

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 135

Introduced by Johnson, 23.

Read first time January 09, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to county government and officers; to amend
2 section 23-2,100, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to termination of a township board; and to
4 repeal the original section.

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 two or more vacancies exist on a township board and
4 the county board has made reasonable attempts but has been unable to fill
5 the vacant positions pursuant to section 32-567 within forty-five days
6 after the vacancies occur, including, but not limited to, publishing
7 notice of the vacancies in a newspaper of general circulation in the
8 county and on the county web site, if applicable, the county board shall
9 hold a public hearing on the issue of termination of the township board.
10 Notice of the hearing shall be published for two consecutive weeks in a
11 newspaper of general circulation in the county and on the county web
12 site, if applicable ~~a township board has become inactive, the county~~
13 ~~board of supervisors shall hold a public hearing on the issue of~~
14 ~~termination of the township board. Notice of the hearing shall be~~
15 ~~published for two consecutive weeks in a newspaper of general circulation~~
16 ~~in the county. For purposes of this section, a township board has become~~
17 ~~inactive when two or more board positions are vacant and the county board~~
18 ~~has been unable to fill such positions in accordance with section 32-567~~
19 ~~for six or more months.~~

20 (2) If no appointment to the township board is ~~has been~~ made within
21 forty-five ~~thirty~~ days after the public hearing because no resident of
22 the township has provided written notice to the county board that he or
23 she will serve on the township board, the county board may adopt a
24 resolution to terminate the township board. The resolution shall state
25 the effective date of the termination.

26 (3) Between the date of the public hearing and the date of
27 termination of the township board, the business of the township shall be
28 handled according to this subsection. No tax distributions shall be made
29 to the township. Such funds shall be held by the county board in a
30 separate township fund and disbursed only to pay outstanding obligations
31 of the township board. All claims against the township board shall be

1 filed with the county clerk and heard by the county board. Upon allowance
2 of a claim, the county board shall direct the county clerk to draw a
3 warrant upon the township fund. The warrant shall be signed by the
4 chairperson of the county board and countersigned by the county clerk.

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

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

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