

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 768**

Introduced by Stuthman, 22.

Read first time January 07, 2010

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to county government; to provide for the
- 2           termination of township boards within certain counties as
- 3           prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) If a township board has become inactive,  
2 the county board of supervisors shall hold a public hearing on the  
3 issue of termination of the township board. Notice of the hearing  
4 shall be published for two consecutive weeks in a newspaper of  
5 general circulation in the county. For purposes of this section, a  
6 township board has become inactive when two or more board positions  
7 are vacant and the county board has been unable to fill such  
8 positions in accordance with section 32-567 for six or more months.

9           (2) If no appointment to the township board has been made  
10 within thirty days after the public hearing because no resident of  
11 the township has provided written notice to the county board that  
12 he or she will serve on the township board, the county board may  
13 adopt a resolution to terminate the township board on the following  
14 June 30. If the resolution is adopted on or after June 1 but before  
15 June 30, the township board shall terminate on the following July  
16 31.

17           (3) Between the date of the public hearing and the date  
18 of termination of the township board, the business of the township  
19 shall be handled according to this subsection. No tax distributions  
20 shall be made to the township. Such funds shall be held by the  
21 county board in a separate township fund and disbursed only to pay  
22 outstanding obligations of the township board. All claims against  
23 the township board shall be filed with the county clerk and heard  
24 by the county board. Upon allowance of a claim, the county board  
25 shall direct the county clerk to draw a warrant upon the township

1 fund. The warrant shall be signed by the chairperson of the county  
2 board and countersigned by the county clerk.

3 (4) Upon termination of a township board, the county  
4 board shall settle all unfinished business of the township board  
5 and shall dispose of all property under ownership of the township.  
6 Any proceeds of such sale shall first be disbursed to pay any  
7 outstanding obligations of the township, and remaining funds shall  
8 be credited to the road fund of the county board. Any remaining  
9 township board members serving as of the date of termination shall  
10 deposit with the county clerk all township records, papers, and  
11 documents pertaining to the affairs of the township and shall  
12 certify to the county clerk the amount of outstanding indebtedness  
13 in existence on the date of termination. The county board shall  
14 levy a tax upon the taxable property located within the boundaries  
15 of the township to pay any outstanding indebtedness not paid for  
16 under this subsection or subsection (3) of this section.

17 (5) If more than fifty percent of the township boards in  
18 a county have been terminated, the county board shall file with the  
19 election commissioner or county clerk a resolution supporting the  
20 discontinuance of the township organization of the county pursuant  
21 to subsection (2) of section 23-293.