

## LEGISLATIVE BILL 269

Approved by the Governor February 7, 2008

Introduced by Burling, 33; Christensen, 44; Rogert, 16.

FOR AN ACT relating to political subdivisions; to amend sections 23-148, 23-149, 23-151, 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and 51-201.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county organization; to change provisions relating to establishment of a county library; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 23-148, Reissue Revised Statutes of Nebraska, is amended to read:

23-148 The county board of commissioners in all counties having not more than three hundred thousand inhabitants shall consist of three persons, except that the as follows:

(1) The registered voters in any county containing not more than three hundred thousand inhabitants may vote at any general election as to whether their county board shall consist of three or five commissioners. The registered voters of counties under township organization voting as to a change to the commissioner system may vote at the same time as to the number of commissioners desired, except that the registered voters of counties may vote to have the same number of commissioners as there were supervisors in the county pursuant to sections 23-296 and 23-297 and to retain the existing county supervisor district boundaries until it becomes necessary to draw district boundaries under section 32-553. Upon the completion of the canvass by the county canvassing board, the proposition shall be decided and, if the number of commissioners is increased from three to five commissioners, vacancies shall be deemed to exist and the procedures set forth in section 32-567 shall be instituted; and-

(2) The registered voters of any county under township organization voting to discontinue township organization may also vote as to the number of county commissioners as provided in sections 23-292 to 23-299.

Sec. 2. Section 23-149, Reissue Revised Statutes of Nebraska, is amended to read:

23-149 Whenever in (1) In counties not under township organization, a registered voter may file a petition or petitions for the submission of the question regarding the number of commissioners the county will have, signed by not less than two hundred registered voters of the county voting at the last general election, on the county board. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election.

(2) When the petition or petitions are filed in the office of the county clerk or election commissioner not less than seventy days before the date of any general election, the county clerk or election commissioner shall cause the question to be submitted to the voters of the county at such election and give notice thereof in the general notice of such election. The forms of ballots shall be respectively: For three commissioners and For five commissioners; and the same shall be printed upon the regular ballots cast for officers voted for at such election and shall be counted and canvassed in the same manner.

(3) If a majority of votes cast at the election favor the proposition For five commissioners, thereafter the county shall have five commissioners, and if a majority of the ballots cast at the election favor the proposition For three commissioners, thereafter the county shall have three commissioners.

Sec. 3. Section 23-151, Reissue Revised Statutes of Nebraska, is amended to read:

23-151 (1) Each county under commissioner organization having not more than three hundred thousand inhabitants shall be divided into (a) three districts numbered respectively, one, two, and three, or into (b) five districts as provided for in sections 23-148 and 23-149 numbered respectively, one, two, three, four, and five, or (c) seven districts as provided for in sections 23-292 to 23-299 numbered respectively, one, two, three, four, five, six, and seven. Beginning October 1, 1991, each county having more than three hundred thousand inhabitants shall be divided into seven districts numbered respectively, one, two, three, four, five, six, and seven.

(2) Such districts shall consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines shall not be subject to alteration more than once every ten years.

(3) (a) In counties having more than three hundred thousand inhabitants, the establishment of district boundary lines pursuant to subsection (1) of this section shall be completed not later than October 1, 1991, or within one year after the county attains a population of more than three hundred thousand inhabitants, whichever occurs later. Beginning in 2001 and every ten years thereafter, the district boundary lines of any county having more than three hundred thousand inhabitants shall be redrawn, if necessary to maintain substantially equal district populations, by the date specified in section 32-553.

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board. If the county board fails to do so by the applicable deadline, district boundaries shall be drawn by the election commissioner within six months after the deadline established for the drawing or redrawing of district boundaries by the county board. If the election commissioner fails to meet such deadline, the remedies established in subsection (3) of section 32-555 shall apply.

(4) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(5) Commissioners shall be elected as provided in section 32-528. Elections shall be conducted as provided in the Election Act.

Sec. 4. Section 23-202, Reissue Revised Statutes of Nebraska, is amended to read:

~~23-202 The county commissioners on petition of two hundred and fifty or more legal voters of the county, shall cause to be submitted to the voters of the county~~ (1) In counties not under township organization, a registered voter may file a petition or petitions for the submission of the question of township organization. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election.

