

E AND R AMENDMENTS TO LB 125

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following 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 a map identified and  
13 labeled as XX, filed with the Clerk of the Legislature, and  
14 incorporated by reference as part of this legislative bill; (ii)  
15 the Clerk of the Legislature shall transfer possession of the  
16 map referred to in subdivision (a) (i) of this subsection to the  
17 Secretary of State and the election commissioner of the county in  
18 which the greater part of the school district is situated on the  
19 effective date of this act; (iii) when questions of interpretation  
20 of such election district boundaries arise, the map referred  
21 to in subdivision (a) (i) of this subsection in possession of  
22 such election commissioner shall serve as the indication of the  
23 legislative intent in drawing the election district boundaries;  
24 (iv) the Secretary of State and such election commissioner shall  
25 also have available for viewing on his or her web site the map  
26 referred to in subdivision (a) (i) of this subsection identifying  
27 the boundaries for such election districts; and (v) the twelve

1 numbered districts in existence on January 1, 2013, shall remain  
2 unchanged until the terms of members elected at the election in  
3 May 2013 begin; and

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

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

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

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

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

27           (4) Any vacancy in the membership of a school board

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

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

27 ~~(5)~~ (6) If any school board fails to fill a vacancy on

1 the board, the vacancy may be filled by election at a special  
2 election or school district meeting called for that purpose.  
3 Such election or meeting shall be called in the same manner and  
4 subject to the same procedures as other special elections or school  
5 district meetings.

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

10 Sec. 4. Section 32-606, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12 32-606 (1) Any candidate may place his or her name on  
13 the primary election ballot by filing a candidate filing form  
14 prescribed by the Secretary of State as provided in section 32-607.  
15 If a candidate for an elective office is an incumbent of any  
16 elective office, the filing period for filing the candidate filing  
17 form shall be between December 1 and February 15 prior to the  
18 date of the primary election, except for candidates for election in  
19 2013 to the board of education of a Class V school district. No  
20 incumbent who resigns from elective office prior to the expiration  
21 of his or her term shall file for any office after February 15 of  
22 that election year. All Incumbent and nonincumbent candidates for  
23 election in 2013 to the board of education of a Class V school  
24 district and all other candidates shall file for office between  
25 December 1 and March 1 prior to the date of the primary election.  
26 A candidate filing form may be transmitted by facsimile for the  
27 offices listed in subdivision (1) of section 32-607 if (a) the

1 transmission is received in the office of the filing officer by the  
2 filing deadline and (b) the original filing form is mailed to the  
3 filing officer with a legible postmark bearing a date on or prior  
4 to the filing deadline and is in the office of the filing officer  
5 no later than seven days after the filing deadline.

6 (2) Any candidate for a township office in a county  
7 under township organization, the board of trustees of a village,  
8 the board of directors of a reclamation district, the county weed  
9 district board, the board of directors of a public power district  
10 receiving annual gross revenue of less than forty million dollars,  
11 the school board of a Class II school district, or the board of an  
12 educational service unit may place his or her name on the general  
13 election ballot by filing a candidate filing form prescribed by the  
14 Secretary of State as provided in section 32-607. If a candidate  
15 for an elective office is an incumbent of any elective office,  
16 the filing period for filing the candidate filing form shall be  
17 between December 1 and July 15 prior to the date of the general  
18 election. No incumbent who resigns from elective office prior to  
19 the expiration of his or her term shall file for any office after  
20 July 15 of that election year. All other candidates shall file  
21 for office between December 1 and August 1 prior to the date of  
22 the general election. A candidate filing form may be transmitted  
23 by facsimile for the offices listed in subdivision (1) of section  
24 32-607 if (a) the transmission is received in the office of the  
25 filing officer by the filing deadline and (b) the original filing  
26 form is mailed to the filing officer with a legible postmark  
27 bearing a date on or prior to the filing deadline and is in the



1 office of the filing officer no later than seven days after the  
2 filing deadline.

3 (3) Any city having a home rule charter may provide for  
4 filing deadlines for any person desiring to be a candidate for the  
5 office of council member or mayor.

6 Sec. 5. Section 79-4,129, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

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

24 (2) In appointing the first school board of a Class  
25 II school district, the members shall be appointed so that the  
26 terms of three members expire on the date of the first regular  
27 meeting of the board in January after the first even-numbered year

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

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

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

1 their appointment. Thereafter all Class III district school boards  
2 with nine-member boards shall be elected to terms of four years.

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

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

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

23 Sec. 6. Section 79-552, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 79-552 The board of education of a Class V school  
26 district shall consist of twelve members, ~~one~~ until the fourth  
27 Monday after the date in 2013 of the election held pursuant to

1 section 14-201 and shall consist of nine members thereafter. One  
2 member shall be elected from each district pursuant to section  
3 32-545.  and also may include a nonvoting student member or  
4 members selected pursuant to section 79-559. Each elected member  
5 shall be a resident of the district for at least six months prior  
6 to the election. Each candidate for election to and each member of  
7 the board of education shall be a taxpayer in and a resident of the  
8 district of such school district as designated pursuant to section  
9 32-552. All persons elected as members of the board of education  
10 shall take and subscribe to the usual oath of office before the  
11 first Monday in January following their election, and the student  
12 member shall take and subscribe to the usual oath of office before  
13 the first Monday in January following his or her designation. In  
14 case any person so elected fails so to do, his or her election  
15 shall be void and the vacancy shall be filled by the board.

16           Sec. 7. 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  
19 any Class II, III, IV, V, or VI school district may include at  
20 least one nonvoting member who is a public high school student  
21 from the district. If the board elects to include such a nonvoting  
22 student member, the student member shall serve for a term of one  
23 year, beginning on September 1, and shall be the student body or  
24 student council president, the senior class representative, or a  
25 representative elected from and by the entire student body, as  
26 designated by the voting members of the board.

27           (2) Any nonvoting student member of the board has the

1 privilege of attending all open meetings of the board but shall be  
2 excluded from executive sessions.

3           Sec. 8. Original sections 32-545, 32-552, 79-4,129,  
4 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and  
5 sections 32-570 and 32-606, Revised Statutes Cumulative Supplement,  
6 2012, are repealed.

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

9           2. On page 1, line 3, strike "section 32-570" and insert  
10 "sections 32-570 and 32-606"; strike line 5 and insert "the number  
11 and procedures for nominating, electing, and filling vacancies of  
12 members of school"; and in line 6 after the first semicolon insert  
13 "to eliminate requirements relating to taking the oath of office  
14 and provisions for student members for such boards;".