

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 269

FINAL READING

Introduced by Burling, 33; Christensen, 44; Rogert, 16.

Read first time January 10, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political subdivisions; to amend sections
2 23-148, 23-149, 23-151, 23-202, 23-292, 23-293, 23-294,
3 23-295, 23-296, 23-297, 23-299, and 51-201.03, Reissue
4 Revised Statutes of Nebraska; to change and eliminate
5 provisions relating to county organization; to change
6 provisions relating to establishment of a county library;
7 to harmonize provisions; to repeal the original sections;
8 and to outright repeal sections 23-283, 23-287, 23-290,
9 and 23-291, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 23-148, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-148 The county board of commissioners in all counties
4 having not more than three hundred thousand inhabitants shall
5 consist of three persons, ~~except that the~~ as follows:

6 (1) The registered voters in any county containing
7 not more than three hundred thousand inhabitants may vote at
8 any general election as to whether their county board shall
9 consist of three or five commissioners. ~~The registered voters of~~
10 ~~counties under township organization voting as to a change to~~
11 ~~the commissioner system may vote at the same time as to the~~
12 ~~number of commissioners desired, except that the registered voters~~
13 ~~of counties may vote to have the same number of commissioners~~
14 ~~as there were supervisors in the county pursuant to sections~~
15 ~~23-296 and 23-297 and to retain the existing county supervisor~~
16 ~~district boundaries until it becomes necessary to draw district~~
17 ~~boundaries under section 32-553. Upon the completion of the canvass~~
18 ~~by the county canvassing board, the proposition shall be decided~~
19 ~~and, if the number of commissioners is increased from three to~~
20 ~~five commissioners, vacancies shall be deemed to exist and the~~
21 ~~procedures set forth in section 32-567 shall be instituted; and-~~

22 (2) The registered voters of any county under township
23 organization voting to discontinue township organization may also
24 vote as to the number of county commissioners as provided in
25 sections 23-292 to 23-299.

1 Sec. 2. Section 23-149, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-149 ~~Whenever in~~ (1) In counties not under township
4 organization, a registered voter may file a petition or petitions
5 for the submission of the question regarding the number of
6 commissioners the county will have, ~~signed by not less than two~~
7 ~~hundred registered voters of the county voting at the last general~~
8 ~~election,~~ on the county board. The petition or petitions shall be
9 signed by registered voters equal in number to five percent of the
10 voters registered in the county at the preceding statewide general
11 election.

12 (2) When the petition or petitions are filed in the
13 office of the county clerk or election commissioner not less than
14 seventy days before the date of any general election, the county
15 clerk or election commissioner shall cause the question to be
16 submitted to the voters of the county at such election and give
17 notice thereof in the general notice of such election. The forms
18 of ballots shall be respectively: For three commissioners and For
19 five commissioners; and the same shall be printed upon the regular
20 ballots cast for officers voted for at such election and shall be
21 counted and canvassed in the same manner.

22 (3) If a majority of votes cast at the election favor
23 the proposition For five commissioners, thereafter the county shall
24 have five commissioners, and if a majority of the ballots cast
25 at the election favor the proposition For three commissioners,

1 thereafter the county shall have three commissioners.

2 Sec. 3. Section 23-151, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 23-151 (1) Each county under commissioner organization
5 having not more than three hundred thousand inhabitants shall be
6 divided into (a) three districts numbered respectively, one, two,
7 and three, ~~or into~~ (b) five districts as provided for in sections
8 23-148 and 23-149 numbered respectively, one, two, three, four, and
9 five, or (c) seven districts as provided for in sections 23-292
10 to 23-299 numbered respectively, one, two, three, four, five, six,
11 and seven. Beginning October 1, 1991, each county having more than
12 three hundred thousand inhabitants shall be divided into seven
13 districts numbered respectively, one, two, three, four, five, six,
14 and seven.

15 (2) Such districts shall consist of two or more voting
16 precincts comprising compact and contiguous territory and embracing
17 a substantially equal division of the population of the county.
18 District boundary lines shall not be subject to alteration more
19 than once every ten years.

