

LEGISLATIVE BILL 569

Approved by the Governor April 15, 1985

Introduced by Rupp, 22

AN ACT relating to vacancies; to amend sections 2-3215 and 70-615, Reissue Revised Statutes of Nebraska, 1943; to provide that a vacancy shall exist on certain boards for specified absences; to provide for notice and hearing; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 2-3215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3215. A vacancy on the board shall exist in the event of the death, disability, resignation, or removal from the district or subdistrict of any director or the elimination or detachment from the district of the territory in which a director resides. After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board, unless such absences are excused by a majority of the remaining board members. In the event of a vacancy from any of such causes, or otherwise, such vacancy shall be filled by the board of directors. The person so appointed ~~must~~ shall have the same qualifications as the person whom he or she succeeds. Such appointments shall be in writing, for the remainder of the unexpired term, and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.

Sec. 2. That section 70-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-615. A vacancy on the board of directors shall exist in the event of the (1) death, disability, ~~or~~ removal from the chartered area, or resignation of any director, (2) removal from the subdivision from which ~~said~~ such director was elected, (3) elimination or detachment from the chartered area of the territory in which a director or directors reside, or (4) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election. After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board, unless such absences are excused by a majority of the remaining board members.

In the event of a vacancy from any of ~~said~~ such causes, or otherwise, such vacancy or vacancies shall,

except in districts having within their chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor.

If a vacancy occurs during the term of any director prior to the deadline for filing, and the unexpired term extends beyond the first Thursday after the first Tuesday in January following the next general election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.

At any time a vacancy is to be filled by election the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

Any appointment shall be filed with the Secretary of State by certified mail.

Sec. 3. That original sections 2-3215 and 70-615, Reissue Revised Statutes of Nebraska, 1943, are repealed.