

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 75**

Introduced by Gragert, 40.

Read first time January 07, 2021

Committee: General Affairs

1 A BILL FOR AN ACT relating to county government; to amend sections 23-299  
2 and 51-201, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to the discontinuance of township organization  
4 in any county with a township library; to change provisions relating  
5 to the levying and collection of tax for certain libraries; and to  
6 repeal the original sections.

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

1 Section 1. Section 23-299, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-299 (1) If ~~When~~ township organization is discontinued in any  
4 county, the town clerk in each town in such county, as soon as the county  
5 board ~~of commissioners~~ is qualified pursuant to section 23-297, shall  
6 deposit with the county clerk of the county all town records, papers, and  
7 documents pertaining to the affairs of such town and certify to the  
8 county clerk the amount of indebtedness of such town outstanding at the  
9 time of such discontinuance. The county board shall have full and  
10 complete power to settle all the unfinished business of the town as fully  
11 as might have been done by the town itself and to dispose of any and all  
12 property belonging to such town, the proceeds of which, after paying all  
13 indebtedness, shall be disposed of by the county board for the benefit of  
14 the taxable inhabitants thereof by such board crediting all unexpended  
15 balances of the town to the district road fund and in no other manner.  
16 The county board, at such time as provided by law, shall levy a tax upon  
17 the taxable property of such town to pay any unliquidated indebtedness it  
18 may have outstanding.

19 (2) If township organization is discontinued in any county with a  
20 township library, the county board shall hold a public hearing to  
21 determine if the township library shall (a) be disposed of, (b) merge  
22 with a city, village, or county library, or (c) continue operation. Such  
23 public hearing shall occur within one year after voters have approved the  
24 discontinuance of township organization. Notice of such hearing shall be  
25 published for two consecutive weeks in a newspaper of general circulation  
26 in the county. No later than sixty days following such hearing, the  
27 county board shall adopt a resolution stating the disposition of the  
28 library and the effective date of such disposition prior to the  
29 discontinuance of township operation.

30 Sec. 2. Section 51-201, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           51-201 The city council of any city, the board of trustees of any  
2 incorporated village, the county board of any county, and the electors of  
3 any township at their annual town meeting shall have the power to  
4 establish a public library free of charge for the use of the inhabitants  
5 of such city, village, county, or township.

6           Any such council, board, or electors may also contract for the use  
7 of a public library already established and may levy a tax of not more  
8 than ten and five-tenths cents on each one hundred dollars upon the  
9 taxable value of all the taxable property in such city, village, county,  
10 or township annually to be levied and collected in like manner as other  
11 taxes in such city, village, county, or township. If ,—except that when  
12 any county discontinues township organization, the county shall levy and  
13 collect a tax of not more than ten and five-tenths cents on each one  
14 hundred dollars of valuation within the township as it existed at the  
15 time of discontinuance of township organization for such township public  
16 library that continues operation pursuant to section 23-299. The levy  
17 shall be subject to sections 77-3442 and 77-3443. The amount collected  
18 from such levy shall be known as the library fund.

19           Before establishing a county library, the county board shall submit  
20 the question to the voters of the county at a general election pursuant  
21 to section 32-559, including only incorporated and unincorporated areas  
22 which do not have a public library, and a majority of the voters voting  
23 on the question of whether to establish a county library shall authorize  
24 the establishment of such county library and the levying of the tax. A  
25 city, village, or township within the county that has a public library  
26 may merge with the county library, if established, upon a majority vote  
27 pursuant to section 51-201.04. When such questions are submitted and  
28 carried, the county board shall include the county library in its next  
29 succeeding estimate and levy. Such submission shall not be required when  
30 the board levies a tax for the purpose of contracting for use of a  
31 library already established. When the county board makes a levy for a

1 county library or for the purpose of contracting for use of a public  
2 library already established, the county board shall omit from the levy of  
3 the library tax all property within the limits of any city, village, or  
4 township in such county which already maintains a library by public tax  
5 unless the voters of the city, village, or township have voted to merge  
6 with the county library.

7 The method of merger of libraries provided in this section and  
8 sections 51-201.03 to 51-201.07 shall not be construed as the exclusive  
9 way to merge libraries or library facilities. Nothing in such sections  
10 shall prohibit a county, city, village, or township from entering into an  
11 agreement pursuant to the Interlocal Cooperation Act or the Joint Public  
12 Agency Act relating to library services.

13 Sec. 3. Original sections 23-299 and 51-201, Reissue Revised  
14 Statutes of Nebraska, are repealed.