

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 65**

FINAL READING

Introduced by Schumacher, 22.

Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to counties; to amend section 23-2,100,
- 2 Reissue Revised Statutes of Nebraska; to provide powers and duties
- 3 for county boards upon termination of a township board; to repeal
- 4 the original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-2,100, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 23-2,100 (1) If a township board has become inactive, the county  
4 board of supervisors shall hold a public hearing on the issue of  
5 termination of the township board. Notice of the hearing shall be  
6 published for two consecutive weeks in a newspaper of general circulation  
7 in the county. For purposes of this section, a township board has become  
8 inactive when two or more board positions are vacant and the county board  
9 has been unable to fill such positions in accordance with section 32-567  
10 for six or more months.

11 (2) If no appointment to the township board has been made within  
12 thirty days after the public hearing because no resident of the township  
13 has provided written notice to the county board that he or she will serve  
14 on the township board, the county board may adopt a resolution to  
15 terminate the township board. The resolution shall state the effective  
16 date of the termination.

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

27 (4) Upon termination of a township board, the county board shall  
28 settle all unfinished business of the township board and shall dispose of  
29 all property under ownership of the township. Any proceeds of such sale  
30 shall first be disbursed to pay any outstanding obligations of the  
31 township, and remaining funds shall be credited to the road fund of the

1 county board. Any remaining township board members serving as of the date  
2 of termination shall deposit with the county clerk all township records,  
3 papers, and documents pertaining to the affairs of the township and shall  
4 certify to the county clerk the amount of outstanding indebtedness in  
5 existence on the date of termination. The county board shall levy a tax  
6 upon the taxable property located within the boundaries of the township  
7 to pay for construction and maintenance of township roads within the  
8 township and any outstanding indebtedness not paid for under this  
9 subsection. The county board shall have continuing authority to construct  
10 and maintain township roads within the township and to perform the  
11 functions provided in section 23-224 until such time as the township  
12 board is reconstituted by general election that results in the filling of  
13 all vacancies on the township board or subsection (3) of this section.

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

19 Sec. 2. Original section 23-2,100, Reissue Revised Statutes of  
20 Nebraska, is repealed.

21 Sec. 3. Since an emergency exists, this act takes effect when  
22 passed and approved according to law.