(2) When the petition or petitions are filed in the office of the county clerk or election commissioner, the question shall be submitted to the registered voters at the next general election held not less than seventy days after the filing of the petitions. The questions on the ballot shall be respectively: ~~7~~ by ballot, ~~to be written or printed, or partly written or partly printed thereon~~ For township organization, or Against township organization.

(3) Elections shall be conducted as provided in the Election Act. ~~7 the votes to be counted, canvassed, and returned in like manner as votes for county officers.~~

Sec. 5. Section 23-292, Reissue Revised Statutes of Nebraska, is amended to read:

~~23-292 Any county which may have adopted or that may hereafter adopt~~ has township organization shall discontinue the same whenever the majority of the electors of said registered voters of the county voting on the question of such discontinuance shall so decide in the manner herein provided in sections 23-293 to 23-295.

Sec. 6. Section 23-293, Reissue Revised Statutes of Nebraska, is amended to read:

~~23-293 Whenever~~ (1) In counties under township organization, a registered voter may file a petition or petitions for a submission of the question of the discontinuance of township organization to the registered voters of the county. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election. When the petition or petitions are filed in the office of the county clerk or election commissioner, the question shall be submitted to the registered voters at the next general election held not less than seventy days after the filing of the petitions.

(2) In counties under township organization, if ~~7~~ signed by a number of electors not less than ten percent of those voting at the last general election, or a resolution supported by a majority of the county board is filed in the office of the county clerk or election commissioner for submission of the question of discontinuance of township organization to the registered voters of the county, the question shall be submitted to the registered voters at the next general election held not less than seventy days after the filing of the resolution. ~~not less than seventy days before the date of any general election, the county clerk or election commissioner shall cause such question to be submitted to the voters of the county at such election and give notice~~

of the submission of the question in the general election notices of such election.

(3) A petition or county board resolution for discontinuance of township organization shall specify whether the county board of commissioners to be formed pursuant to section 23-151 will have five or seven members and that reorganization as a county board of commissioners will be effective at the expiration of the supervisors' terms of office in January of the third calendar year following the election to discontinue township organization.

Sec. 7. Section 23-294, Reissue Revised Statutes of Nebraska, is amended to read:

23-294 The forms of ballots shall be respectively, For continuance of township organization, and Against continuance of township organization, and the same shall be written or printed upon the regular ballot cast for officers voted for at such election, and shall be counted and canvassed in the same manner. (1) If the petition or county board resolution to discontinue township organization specifies a five-member county board of commissioners pursuant to section 23-293, the questions on the ballot shall be respectively: For continuance of township organization; or For discontinuance of township organization and creation of a five-member county board of commissioners effective at the expiration of the supervisors' terms of office in January of the third calendar year following this election.

(2) If the petition or county board resolution to discontinue township organization specifies a seven-member county board of commissioners pursuant to section 23-293, the questions on the ballot shall be respectively: For continuance of township organization; or For discontinuance of township organization and creation of a seven-member county board of commissioners effective at the expiration of the supervisors' terms of office in January of the third calendar year following this election.

(3) Elections shall be conducted regarding discontinuance of township organization as provided in the Election Act.

Sec. 8. Section 23-295, Reissue Revised Statutes of Nebraska, is amended to read:

23-295 If it shall appear from the returns of said election that a majority of the votes cast on the question are against the continuance of township organization, then such organization shall cease to exist as soon as a board of county commissioners are appointed and qualified, as hereinafter provided, effective at the expiration of the supervisors' terms of office in January of the third calendar year following such election.

Sec. 9. Section 23-296, Reissue Revised Statutes of Nebraska, is amended to read:

23-296 When township organization shall cease ceases in any county, as provided by sections 23-292 to 23-295, the office of county commissioner which became vacant by reason of its adoption is hereby restored, and such county is hereby divided into commissioner districts, with the same boundaries and comprising the same territory as such districts had when township organization was adopted; PROVIDED, when such a county votes to have the same number of commissioners as there were supervisors in the county, then the commissioner districts shall be the same districts as the former supervisor districts unless changed at a later date as provided by section 23-149. a commissioner system shall be established. The county board of commissioners shall have five or seven members as specified in the petition or county board resolution pursuant to section 23-293.