20 (3)(a) In counties having more than three hundred
21 thousand inhabitants, the establishment of district boundary lines
22 pursuant to subsection (1) of this section shall be completed
23 not later than October 1, 1991, or within one year after the
24 county attains a population of more than three hundred thousand
25 inhabitants, whichever occurs later. Beginning in 2001 and every

1 ten years thereafter, the district boundary lines of any county
2 having more than three hundred thousand inhabitants shall be
3 redrawn, if necessary to maintain substantially equal district
4 populations, by the date specified in section 32-553.

5 (b) The establishment of district boundary lines and any
6 alteration thereof under this subsection shall be done by the
7 county board. If the county board fails to do so by the applicable
8 deadline, district boundaries shall be drawn by the election
9 commissioner within six months after the deadline established for
10 the drawing or redrawing of district boundaries by the county
11 board. If the election commissioner fails to meet such deadline,
12 the remedies established in subsection (3) of section 32-555 shall
13 apply.

14 (4) The district boundary lines shall not be changed at
15 any session of the county board unless all of the commissioners are
16 present at such session.

17 (5) Commissioners shall be elected as provided in section
18 32-528. Elections shall be conducted as provided in the Election
19 Act.

20 Sec. 4. Section 23-202, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 23-202 ~~The county commissioners on petition of two~~
23 ~~hundred and fifty or more legal voters of the county, shall~~
24 ~~cause to be submitted to the voters of the county~~ (1) In counties
25 not under township organization, a registered voter may file

1 a petition or petitions for the submission of the question of
 2 township organization. The petition or petitions shall be signed
 3 by registered voters equal in number to five percent of the
 4 voters registered in the county at the preceding statewide general
 5 election.

6 (2) When the petition or petitions are filed in the
 7 office of the county clerk or election commissioner, the question
 8 shall be submitted to the registered voters at the next general
 9 election held not less than seventy days after the filing of the
 10 petitions. The questions on the ballot shall be respectively: 7
 11 by ballot, to be written or printed, or partly written or partly
 12 printed thereon For township organization, or Against township
 13 organization.

14 (3) Elections shall be conducted as provided in the
 15 Election Act, 7 the votes to be counted, canvassed, and returned in
 16 like manner as votes for county officers.

17 Sec. 5. Section 23-292, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 23-292 Any county which may have adopted or that may
 20 hereafter adopt has township organization shall discontinue the
 21 same whenever the majority of the electors of said registered
 22 voters of the county voting on the question of such discontinuance
 23 shall so decide in the manner herein provided in sections 23-293 to
 24 23-295.

25 Sec. 6. Section 23-293, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-293 ~~Whenever~~ (1) In counties under township
3 organization, a registered voter may file a petition or petitions
4 for a submission of the question of the discontinuance of township
5 organization to the registered voters of the county. The petition
6 or petitions shall be signed by registered voters equal in
7 number to five percent of the voters registered in the county at
8 the preceding statewide general election. When the petition or
9 petitions are filed in the office of the county clerk or election
10 commissioner, the question shall be submitted to the registered
11 voters at the next general election held not less than seventy days
12 after the filing of the petitions.

13 (2) In counties under township organization, if ~~7~~ signed
14 by a number of electors not less than ten percent of those voting
15 at the last general election, ~~or~~ a resolution supported by a
16 majority of the county board is filed in the office of the county
17 clerk or election commissioner for submission of the question of
18 discontinuance of township organization to the registered voters
19 of the county, the question shall be submitted to the registered
20 voters at the next general election held not less than seventy
21 days after the filing of the resolution, ~~not less than seventy~~
22 days before the date of any general election, ~~the county clerk or~~
23 election commissioner shall cause such question to be submitted to
24 the voters of the county at such election and give notice of the
25 submission of the question in the general election notices of such

1 ~~election.~~

2 (3) A petition or county board resolution for
 3 discontinuance of township organization shall specify whether the
 4 county board of commissioners to be formed pursuant to section
 5 23-151 will have five or seven members and that reorganization
 6 as a county board of commissioners will be effective at the
 7 expiration of the supervisors' terms of office in January of the
 8 third calendar year following the election to discontinue township
 9 organization.

