

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 269**

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               23-149, 23-202, 23-292, 23-293, 23-294, and 51-201.03,  
3       Reissue Revised Statutes of Nebraska; to change and  
4       eliminate provisions relating to county organization; to  
5       change provisions relating to establishment of a county  
6       library; to harmonize provisions; to repeal the original  
7       sections; and to outright repeal sections 23-283, 23-287,  
8       23-290, and 23-291, Reissue Revised Statutes of Nebraska.

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

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

3           23-149. ~~Whenever in~~ 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. When the petition or petitions are filed in the office of  
12 the county clerk or election commissioner not less than seventy days  
13 before the date of any general election, the county clerk or election  
14 commissioner shall cause the question to be submitted to the voters of  
15 the county at such election and give notice thereof in the general  
16 notice of such election. The forms of ballots shall be respectively:  
17 For three commissioners and For five commissioners; and the same shall  
18 be printed upon the regular ballots cast for officers voted for at  
19 such election and shall be counted and canvassed in the same manner.  
20 If a majority of votes cast at the election favor the proposition For  
21 five commissioners, thereafter the county shall have five  
22 commissioners, and if a majority of the ballots cast at the election  
23 favor the proposition For three commissioners, thereafter the county  
24 shall have three commissioners.

25           Sec. 2. Section 23-202, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           23-202. ~~The county commissioners on petition of two hundred~~

~~and fifty or more legal voters of the county, shall cause to be~~  
~~submitted to the voters of the county~~ In counties not under  
~~township organization, a registered voter may file a petition or~~  
~~petitions for the submission of~~ the question of township  
~~organization. The petition or petitions shall be signed by~~  
~~registered voters equal in number to five percent of the voters~~  
~~registered in the county at the preceding statewide general election.~~  
~~When the petition or petitions are filed in the office of the county~~  
~~clerk or election commissioner, the question shall be submitted to~~  
~~the registered voters at the next general election held not less than~~  
~~seventy days after the filing of the petitions. The questions on the~~  
~~ballot shall be respectively: , by ballot, to be written or~~  
~~printed, or partly written or partly printed thereon~~ For township  
~~organization, or Against township organization. Elections shall be~~  
~~conducted as provided in the Election Act. , the votes to be~~  
~~counted, canvassed, and returned in like manner as votes for county~~  
~~officers.~~

Sec. 3. Section 23-292, Reissue Revised Statutes of  
 Nebraska, is amended to read:

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

Sec. 4. Section 23-293, Reissue Revised Statutes of  
 Nebraska, is amended to read:

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

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

25           Sec. 5. Section 23-294, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           23-294. (1) The forms of ballots shall be respectively,

1 For continuance of township organization, and Against continuance of  
2 township organization,  ~~, and the same shall be written or printed~~  
3  ~~upon the regular ballot cast for officers voted for at such election,~~  
4  ~~and shall be counted and canvassed in the same manner.~~

5 (2) Elections shall be conducted regarding discontinuance  
6 of township organization as provided in the Election Act.

7 Sec. 6. Section 51-201.03, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 51-201.03. (1) The registered voters of the incorporated and  
10 unincorporated areas of a county which do not have a public library  
11 may file an initiative petition with the county board requesting the  
12 establishment of a county library. The petition shall be filed by July  
13 31 prior to a statewide general election. Signatures gathered before  
14 the last statewide general election shall not be counted. An  
15 initiative petition shall conform to the requirements of section  
16 32-628. Petition signers and petition circulators shall conform to the  
17 requirements of sections 32-629 and 32-630. The county board shall  
18 submit the petitions to the election commissioner or county clerk for  
19 signature verification pursuant to section 32-631. The required number  
20 of signatures shall be ~~ten~~ five percent of the voters registered  
21 at the last statewide general election in the incorporated and  
22 unincorporated areas of the county which do not have a public library.  
23 The election commissioner or county clerk shall notify the county  
24 board within thirty days after receiving the petitions from the county  
25 board whether the required number of signatures has been gathered.

26 (2) If the county board determines that the petitions are in  
27 proper form and signed by the necessary number of registered voters,

1 the county board shall notify the governing body and library board of  
2 each incorporated area within the county within ten days after such  
3 determination and shall publish in a newspaper of general circulation  
4 in the county that the registered voters of the unincorporated area of  
5 the county and of the incorporated areas which do not have a public  
6 library will be asked to vote on the issue at the next statewide  
7 general election and shall submit the question of whether to establish  
8 a county library to the voters as required in section 51-201.

9 Sec. 7. Original sections 23-149, 23-202, 23-292, 23-293,  
10 23-294, and 51-201.03, Reissue Revised Statutes of Nebraska, are  
11 repealed.

12 Sec. 8. The following sections are outright repealed:  
13 Sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes  
14 of Nebraska.