

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 105**

Introduced by Hughes, 24.

Read first time January 10, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to public power and irrigation districts; to
- 2 amend sections 70-604.03 and 70-612, Reissue Revised Statutes of
- 3 Nebraska; to provide for the division of voting precincts for
- 4 purposes of establishing boundary lines for operating areas,
- 5 chartered territory, and district elections and eliminate the
- 6 requirement of approval by the Secretary of State; to harmonize
- 7 provisions; to repeal the original sections; and to declare an
- 8 emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 70-604.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           70-604.03 (1) To establish boundary lines of an operating area  
4 coincident with the boundary lines of whole or divided voting precincts  
5 ~~voting precinct~~ or county boundary lines, it shall be permissible to  
6 eliminate area from or add area to the operating area so that retail  
7 distribution areas are identified by reference to either whole or divided  
8 ~~whole~~ voting precincts and wholesale distribution areas are identified by  
9 reference to whole counties.

10           (2) Voting or election precincts may be divided for the purposes of  
11 establishing operating area, chartered territory, and district elections.  
12 The description of such divided precincts may be given by section,  
13 township, and range ~~and shall be subject to the approval of the Secretary~~  
14 ~~of State.~~

15           (3) Any retail customer whose principal residence is being served by  
16 a public power district and whose principal residence is not in the  
17 chartered territory of such district may request the district in writing  
18 at least fifteen days prior to the certification date for such district,  
19 as such date is provided in section 70-611, for the right for each  
20 registered voter residing at such residence to vote for, and be eligible  
21 to hold office as a member of, the board of directors of such district.  
22 The secretary of the district shall cause notice to be given to each such  
23 retail customer which reasonably prescribes the manner in which the  
24 retail customer may request such right to vote. The notice shall be given  
25 by first-class mail and may be included as part of the regular billing  
26 statement mailed to a customer if such billing statement is sent by  
27 first-class mail to such retail customer and the mail is conspicuously  
28 marked as to its importance. Such notice shall be given at least sixty  
29 days prior to the time the election certification and publication  
30 information is transmitted to the Secretary of State pursuant to section  
31 70-611. The district shall certify to the Secretary of State the names of

1 all such retail customers for whom such request to vote has been made  
2 along with identification of the voting or election precincts in which  
3 such retail customers reside, and each such retail customer shall be a  
4 registered voter and qualified to hold office as a member of the board of  
5 directors, if otherwise qualified to vote.

6 (4) Any district dividing a precinct pursuant to subsection (2) of  
7 this section or certifying retail customers pursuant to subsection (3) of  
8 this section shall transmit all necessary information relevant to such  
9 division or certification along with the election certification and  
10 publication provided for in section 70-611. All additional election costs  
11 caused by such division or certification shall be due and payable by the  
12 district within thirty days after the receipt of a statement from the  
13 county.

14 **Sec. 2.** Section 70-612, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 70-612 (1)(a) Subject to the provisions of Chapter 70, article 6,  
17 and subject to the approval of the Nebraska Power Review Board, the board  
18 of directors of a district, other than a district with a service area  
19 containing a city of the metropolitan class, may amend the petition for  
20 its creation to provide for the division of the territory of such  
21 district into two or more subdivisions for the nomination and election of  
22 some or all of the directors. Each subdivision shall be composed of one  
23 or more voting precincts, or divided voting precincts, and the total  
24 population of each such subdivision shall be approximately the same.  
25 Except in districts which contain a city of the metropolitan class, two  
26 or more subdivisions may be combined for election purposes, and members  
27 of the board of directors to be elected from such combined subdivisions  
28 may be nominated and elected at large when not less than seventy-five  
29 percent of the population of the combined subdivisions is within the  
30 corporate limits of any city.

31 (b) In the event a district formed includes all or part of two or

1 more counties and is (i) engaged in furnishing electric light and power  
2 and more than fifty percent of its customers are rural customers or (ii)  
3 engaged in furnishing electric light and power and in the business of  
4 owning and operating irrigation works, then and in that event such  
5 subdivisions may be formed by following the boundary lines of whole or  
6 divided voting precincts ~~precinct~~ or county boundary lines without regard  
7 to population if in the judgment of the Nebraska Power Review Board the  
8 interests of the ~~rural~~ users of electricity or of users of irrigation  
9 water service in such district will not be prejudiced thereby.

10 (2)(a) The board of directors of a district with a service area  
11 containing a city of the metropolitan class may amend its charter to  
12 provide for the division of the territory of the district into election  
13 subdivisions composed of substantially equal population and compact and  
14 contiguous territory and number the subdivisions consecutively and submit  
15 the maps to the Nebraska Power Review Board.

16 (b) If the board of directors provides for eight election  
17 subdivisions prior to January 1, 2014, the board of directors shall  
18 assign each position on the board of directors to represent a numbered  
19 election subdivision for the remainder of the term of office for which  
20 the member is elected, regardless of whether the member resides in the  
21 subdivision, and shall make such assignments so that the terms of members  
22 representing election subdivisions numbered one, two, and three expire in  
23 January 2015, the terms of members representing election subdivisions  
24 numbered four and five expire in January 2017, and the terms of members  
25 representing election subdivisions six, seven, and eight expire in  
26 January 2019. If possible, each member shall be assigned to represent an  
27 election subdivision that corresponds to the end of the term he or she is  
28 serving.

29 (c) A successor who resides in the numbered election subdivision  
30 shall be nominated and elected at the statewide primary and general  
31 elections held in the calendar year prior to the expiration of the term

1 of the member who represents such numbered election subdivision.

2 (3) After each federal decennial census, the board of directors of a  
3 district with a service area containing a city of the metropolitan class  
4 shall create new boundaries for the election subdivisions. In  
5 establishing the boundaries of the election subdivisions, the board of  
6 directors shall follow county lines wherever practicable, shall provide  
7 for the subdivisions to be composed of substantially equal population and  
8 compact and contiguous territory, and shall, as nearly as possible,  
9 follow the precinct lines created by the election commissioner or county  
10 clerk after each federal decennial census.

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

16 **Sec. 3.** Original sections 70-604.03 and 70-612, Reissue Revised  
17 Statutes of Nebraska, are repealed.

18 **Sec. 4.** Since an emergency exists, this act takes effect when  
19 passed and approved according to law.