10 Sec. 7. Section 23-294, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 23-294 The forms of ballots shall be respectively, For
 13 continuance of township organization, and Against continuance
 14 of township organization, and the same shall be written or
 15 printed upon the regular ballot cast for officers voted for
 16 at such election, and shall be counted and canvassed in the
 17 same manner.(1) If the petition or county board resolution to
 18 discontinue township organization specifies a five-member county
 19 board of commissioners pursuant to section 23-293, the questions
 20 on the ballot shall be respectively: For continuance of township
 21 organization; or For discontinuance of township organization and
 22 creation of a five-member county board of commissioners effective
 23 at the expiration of the supervisors' terms of office in January of
 24 the third calendar year following this election.

25 (2) If the petition or county board resolution to

1 discontinue township organization specifies a seven-member county
 2 board of commissioners pursuant to section 23-293, the questions
 3 on the ballot shall be respectively: For continuance of township
 4 organization; or For discontinuance of township organization and
 5 creation of a seven-member county board of commissioners effective
 6 at the expiration of the supervisors' terms of office in January of
 7 the third calendar year following this election.

8 (3) Elections shall be conducted regarding discontinuance
 9 of township organization as provided in the Election Act.

10 Sec. 8. Section 23-295, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 23-295 If it shall appear from the returns of said
 13 election that a majority of the votes cast on the question
 14 are against the continuance of township organization, then such
 15 organization shall cease to exist as soon as a board of county
 16 ~~commissioners are appointed and qualified, as hereinafter provided.~~
 17 effective at the expiration of the supervisors' terms of office in
 18 January of the third calendar year following such election.

19 Sec. 9. Section 23-296, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 23-296 When township organization shall cease ceases in
 22 any county, as provided by sections 23-292 to 23-295, the office
 23 of county commissioner which became vacant by reason of its
 24 adoption is hereby restored, and such county is hereby divided into
 25 commissioner districts, with the same boundaries and comprising the

1 same territory as such districts had when township organization was
 2 adopted, PROVIDED, when such a county votes to have the same number
 3 of commissioners as there were supervisors in the county, then the
 4 commissioner districts shall be the same districts as the former
 5 supervisor districts unless changed at a later date as provided
 6 by section 23-149, a commissioner system shall be established. The
 7 county board of commissioners shall have five or seven members as
 8 specified in the petition or county board resolution pursuant to
 9 section 23-293.

10 Sec. 10. Section 23-297, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 23-297 On the first Saturday after the first Tuesday
 13 of January following the election at which township organization
 14 shall be voted to be discontinued, the county commissioners of
 15 such county, for the purpose of temporary organization, shall be
 16 appointed by the county clerk, treasurer, and county attorney of
 17 such county, unless the counties vote to retain the same persons as
 18 the former supervisors, in which event, the commissioner districts
 19 shall be the same districts as the former supervisor districts
 20 unless changed at a later date as provided by section 23-149.
 21 Their successors shall be elected at the next general election in
 22 the manner provided by law for the first election of a board of
 23 commissioners in any county.

24 (1) If the voters vote for creation of a seven-member
 25 county board of commissioners, the commissioner districts shall

1 be the same districts as the former supervisor districts unless
2 changed at a later date as provided by section 23-149 and the
3 supervisors whose terms have not expired on the effective date of
4 the reorganization prescribed in section 23-293 shall continue in
5 office as commissioners for the remainder of their unexpired terms.

6 (2) (a) If the voters vote for creation of a five-member
7 county board of commissioners, the county clerk, county treasurer,
8 and county attorney shall meet on the first Saturday after the
9 first Tuesday of January following such election and redistrict the
10 county into five commissioner districts with substantially equal
11 population. Such redistricting shall be completed within thirty
12 days after such initial meeting and shall specify where necessary
13 the newly established districts which the members will serve for
14 the balance of the unexpired terms as designated in subdivision (b)
15 of this subsection. The newly established districts will not be
16 effective until the effective date of the reorganization prescribed
17 in section 23-293 except for purposes of being nominated and
18 elected for office from such districts.

