

LEGISLATIVE BILL 302

Approved by the Governor February 11, 1986

Introduced by Schmit, 23

AN ACT relating to natural resources districts; to amend sections 2-3213, 2-3214, and 32-535, Reissue Revised Statutes of Nebraska, 1943; to allow changes in the number of directors; to delete obsolete language; to change provisions relating to the election of directors; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 2-3213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3213. (1) Each Beginning on the first Thursday after the first Tuesday in January 1975, each district shall be governed by a board of directors of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or twenty-one members, the number to be recommended to the commission by the first board of directors before January 1, 1974. After January 1, 1987, such membership shall be increased to include advisory members formerly members of the board of directors of dissolved ground water conservation districts. The commission shall determine the number of directors, and in making such determination shall consider the number recommended by the first board, the complexity of the foreseeable programs, and the population and land area of the district. To insure continuity in completing existing programs and to promote the efficient and effective transition of powers and programs of existing soil and water conservation districts, watershed conservancy districts, watershed districts, advisory watershed improvement boards, and watershed planning boards, as provided by this act, all directors or supervisors of such districts and members of the boards on July 1, 1972, together with directors of ground water conservation districts, and also one representative from each city of the second class within the district, one representative from each city of the first class within the district for each five thousand inhabitants, to the nearest five thousand, and seven representatives from each city of the primary class

within the district, such representatives to be designated by the mayor with the approval of the city council, with the mayor and members of the council being eligible for such designation, shall comprise the first board of the natural resources districts within which they reside, except when the natural resources district includes a city of the metropolitan class the first board shall consist of the resident members of the board of directors of soil and water conservation districts, members of advisory watershed improvement boards, and also, in any natural resources district in which is situated a city of the metropolitan class, ten representatives of urban interests to be designated by the county board of the county in which such city is located. These individuals shall be officially convened as boards of the respective districts by the commission prior to July 1, 1972, at which time they shall elect officers. This first board shall serve until the first Thursday after the first Tuesday in January 1975, when successor board members shall have been elected and qualified as provided by this act. The conduct of the affairs of this first board, including initiation of plans for operation and administration of the district, and creation of subdistricts for nomination of candidates for directors, shall be in accordance with rules and regulations promulgated by the commission, which rules and regulations shall require that in the creation of subdistricts for nomination of candidates for directors this first board shall give due regard to all factors including but not limited to the extent that works of improvement are located in rural areas and the extent to which population and taxable values are located in urban areas and the wishes of the people in the district. Vacancies on such boards during the period of July 1, 1972, to the first Thursday after the first Tuesday in January 1975, shall be filled through appointment by the Governor. Such districts Districts shall be political subdivisions of the state, shall have perpetual succession, and may sue and be sued in the name of the district. To facilitate the task of administration of the first boards of natural resources districts and in recognition that many such boards will have a large number of members, it is hereby provided that an executive committee of not more than twenty-one members shall be selected by majority vote of the board. Municipal representation on such executive committee shall be provided for giving due regard to all factors including but not limited to the extent that works of improvement are located in rural areas and the extent to

which population and taxable values are located in urban areas. Executive committees shall be empowered to act for the board in all matters within its purview unless specifically limited by the establishment and appointment, PROVIDED, that the executive committee shall be assigned the responsibility of creating subdistricts for nomination of candidates for directors.

(2) Whenever the land area of an irrigation district, reclamation district, or public power and irrigation district lies wholly or in part within a natural resources district, a person appointed by the board of such irrigation district, reclamation district, or public power and irrigation district, shall sit as a nonvoting member of the board of the natural resources district.

(3) At least six months prior to the primary election, the board of directors of any natural resources district may request that the number of directors for the district be reduced. Such request shall be directed to the commission and shall be accompanied by proposed new subdistrict boundaries to accommodate such reduced number and a plan to accomplish such reduction. In determining whether to approve such requested changes, the commission shall utilize the criteria found in subsection (1) of this section and in subsection (1) of section 2-3214, but the commission shall have the authority only to approve or deny the request and not to specify any other number of directors. No director's term of office shall be shortened as a result of any reduction in numbers. The reduction shall be made as directors take office following the two succeeding elections. Notwithstanding subsection (1) of this section, the district may be governed by an even number of directors during the two-year transition to a board of reduced number.

Sec. 2. That section 2-3214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3214. (1) District directors shall be elected for four-year terms at the general election of the state. ~~On or before July 1 of every even-numbered year, beginning in 1974, the commission shall notify the local district of the names of those directors whose terms expire as provided by law.~~

~~(2) Directors of natural resources districts shall be elected on a separate nonpartisan ballot as provided in sections 32-535 and 32-537 and shall pay no filing fee. Nominating papers shall be filed with the Secretary of State or his or her designee. The board of~~

directors shall divide the district into consecutively numbered subdistricts, subject to the approval of the commission, and such subdistricts shall be established with due regard to all factors including, but not limited to, the extent that works of improvement are located in rural areas, and the extent to which population and taxable values are located in urban areas, and the wishes of the people in the district. The boundaries and numbering of such subdistricts shall must be designated by May 1 of the election year. Candidates may place their names on the ballot by filing petitions with the commission on or before August 10 of the election year at least six months prior to the primary election.

Registered electors residing within the district shall be eligible for nomination as candidates from the district at large or as candidates from the subdistrict within which they reside, and all such registered electors shall be eligible to sign petitions for candidates from the district at large. In the case of candidates from a subdistrict, only these registered electors residing within that subdistrict shall be eligible to sign petitions for such candidates. Petitions shall bear the signatures of not less than twenty-five qualified registered electors and shall state whether such nominee shall be placed on the ballot as a candidate from the district at large or a subdistrict. Candidates shall be elected by the qualified electors of the entire district and all electors shall vote on the candidates representing each subdistrict.

