

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 190**

Introduced by Council, 11.

Read first time January 07, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to public utilities districts; to amend sections  
2 32-540, 70-612, and 70-619, Reissue Revised Statutes of  
3 Nebraska, and section 14-2102, Revised Statutes  
4 Cumulative Supplement, 2010; to change provisions  
5 relating to election of directors as prescribed; to  
6 harmonize provisions; and to repeal the original  
7 sections.

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

1           Section 1. Section 14-2102, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           14-2102 In each metropolitan utilities district service  
4 area, there shall be a board of directors consisting of seven  
5 members. The members shall be elected as provided in section 32-540.

6           Registered voters within the boundaries of the district  
7 shall be registered voters of such district. A registered voter of  
8 the district ~~and~~ shall be eligible for the office of director from  
9 the election district in which he or she resides, subject to the  
10 special qualification of residence for the outside member.

11           The outside member specified in section 32-540 shall be a  
12 registered voter residing within the district but outside the  
13 corporate limits of the city of the metropolitan class for which the  
14 district was created. In the event of the annexation of the area  
15 within which the outside member resides, he or she may continue to  
16 serve as the outside member until the expiration of the term of  
17 office for which such member was elected and until a successor is  
18 elected and qualified.

19           Sec. 2. Section 32-540, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           32-540 (1) Until the first election held after January 1,  
22 2012, in ~~In~~ each metropolitan utilities district service area, two of  
23 the members of the board of directors shall be chosen at large by the  
24 registered voters within the district at the time of the statewide  
25 primary and statewide general elections held in the even-numbered

1 years, except that at the primary and general elections held in 1978  
2 and every six years thereafter and before January 1, 2012, three  
3 members, one of whom shall be known as the outside member, shall be  
4 elected at large by the registered voters within the district.

5 (2) On or before January 1, 2012, for each election held  
6 after such date, the election commissioner in the most populous  
7 county in each metropolitan utilities district service area shall  
8 divide the service area into six election districts of compact and  
9 contiguous territory and of approximately equal population as  
10 determined pursuant to the most recent federal decennial census. Such  
11 election districts shall be numbered consecutively from one to six.  
12 One member of the metropolitan utilities district board of directors  
13 shall be elected from each district, and one member known as the  
14 outside member shall be elected at large by the registered voters of  
15 the metropolitan utilities district. At the first election after  
16 January 1, 2012, in which members are elected by district, the  
17 members from districts 1, 3, and 5 and the outside member shall be  
18 elected for initial terms of four years, and the members from the  
19 remaining election districts shall be elected for initial terms of  
20 six years. Thereafter all members shall be elected for terms of six  
21 years.

22 (3) Nomination and election of all directors shall be by  
23 nonpartisan ballot. ~~Members~~ Except as provided in subsection (2) of  
24 this section, members of the board shall hold office for a period of  
25 six years from the first Tuesday after the first Monday in January

1 following their election or until their successors are elected and  
2 qualified. The directors shall meet the qualifications found in  
3 sections 14-2102 and 14-2103.

4           Sec. 3. Section 70-612, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           70-612 (1)(a) Subject to the provisions of Chapter 70,  
7 article 6, and subject to the approval of the Nebraska Power Review  
8 Board, the board of directors of a district, other than a district  
9 with a service area containing a city of the metropolitan class, may  
10 amend the petition for its creation to provide for the division of  
11 the territory of such district into two or more subdivisions for the  
12 nomination and election of some or all of the directors. Each  
13 subdivision shall be composed of one or more voting precincts, or  
14 divided voting precincts, and the total population of each such  
15 subdivision shall be approximately the same. Two or more subdivisions  
16 may be combined for election purposes, and members of the board of  
17 directors to be elected from such combined subdivisions may be  
18 nominated and elected at large when not less than seventy-five  
19 percent of the population of the combined subdivisions is within the  
20 corporate limits of any city.

