

LEGISLATIVE BILL 75

Approved by the Governor May 3, 1973

Introduced by Anderson, 37

AN ACT to amend sections 23-149, 23-214, 23-215, 23-227, 23-234, 23-237, 23-238, 23-241, 23-242, 23-250, 23-252, 23-253, 23-257, 23-259, 23-260, 23-283, 23-287, 23-293, and 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, relating to counties under township organizations; to harmonize with other legislation; and to repeal the original sections, and also sections 23-216, 23-217, 23-218, 23-220, 23-221, 23-232, 23-233, 23-235, 23-240, 23-244, 23-256, 23-280, 39-1524.01, 39-1525, and 39-1526, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-149. Whenever in counties not under township organization a petition or petitions for the submission of the question signed by not less than two hundred electors of the county, voting at the last general election, shall be filed in the office of the county clerk or election commissioner, not less than fifty ~~seventy~~ days before the date of any general election, it shall be the duty of such county clerk or election commissioner to cause said question to be submitted to the voters of said 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 ~~written or~~ printed upon the regular ballots cast for officers voted for at such election, and shall be counted and canvassed in the same manner. If a majority of votes cast at said election on favor ~~have written or printed thereon the words~~ such proposition have written or printed thereon the words For five commissioners, thereafter said county shall have five commissioners, and if a majority of the ballots cast at said election have written or printed thereon the words ~~favor~~ For three commissioners, thereafter the said county shall have three commissioners. Ballots on which appear For three commissioners, and For five commissioners, neither being stricken out, shall not be counted as cast on said proposition.

Sec. 2. That section 23-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-214. The county board shall also, at the meeting at which it shall fix and name the several townships, appoint for each township some suitable person, who is an elector within the township, as chairman of the township board. The person so appointed shall, on or before the first Tuesday in January meeting following next ensuing, take the oath of office and file a bond as provided by law. Such bond shall be approved by the board as provided by law. In case such person shall neglect or refuse to qualify, the county board shall at such its regular January meeting appoint another who shall qualify as above stated. The person so appointed shall hold said office until his successor shall be duly elected and qualified as provided by law.

Sec. 3. That section 23-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-215. The county clerk board shall also on or before the third Tuesday in December following the adoption of township organization, appoint for each township ~~some suitable person who is an elector within the township for which he is appointed, as town clerk one town clerk and one treasurer who are qualified electors residing in the township.~~ Such persons so appointed shall on or before the first Tuesday in January next ensuing take the oath of office and give bond as provided by law. The county board shall approve such bonds at its January meeting or shall meet and approve all bonds given to fill vacancies provided for in this section and section 23-214 before the first day of April next ensuing. In the event the person persons appointed shall fail or refuse to qualify by the time named above, the county clerk board shall name some other person or persons possessing the qualifications mentioned in this section. The persons so appointed and qualified shall qualify and hold their offices until their successors are duly elected and qualified for the term.

Sec. 4. That section 23-227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-227. The citizens of the several towns of this state, qualified by the Constitution to vote at general elections, shall assemble and hold annual town meetings at their respective towns ~~on the third Tuesday in January, at such place in such town as the electors~~

~~thereof at their annual town meetings shall from time to time appoint at the time of the budget hearing as provided by sections 23-921 to 23-933.~~ Notice of the time and the place of holding such meeting, after the first meeting, shall be given by the town clerk by publishing said notice in a newspaper in or of general circulation in said town at least ten days prior to said meeting.

Sec. 5. That section 23-234, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-234. The town clerk elected or appointed shall be the clerk of the town meeting, and shall keep faithfully minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting, ~~and he and the moderator shall sign the same.~~ If the town clerk is absent from the town meeting, the town treasurer shall perform the duties of the town clerk. The person keeping the minutes shall sign the same.

Sec. 6. That section 23-237, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-237. When the result of any vote shall, upon such declaration, be questioned by one or more of the electors present, the moderator presiding officer shall make the vote certain by causing the voters to rise and be counted, or by dividing off.

Sec. 7. That section 23-238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-238. No person shall be a voter at any town meeting unless he shall be ~~qualified to vote at general elections~~ a registered voter, and ~~has been for the last ten days~~ a resident of the town wherein he shall offer to vote.

Sec. 8. That section 23-241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-241. The minutes of the proceedings of every town meeting, ~~subscribed by the moderator and clerk of such meeting,~~ shall be filed in the office of the town clerk within ten days after such town meeting.

Sec. 9. That section 23-242, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-242. Every person elected or appointed to the office of town clerk, town treasurer, or ~~overseer of highways town chairman~~, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe before some authorized person an oath or affirmation to faithfully and impartially perform the duties of his office, as prescribed by law, and shall cause a certificate of the same to be filed in the office of the town clerk.

Sec. 10. That section 23-250, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-250. ~~Within ten days after the third Tuesday in January of each year the town clerk in counties under township organization shall prepare an itemized report as recommended by the Auditor of Public Accounts of all money received and all money paid out during the year by the town board and shall publish the same once within thirty days after the annual town meeting in one newspaper in the county. The expense of the publication of the report shall be paid the same as other town expenses. A copy of such report shall be filed with the county clerk of the county in which such township is located within thirty days after the first Tuesday in January of the year following the year which the report covers. Not later than the date specified in section 23-923, the town clerk in counties under township organization shall proceed to prepare the township budget as prescribed in sections 23-921 to 23-933.~~

Sec. 11. That section 23-252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-252. In each town, the clerk, the treasurer, and the chairman of the board shall examine the accounts of the overseers of highways for money received and disbursed by them, and shall require all officers to account to such board for any and all such money received and disbursed by such officers in their official capacity. Such board shall examine and audit all charges and claims against the town, and the compensation of all town officers. In case of the absence of any of said officers, or their failure to attend any meeting of the board, the two attending may appoint any qualified elector to act with them in the place of the absentee,

and the appointee shall act, only for such meeting, in the place of such absentee as a member of such board. Each township shall make an annual statement of its receipts, disbursements, and other financial transactions upon forms to be prescribed by the Auditor of Public Accounts, which statement shall be filed with the county clerk of the county in which the township is located within thirty days after the first Tuesday in January of the year following the year which the report covers budget statement as set out in sections 23-921 to 23-933. The county board may require an audit of the accounts of any township within the county, whenever in its judgment such audit is necessary. The audit shall be made by the Auditor of Public Accounts.