(2) (3) Except in those districts which have elected to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number which is one less than a majority of directors for the district. In those districts which have elected to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is one less than the total number of directors for the district. The ballots shall list each nomination subdistrict and candidates therefrom and also the at-large candidates. Candidates must be residents of the subdistrict designated on their nomination petition. Registered electors may each cast a number of votes not larger than the total number of directors to be elected. The candidate receiving the most votes in each listed subdistrict, or the district at large when applicable, shall be elected. Whenever the number of directors to be elected exceeds the number of subdistricts, or whenever the term of the at-large

director shall ~~expire~~ expires in those districts which have elected to have a single director serve from each subdistrict, candidates may file as a candidate petition from the district at large, in which case the ballots shall list such candidates under an appropriate heading.

~~(3) (4) On or before August 25 of the election year, the commission shall certify and forward the slate of candidates for directors for every district in Nebraska to the Secretary of State. The Secretary of State shall certify to the county clerk or election commissioner involved the names of the candidates on a sample ballot, and certification. The county clerk or election commissioner shall have the necessary ballots printed and distributed to the designated polling places. Local election judges shall determine the appropriate ballot for voters. All registered electors who have legal residence in the district shall be eligible to vote. The county clerk or election commissioner shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in the county for directors. The state canvassing board shall canvass the results of the election of directors for natural resources districts. The Secretary of State shall mail an election certificate to each candidate elected. Elected directors shall take their oath of office in the same manner provided for county officials.~~

~~(4) (5) The Secretary of State, and the county clerk or election commissioner shall have the power and authority to do those things necessary to carry out the provisions and intent of this act section. The commission shall pay the actual expenses incurred in the printing of the certified ballot and certification. Except as otherwise provided in this section, the district, after each primary or general election, shall pay to each county wherein the name of one or more candidates appears upon the ballot the following election expenses: of electing its directors as follows: (a) Counties having a population of less than three thousand inhabitants, fifty dollars; (b) counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; (c) counties having a population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; (d) counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; (e) counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; (f) counties having a population of sixty thousand but less~~

than one hundred thousand inhabitants, seven hundred fifty dollars; (g) counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and (h) counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. ~~When ; PROVIDED, that when~~ the name of one or more candidates of a district appears on ballots in less than one half of the precincts of the counties, the cost to the district shall be no more than fifty per cent of the expenses established by this section. ~~If ; AND PROVIDED FURTHER, that if~~ the actual expenses to the county in district elections provided for in this section are less than the amounts herein established in this section, such actual expenses shall be the amount paid by ~~for~~ the district to the county. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

In addition to the costs above provided, the natural resources district shall pay the publication cost of the sample primary and general election ballots appearing in the newspaper and shall pay the actual printing costs for the official ballots used for the election. Election expenses shall be due and payable for each natural resources district within thirty days after the receipt of the statement from the county.

(6) Except in those districts which have elected to have a single director serve from each subdistrict, in the 1974 election two candidates shall be elected from each subdistrict and the candidate receiving the highest number of votes from each subdistrict shall serve for four years and the candidate receiving the next highest number of votes shall serve for two years. In those districts which have elected to have a single director serve from each subdistrict, in the 1974 election one candidate shall be elected from each subdistrict and the candidates elected from even-numbered subdistricts shall serve for four years and the candidates elected from odd-numbered subdistricts shall serve for two years. In addition, when there shall be candidates on the ballot from the district at large, one director shall be elected to serve for four years from this slate of candidates.

(7) Not later than August 1 of any election year, the secretary of the district shall certify to the Secretary of State the names of the counties, municipalities and election precincts or geographical description then comprising the district and at the same time he shall certify the number of directors to be

elected and the election district or subdistrict from which they are to be elected, respectively. The secretary of the

(5) The district shall also furnish to the Secretary of State and county clerk clerks or election commissioner such maps and additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and certification of the results of the same.

(6) (8) Subject to the approval of the commission and by May 1 of the election year at least six months prior to the primary election, the board of directors may elect that to have a single director shall serve from each subdistrict.

Sec. 3. That section 32-535, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-535. The district county judges, members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts, and reclamation districts, and natural resources districts, all other nonpartisan officers as created by law, and such members of boards of education as provided by Chapter 79, and candidates for public office of cities of the first and second class and villages, shall be nominated regardless of political affiliation in the following manner: Within the time restrictions for filing by candidates and incumbents in section 32-503.01 At least sixty days prior to the date of holding the general primary election, all candidates for county judge, members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts, and reclamation districts, and natural resources districts, all other nonpartisan officers as created by law, and such members of boards of education as provided by Chapter 79, and candidates for public office of cities of the first and second class and villages, shall file with the officer, whose duty it is to issue the certificate of election to the aforesaid officers, an affidavit of such candidate, in such form as the Secretary of State shall prescribe.

Such candidates may also be nominated by petition as provided in section 32-504. All such candidates, except for members of boards of education as provided by Chapter 79, and candidates for public office

of cities of the first and second class and villages, and candidates for directors of natural resources districts, shall also file with the affidavit a receipt for the sum of the filing fee signed by the county treasurer of the county in which such person resides. The amounts so received by the county treasurer from such candidates shall be used to help defray the expense of the primary. The affidavits filed by such candidates shall not in any way refer to or designate the political affiliation of such candidates. The petition form shall be prescribed by the Secretary of State.

Sec. 4. This act shall become operative on January 1, 1987.

Sec. 5. That original sections 2-3213, 2-3214, and 32-535, Reissue Revised Statutes of Nebraska, 1943, are repealed.