

3 ~~(6)~~ (7) If there are vacancies in the offices of one-half
4 or more of the members of a school board, the Secretary of State
5 shall conduct a special school district election to fill such
6 vacancies.

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

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

25 (2) In appointing the first school board of a Class
26 II school district, the members shall be appointed so that the
27 terms of three members expire on the date of the first regular

1 meeting of the board in January after the first even-numbered year
2 following their appointment and the terms of the three remaining
3 members expire on the date of the first regular meeting of the
4 board in January after the second even-numbered year following
5 their appointment. At the statewide general election in the first
6 even-numbered year after the reorganization, three board members
7 in each Class II school district shall be elected to terms of
8 four years. Thereafter all candidates shall be elected to terms
9 of four years. Each member's term shall begin on the date of the
10 first regular meeting of the board in January following his or her
11 election.

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

22 (4) In appointing the first school board of a Class
23 III school district with a nine-member board serving terms of
24 four years, the terms of four members shall expire on the first
25 Thursday after the first Tuesday in January after the first
26 even-numbered year following their appointment and the terms of
27 five members shall expire on the first Thursday after the first

1 Tuesday in January after the second even-numbered year following
2 their appointment. Thereafter all Class III district school boards
3 with nine-member boards shall be elected to terms of four years.

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

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

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

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

26 79-552 (1) The board of education of a Class V school
27 district shall consist of twelve members, ~~one~~ until the fourth

1 Monday after the date in 2013 of the election held pursuant to
2 section 14-201 and shall consist of nine members thereafter. One
3 member shall be elected from each district pursuant to section
4 32-545. ~~and also may include a nonvoting student member or~~
5 ~~members selected pursuant to section 79-559.~~ Each elected member
6 shall be a resident of the district for at least six months prior
7 to the election. Each candidate for election to and each member of
8 the board of education shall be a taxpayer in and a resident of the
9 district of such school district as designated pursuant to section
10 32-552.

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

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

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

1 representative elected from and by the entire student body, as
2 designated by the voting members of the board.

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

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

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