21           (b) In the event a district formed includes all or part  
22 of two or more counties and is ~~(a)-(i)~~ engaged in furnishing electric  
23 light and power and more than fifty percent of its customers are  
24 rural customers or ~~(b)-(ii)~~ engaged in furnishing electric light and  
25 power and in the business of owning and operating irrigation works,

1 then and in that event such subdivisions may be formed by following  
2 precinct or county boundary lines without regard to population if in  
3 the judgment of the Nebraska Power Review Board the interests of the  
4 rural users of electricity or of users of irrigation water service in  
5 such district will not be prejudiced thereby.

6 (2)(a) Subject to the approval of the Nebraska Power  
7 Review Board, the board of directors of a district with a service  
8 area containing a city of the metropolitan class shall, on or before  
9 January 1, 2012, amend the petition for its creation to provide for  
10 the division of the territory of such district into no fewer than  
11 seven election subdivisions for the nomination and election of the  
12 directors of the district at each election held after such date. Each  
13 election subdivision shall be composed of one or more voting  
14 precincts, or divided voting precincts, and the total population of  
15 each such election subdivision shall be approximately the same, as  
16 determined pursuant to the most recent federal decennial census.

17 At the first election after January 1, 2012, in which  
18 members are elected by election subdivision, the members from  
19 districts 1, 3, and 5 shall be elected for initial terms of four  
20 years, and the members from the remaining election subdivisions shall  
21 be elected for initial terms of six years. Thereafter all members  
22 shall be elected for terms of six years.

23 (b) If such district includes all or part of two or more  
24 counties and is (i) engaged in furnishing electric light and power  
25 and more than fifty percent of its customers are rural customers or

1 (ii) engaged in furnishing electric light and power and in the  
2 business of owning and operating irrigation works, then election  
3 subdivisions may be formed by following precinct or county boundary  
4 lines without regard to population if in the judgment of the Nebraska  
5 Power Review Board the interests of the rural users of electricity or  
6 of users of irrigation water service in such district will not be  
7 prejudiced thereby.

8           ~~(2)~~(3) Any public power district or public power and  
9 irrigation district owning and operating irrigation works may, with  
10 approval of the Nebraska Power Review Board, add representation on  
11 its board of directors from any county which is outside its chartered  
12 territory but in which is located some or all of such irrigation  
13 works.

14           Sec. 4. Section 70-619, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           70-619 The corporate powers of the district shall be  
17 vested in and exercised by the board of directors of the district. No  
18 person shall be qualified to hold office as a member of the board of  
19 directors unless (1) he or she is a registered voter (a) of such  
20 chartered territory, (b) of the subdivision from which a director is  
21 to be elected if such chartered territory is subdivided for election  
22 purposes as provided in section 70-612, or (c) of one of the combined  
23 subdivisions from which directors are to be elected at large as  
24 provided in subsection (1) of section 70-612 or (2) he or she is a  
25 retail customer duly certified in accordance with subsection (3) of

1 section 70-604.03.

2           No person who is a full-time or part-time employee of the  
3 district shall be eligible to serve as a member of the board of  
4 directors unless such person resigns or assumes an unpaid leave of  
5 absence for the term as a member. The district shall grant such leave  
6 of absence when requested by any employee for the purpose of the  
7 employee serving as a member of the board of directors. No person  
8 shall be qualified to be a member of more than one such district  
9 board, except that a director of a rural public power district may  
10 serve as a director of another public power district formed or  
11 organized for the purpose of generating electric energy or  
12 transmitting electric energy exclusively for resale to some other  
13 public power districts, rural electric cooperatives, and membership  
14 associations or municipalities. No member of a governing body of any  
15 one of the municipalities within the areas of the district shall be  
16 qualified to serve on the original board of directors under sections  
17 70-603 to 70-609.

18           Sec. 5. Original sections 32-540, 70-612, and 70-619,  
19 Reissue Revised Statutes of Nebraska, and section 14-2102, Revised  
20 Statutes Cumulative Supplement, 2010, are repealed.