Sec. 10. Section 23-297, Reissue Revised Statutes of Nebraska, is amended to read:

23-297 On the first Saturday after the first Tuesday of January following the election at which township organization shall be voted to be discontinued, the county commissioners of such county, for the purpose of temporary organization, shall be appointed by the county clerk, treasurer, and county attorney of such county, unless the counties vote to retain the same persons as the former supervisors, in which event, the commissioner districts shall be the same districts as the former supervisor districts unless changed at a later date as provided by section 23-149. Their successors shall be elected at the next general election in the manner provided by law for the first election of a board of commissioners in any county.

(1) If the voters vote for creation of a seven-member county board of commissioners, the commissioner districts shall be the same districts as the former supervisor districts unless changed at a later date as provided by section 23-149 and the supervisors whose terms have not expired on the effective date of the reorganization prescribed in section 23-293 shall continue in office as commissioners for the remainder of their unexpired terms.

(2) (a) If the voters vote for creation of a five-member county board

of commissioners, the county clerk, county treasurer, and county attorney shall meet on the first Saturday after the first Tuesday of January following such election and redistrict the county into five commissioner districts with substantially equal population. Such redistricting shall be completed within thirty days after such initial meeting and shall specify where necessary the newly established districts which the members will serve for the balance of the unexpired terms as designated in subdivision (b) of this subsection. The newly established districts will not be effective until the effective date of the reorganization prescribed in section 23-293 except for purposes of being nominated and elected for office from such districts.

(b) (i) If three members of the county board of supervisors were elected for four-year terms at the election to create a five-member county board of commissioners, each such supervisor shall serve two of such years as a supervisor and two of such years as a commissioner representing the newly established districts as designated under subdivision (a) of this subsection and two commissioners shall be elected for four-year terms from the newly established districts at the next general election.

(ii) If four members of the county board of supervisors were elected for four-year terms at the election to create a five-member county board of commissioners, the three of such supervisors receiving the most votes at such election shall serve two of such years as a supervisor and two of such years as a commissioner representing the newly established districts as designated under subdivision (a) of this subsection, the fourth of such supervisors shall serve a term of two years as a supervisor, and two commissioners shall be elected for four-year terms from the newly established districts at the next general election.

Sec. 11. Section 23-299, Reissue Revised Statutes of Nebraska, is amended to read:

23-299 When township organization shall be is discontinued in any county, ~~it shall be the duty of~~ the town clerk in each town in said such county, as soon as the county board of ~~county~~ commissioners are appointed and is qualified pursuant to section 23-297, ~~to~~ shall deposit with the county clerk of the county all town records, papers, and documents pertaining to the affairs of such town, and ~~to~~ certify to him the county clerk the amount of indebtedness of such town outstanding at the time of such discontinuance. The county board shall have full and complete power to settle all the unfinished business of the town as fully as might have been done by the town itself, and to dispose of any and all property belonging to such town, the proceeds of which, after paying all indebtedness, shall be disposed of by the county board for the benefit of the taxable inhabitants thereof by such board crediting all unexpended balances of said the town to the district road fund, and in no other manner. ~~It shall be the duty of such~~ The county board, at such time as shall be provided by law, ~~to~~ shall levy a tax upon the taxable property of such town to pay any unliquidated indebtedness it may have outstanding.

Sec. 12. Section 51-201.03, Reissue Revised Statutes of Nebraska, is amended to read:

51-201.03 (1) The registered voters of the incorporated and unincorporated areas of a county which do not have a public library may file an initiative petition with the county board requesting the establishment of a county library. The petition shall be filed by July 31 prior to a statewide general election. Signatures gathered before the last statewide general election shall not be counted. An initiative petition shall conform to the requirements of section 32-628. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The county board shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be ~~ten~~ five percent of the voters registered at the last statewide general election in the incorporated and unincorporated areas of the county which do not have a public library. The election commissioner or county clerk shall notify the county board within thirty days after receiving the petitions from the county board whether the required number of signatures has been gathered.

(2) If the county board determines that the petitions are in proper form and signed by the necessary number of registered voters, the county board shall notify the governing body and library board of each incorporated area within the county within ten days after such determination and shall publish in a newspaper of general circulation in the county that the registered voters of the unincorporated area of the county and of the incorporated areas which do not have a public library will be asked to vote on the issue at the next statewide general election and shall submit the question of whether to establish a county library to the voters as required in section 51-201.

Sec. 13. Original sections 23-148, 23-149, 23-151, 23-202, 23-292,

23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and 51-201.03, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 14. The following sections are outright repealed: Sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.