Sec. 12. That section 23-253, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-253. The board shall meet at the town clerk's office or other convenient place for the purpose of examining and auditing the town accounts three times in each fiscal year as follows: ~~On the first Thursday after the first Tuesday in January and on the Tuesday next preceding each of the regular meetings of the board of supervisors of the county, and at such other times as the interest of the town may require. Notices of such meetings shall be published once at least ten days before such meeting in a legal newspaper of general circulation in the county, township; Provided, ten days prior to the annual meeting, the county treasurer shall make out and file with each township board of the county a statement showing the amount of money now on hand:~~

Sec. 13. That section 23-257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-257. The board shall make a certificate to be signed by a majority of its members specifying the value of the claim and to whom the amount is allowed, and shall cause such certificate to be delivered to the town clerk of said town, to be by him kept on file for the inspection of all persons, ~~and a certified statement shall be made and by him at once delivered to the county clerk, who shall lay such statement or statements received by him from the several clerks before the board of supervisors of the county at their regular annual meeting:~~

Sec. 14. That section 23-259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-259. (1) The money necessary to defray the town charges of each town shall be levied on the taxable property in such town in the manner prescribed by law for raising revenue sections 23-921 to 23-933. The rate of taxes for town purposes shall not exceed eight mills on the dollar upon the assessed value of all the taxable property in such township, except intangible property, for all purposes.

~~(2) The electors at the annual town meeting shall determine the amount of money necessary to be levied for town purposes. The town board shall certify to the county clerk the amount of money voted to be raised at the annual town meeting, and said amount shall be levied by the county board on the taxable property in such township, as provided by subsections (1) and (2) of this section, and be collected as other taxes.~~

Sec. 15. That section 23-260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-260. The members of the town board shall be entitled to a per diem as fixed by the town board at its annual meeting, but not to exceed five dollars per day each for their services while actually engaged in their duties as such members of the board, and the town clerk in addition thereto shall receive fees for the following services: For serving notices of election as required by law, twenty-five cents each; filing papers, ten cents each; posting notices as required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, five cents for each one hundred words; for copying any record in his office and certifying the same, ten cents for each one hundred words; to be paid by the persons applying for the same; and for copying by laws, for posting or publication, five cents for each one hundred words; Provided, the town treasurer shall receive, in addition to the per diem allowance herein provided an annual salary of five dollars.

Sec. 16. That section 23-283, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-283. The county board, on the petition of two hundred and fifty or more legal registered voters of the county filed with the county clerk or election commissioner at least forty seventy days prior to the general election, shall cause to be submitted to the voters of the county the question of township supervisors, by ballot to be written or printed, or

~~partly-written-and-partly-printed-thereon~~, For township supervisors, or Against township supervisors, the votes to be counted, canvassed, and returned in like manner as votes for county officers.

Sec. 17. That section 23-287, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-287. Whenever a petition or petitions for a submission of the question of the discontinuance of township supervisors to the voters of his county, signed by a number of electors ~~and~~ not less than ten per cent of those voting at the last general election, shall be filed in the office of the county clerk or election commissioner not less than thirty seventy days before the date of any general election, it shall be the duty of the county clerk or election commissioner to cause the question to be submitted to the voters of the county at such general election and give notice thereof in the general notice of such election.

Sec. 18. That section 23-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-293. Whenever a petition or petitions for a submission of the question of the discontinuance of township organization to the voters of his county, signed by a number of electors not less than ten per cent of those voting at the last general election, shall be filed in the office of the county clerk or election commissioner not less than thirty seventy days before the date of any general election, it shall be the duty of said county clerk or election commissioner to cause said question to be submitted to the voters of said county at such election, and give notice thereof in the general election notices of such election.

Sec. 19. That section 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1520.01. The county board under township organization in counties not operating under the county road unit system shall divide the county, except the portion occupied by the cities and incorporated villages, into as many road districts as may be necessary, and alter the boundaries thereof as may seem proper; Provided, in no case shall any road district be so constituted as to be within the limits of two distinct voting precincts or townships. ~~It shall be the duty of the county clerk, upon application, to furnish each~~

county-board-member-with-a-particular-description-of--the boundaries-of-his--district;---if--the--county--board--in changing-the-boundary-lines--of--road--districts--thereby creates-additional-districts,-it-shall-be-the-duty-of-the county-board--to--appoint--road--overseers--in--such--new districts-to-serve-until-their-successors-in--office--are elected-and-qualified;--the-road-overseers-elected-at-the last-annual-town-meeting-shall-serve-during-their-term-of office-in-the-districts-where-they-reside;

Sec. 20. That original sections 23-149, 23-214, 23-215, 23-227, 23-234, 23-237, 23-238, 23-241, 23-242, 23-250, 23-252, 23-253, 23-257, 23-259, 23-260, 23-283, 23-287, 23-293, and 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, and also sections 23-216, 23-217, 23-218, 23-220, 23-221, 23-232, 23-233, 23-235, 23-240, 23-244, 23-256, 23-280, 39-1524.01, 39-1525, and 39-1526, Reissue Revised Statutes of Nebraska, 1943, are repealed.