

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 348

Introduced by Burling, 33; McDonald, 41; Wallman, 30;

Read first time January 12, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to county government; to amend sections 23-148,
2 23-151, 23-293, 23-294, 23-295, 23-296, 23-297, and
3 23-299, Reissue Revised Statutes of Nebraska; to change
4 and eliminate provisions relating to the discontinuance
5 of township organization; to provide powers and duties;
6 to harmonize provisions; to repeal the original sections;
7 to outright repeal sections 23-287, 23-290, and 23-291,
8 Reissue Revised Statutes of Nebraska; and to declare an
9 emergency.
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: (1) The
6 registered voters in any county containing not more than three
7 hundred thousand inhabitants may vote at any general election as
8 to whether their county board shall consist of three or five
9 commissioners; and (2) the registered voters of any county under
10 township organization voting to discontinue township organization
11 may also vote as to the number of county commissioners as
12 provided in sections 23-292 to 23-299. The registered voters
13 of counties under township organization voting as to a change
14 to the commissioner system may vote at the same time as to the
15 number of commissioners desired, except that the registered voters
16 of counties may vote to have the same number of commissioners
17 as there were supervisors in the county pursuant to sections
18 23-296 and 23-297 and to retain the existing county supervisor
19 district boundaries until it becomes necessary to draw district
20 boundaries under section 32-553. Upon the completion of the canvass
21 by the county canvassing board, the proposition shall be decided
22 and, if the number of commissioners is increased from three to
23 five commissioners, vacancies shall be deemed to exist and the
24 procedures set forth in section 32-567 shall be instituted.

25 Sec. 2. Section 23-151, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-151 (1) Each county under commissioner organization
3 having not more than three hundred thousand inhabitants shall be
4 divided into three districts numbered respectively, one, two, and
5 three, ~~or~~ into five districts as provided for in sections 23-148
6 and 23-149 numbered respectively, one, two, three, four, and five,
7 or into seven districts as provided for in sections 23-292 to
8 23-299 numbered respectively, one, two, three, four, five, six,
9 and seven. Beginning October 1, 1991, each county having more than
10 three hundred thousand inhabitants shall be divided into seven
11 districts numbered respectively, one, two, three, four, five, six,
12 and seven.

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

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

1 redrawn, if necessary to maintain substantially equal district
2 populations, by the date specified in section 32-553.

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

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

15 (5) Commissioners shall be elected as provided in section
16 32-528. Elections shall be conducted as provided in the Election
17 Act.

18 Sec. 3. Section 23-293, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 23-293 (1) Whenever a petition or petitions for a
21 submission of the question of the discontinuance of township
22 organization to the voters of the county, signed by a number of
23 electors not less than ten percent of those voting at the last
24 general election, or a resolution supported by a majority of the
25 county board is filed in the office of the county clerk or election

1 commissioner not less than seventy days before the date of any
2 general election, the county clerk or election commissioner shall
3 cause such question to be submitted to the voters of the county at
4 such election and give notice of the submission of the question in
5 the general election notices of such election.

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

14 Sec. 4. Section 23-294, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 23-294 The forms of ballots shall be respectively, For
17 continuance of township organization, and Against continuance
18 of township organization, and the same shall be written or
19 printed upon the regular ballot cast for officers voted for
20 at such election, and shall be counted and canvassed in the
21 same manner. (1) If the petition or county board resolution to
22 discontinue township organization specifies a five-member county
23 board of commissioners pursuant to section 23-293, the questions
24 on the ballot shall be respectively: For continuance of township
25 organization; or For discontinuance of township organization and

1 creation of a five-member county board of commissioners effective
2 at the expiration of the supervisors' terms of office in January of
3 the third calendar year following this election.

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

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

14 Sec. 5. Section 23-295, Reissue Revised Statutes of
15 Nebraska, is amended to read:

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

23 Sec. 6. Section 23-296, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 23-296 When township organization shall cease ceases in

1 any county, as provided by sections 23-292 to 23-295, the office
2 of county commissioner which became vacant by reason of its
3 adoption is hereby restored, and such county is hereby divided into
4 commissioner districts, with the same boundaries and comprising the
5 same territory as such districts had when township organization was
6 adopted; PROVIDED, when such a county votes to have the same number
7 of commissioners as there were supervisors in the county, then the
8 commissioner districts shall be the same districts as the former
9 supervisor districts unless changed at a later date as provided
10 by section 23-149. a commissioner system shall be established. The
11 county board of commissioners shall have five or seven members as
12 specified in the petition or county board resolution pursuant to
13 section 23-293.

14 Sec. 7. Section 23-297, Reissue Revised Statutes of
15 Nebraska, is amended to read:

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

1 the manner provided by law for the first election of a board of
2 commissioners in any county.

3 (1) If the voters vote for creation of a seven-member
4 county board of commissioners, the commissioner districts shall
5 be the same districts as the former supervisor districts unless
6 changed at a later date as provided by section 23-149 and the
7 supervisors whose terms have not expired on the effective date of
8 the reorganization prescribed in section 23-293 shall continue in
9 office as commissioners for the remainder of their unexpired terms.

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

23 (b) (i) If three members of the county board of
24 supervisors were elected for four-year terms at the election to
25 create a five-member county board of commissioners, each such

1 supervisor shall serve two of such years as a supervisor and two
 2 of such years as a commissioner representing the newly established
 3 districts as designated under subdivision (a) of this subsection
 4 and two commissioners shall be elected for four-year terms from the
 5 newly established districts at the next general election.

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

16 Sec. 8. Section 23-299, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 23-299 When township organization shall be is
 19 discontinued in any county, ~~it shall be the duty of~~ the town clerk
 20 in each town in ~~said~~ such county, as soon as the county board
 21 of ~~county~~ commissioners are ~~appointed~~ and is qualified pursuant
 22 to section 23-297, ~~to~~ shall deposit with the county clerk of the
 23 county all town records, papers, and documents pertaining to the
 24 affairs of such town~~7~~ and ~~to~~ certify to ~~him~~ the county clerk the
 25 amount of indebtedness of such town outstanding at the time of

1 such discontinuance. The county board shall have full and complete
2 power to settle all the unfinished business of the town as fully
3 as might have been done by the town itself, and to dispose of any
4 and all property belonging to such town, the proceeds of which,
5 after paying all indebtedness, shall be disposed of by the county
6 board for the benefit of the taxable inhabitants thereof by such
7 board crediting all unexpended balances of ~~said~~ the town to the
8 district road fund, and in no other manner. ~~It shall be the duty of~~
9 ~~such~~ The county board, at such time as ~~shall be~~ provided by law, ~~to~~
10 shall levy a tax upon the taxable property of such town to pay any
11 unliquidated indebtedness it may have outstanding.

12 Sec. 9. Original sections 23-148, 23-151, 23-293, 23-294,
13 23-295, 23-296, 23-297, and 23-299, Reissue Revised Statutes of
14 Nebraska, are repealed.

15 Sec. 10. The following sections are outright repealed:
16 Sections 23-287, 23-290, and 23-291, Reissue Revised Statutes of
17 Nebraska.

18 Sec. 11. Since an emergency exists, this act takes effect
19 when passed and approved according to law.