

LEGISLATIVE BILL 967

Approved by the Governor March 19, 1996

Introduced by Stuhr, 24; Bohlke, 33; Hartnett, 45

AN ACT relating to schools; to amend section 79-426.19, Reissue Revised Statutes of Nebraska, sections 32-542 and 32-606, Revised Statutes Supplement, 1994, and section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to certain school board elections; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 32-542, Revised Statutes Supplement, 1994, is amended to read:

32-542. Three school board members shall be elected for each Class II school district at each statewide primary general election, except that when a Class II school district is created by a Class I school district which determines by a majority vote to establish a high school pursuant to section 79-701, a six-member board shall be elected at the next statewide primary general election and the three members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years. Each member's term of office shall begin on the first Tuesday in June following his or her election date of the first regular meeting of the board in January following the statewide general election at which he or she is elected and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The term of a board member holding office on the operative date of this act, which term would otherwise expire before the first regular meeting of the board in January following the statewide general election, shall be extended to the first regular meeting of the board in January following the date his or her term would otherwise expire. The school board members of a Class II school district shall meet the qualifications found in section 79-443.01.

Sec. 2. Section 32-606, Revised Statutes Supplement, 1994, is amended to read:

32-606. (1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607. If a candidate for an elective office is the incumbent, the deadline for filing the candidate filing form shall be February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office by March 1 prior to the date of the primary election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

(2) Any candidate for a county office in a county under township organization, the board of directors of a reclamation district, the board of directors of a public power district receiving annual gross revenue of less than forty million dollars, the school board of a Class II school district, or the board of an educational service unit may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607 by August 1 prior to the date of the general election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

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

Sec. 3. Section 79-426.19, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.19. Within thirty days after the classification by the county superintendent of schools of the reorganized school districts, the county reorganization committee shall appoint from among the qualified electors of each new school district created the number of members necessary to constitute a school board or board of education of the class in which the new school district has been classified. A reorganized school district shall be formed and organized and shall have a governing board not later than April 1 following the last legal action, as prescribed in section 79-426.18,

necessary to effect the changes in boundaries as set forth in the plan of reorganization although the physical reorganization of such reorganized school district may not take effect until June 1. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in section 32-554. If the new school district involves territory lying in two or more counties, the school board or board of education shall be appointed by the joint action of the county reorganization committees involved.

In appointing the first board of a Class II school district, the members shall be appointed so that the terms of three members ~~shall~~ expire on the first Tuesday in June of the first even-numbered year date of the first regular meeting of the board in January after the first even-numbered year following their appointment and the terms of the three remaining members ~~shall~~ expire on the first Tuesday in June of date of the first regular meeting of the board in January after the second even-numbered year following their appointment. At the statewide primary general election in the first even-numbered year after the reorganization, there shall be elected in each Class II school district three board members to terms of four years, and thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the first Tuesday in June date of the first regular meeting of the board in January following his or her election.

In appointing the first board of a Class III school district with a six-member board serving terms of four years, the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the three remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first board of a Class III school district with a nine-member board serving terms of four years, the terms of four members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of five members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

Thereafter all Class III school boards shall be elected to terms of four years.

The school board or board of education so appointed shall proceed at once to organize in the manner prescribed by law.

Sec. 4. Section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 155. A Class II school district shall be created whenever a Class I school district determines to establish a high school by a majority vote of the qualified voters at an annual or special meeting.

The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election first regular meeting of the board in January following the next statewide general election. The Class II school district board shall be elected pursuant to section 32-542.

Sec. 5. This act becomes operative on January 1, 1997.

Sec. 6. Original section 79-426.19, Reissue Revised Statutes of Nebraska, sections 32-542 and 32-606, Revised Statutes Supplement, 1994, and section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, are repealed.