19 (b) (i) If three members of the county board of
20 supervisors were elected for four-year terms at the election to
21 create a five-member county board of commissioners, each such
22 supervisor shall serve two of such years as a supervisor and two
23 of such years as a commissioner representing the newly established
24 districts as designated under subdivision (a) of this subsection
25 and two commissioners shall be elected for four-year terms from the

1 newly established districts at the next general election.

2 (ii) If four members of the county board of supervisors
3 were elected for four-year terms at the election to create a
4 five-member county board of commissioners, the three of such
5 supervisors receiving the most votes at such election shall serve
6 two of such years as a supervisor and two of such years as
7 a commissioner representing the newly established districts as
8 designated under subdivision (a) of this subsection, the fourth of
9 such supervisors shall serve a term of two years as a supervisor,
10 and two commissioners shall be elected for four-year terms from the
11 newly established districts at the next general election.

12 Sec. 11. Section 23-299, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 23-299 When township organization shall be is
15 discontinued in any county, ~~it shall be the duty of~~ the town clerk
16 in each town in ~~said~~ such county, as soon as the county board
17 of ~~county~~ commissioners are appointed and is qualified pursuant
18 to section 23-297, ~~to~~ shall deposit with the county clerk of the
19 county all town records, papers, and documents pertaining to the
20 affairs of such town~~7~~ and ~~to~~ certify to ~~him~~ the county clerk the
21 amount of indebtedness of such town outstanding at the time of
22 such discontinuance. The county board shall have full and complete
23 power to settle all the unfinished business of the town as fully
24 as might have been done by the town itself~~7~~ and to dispose of any
25 and all property belonging to such town, the proceeds of which,

1 after paying all indebtedness, shall be disposed of by the county
2 board for the benefit of the taxable inhabitants thereof by such
3 board crediting all unexpended balances of ~~said~~ the town to the
4 district road fund, and in no other manner. ~~It shall be the duty of~~
5 ~~such~~ The county board, at such time as ~~shall be~~ provided by law, ~~to~~
6 shall levy a tax upon the taxable property of such town to pay any
7 unliquidated indebtedness it may have outstanding.

8 Sec. 12. Section 51-201.03, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 51-201.03 (1) The registered voters of the incorporated
11 and unincorporated areas of a county which do not have a public
12 library may file an initiative petition with the county board
13 requesting the establishment of a county library. The petition
14 shall be filed by July 31 prior to a statewide general election.
15 Signatures gathered before the last statewide general election
16 shall not be counted. An initiative petition shall conform to
17 the requirements of section 32-628. Petition signers and petition
18 circulators shall conform to the requirements of sections 32-629
19 and 32-630. The county board shall submit the petitions to the
20 election commissioner or county clerk for signature verification
21 pursuant to section 32-631. The required number of signatures shall
22 be ~~ten~~ five percent of the voters registered at the last statewide
23 general election in the incorporated and unincorporated areas of
24 the county which do not have a public library. The election
25 commissioner or county clerk shall notify the county board within

1 thirty days after receiving the petitions from the county board
2 whether the required number of signatures has been gathered.

3 (2) If the county board determines that the petitions are
4 in proper form and signed by the necessary number of registered
5 voters, the county board shall notify the governing body and
6 library board of each incorporated area within the county within
7 ten days after such determination and shall publish in a newspaper
8 of general circulation in the county that the registered voters of
9 the unincorporated area of the county and of the incorporated areas
10 which do not have a public library will be asked to vote on the
11 issue at the next statewide general election and shall submit the
12 question of whether to establish a county library to the voters as
13 required in section 51-201.

14 Sec. 13. Original sections 23-148, 23-149, 23-151,
15 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and
16 51-201.03, Reissue Revised Statutes of Nebraska, are repealed.

17 Sec. 14. The following sections are outright repealed:
18 Sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised
19 Statutes of Nebraska.