

LEGISLATIVE BILL 148

Passed over the Governor's veto March 24, 1987.

Introduced by Schmit, 23; Wesely, 26; Landis, 46

AN ACT relating to natural resources districts; to amend section 2-3225, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3213, 2-3214, and 46-634.01, Revised Statutes Supplement, 1986; to require a study of the composition of districts; to change membership provisions for boards of directors; to change election provisions and subdistrict boundary procedures; to change the tax rate a natural resources district may levy; and to repeal the original sections.

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

Section 1. Notwithstanding the provisions of section 2-3203, the Legislature hereby directs the Nebraska Natural Resources Commission to study the composition of the state's natural resources districts in existence on the effective date of this act and formulate and recommend to the Legislature a plan which provides for natural resources districts which will equitably and economically manage, conserve, develop, and protect the state's natural resources. Such a plan shall be completed and presented to the Legislature no later than two years from the effective date of this act.

Sec. 2. That section 2-3213, Revised Statutes Supplement, 1986, be amended to read as follows:

2-3213. (1) Each district shall be governed by a board of directors of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or twenty-one members. After January 1, 1992, 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 complexity of the foreseeable programs and the population and land area of the district. Districts shall be political subdivisions of the state, shall have perpetual succession, and may sue and be sued in the name of the district.

(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~~ changed. Such request shall be directed to the commission and shall be accompanied by proposed new subdistrict boundaries to accommodate ~~such reduced the increase or decrease in the~~ number of directors and a plan to accomplish such reduction change. 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 change~~ reduction change in numbers. Any The reduction in the number of directors shall be made as directors take office following during the two succeeding elections or more quickly if the reduction can be made by not filling vacancies on the board and if desired by the board and approved by the commission. If necessary to preserve staggered terms for directors when the reduction in number is made in whole or in part through unfilled vacancies, the board shall request and the commission may approve a one-time election of one or more directors for a two-year term. The Director of Natural Resources shall inform the Secretary of State whenever any such one-time elections have been approved. 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. 3. That section 2-3214, Revised Statutes Supplement, 1986, 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. Directors 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 may choose to: (a) Nominate candidates from subdistricts and from the district at large which shall be elected by the

qualified electors of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the qualified electors of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, the board of directors shall divide the district into consecutively numbered subdistricts, subject to the approval of the commission, strive to divide the district into subdistricts of substantially equal population, except that commencing with the primary election in 1988, no subdistrict shall have a population greater than three times the population of any other subdistrict within the district. Such and such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the extent that location of works of improvement and are located in rural areas, the extent to which distribution of population and taxable values are located in urban areas, and the wishes of the people in within the district. The boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. Registered electors residing within the district shall be eligible for nomination as candidates for any at-large position from the district at large or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside. Candidates Unless the district has been divided into subdistricts with substantially equal population, all directors shall be elected by the qualified electors of the entire district and all electors shall vote on the candidates representing each subdistrict and any at-large candidates. If a district has been divided into subdistricts with substantially equal population, the board of directors may determine that directors shall be elected only by the electors of the subdistrict except that an at-large director may be elected by electors of the entire district.

(2) 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 equal to the total number of directors

of the district or which is one less than the total number of directors for the district if there is an at-large candidate. The ballots shall list each nomination subdistrict and candidates therefrom and also the at-large candidates. In those districts which have chosen to nominate and elect each candidate from the district at large, the ballot shall indicate that all of the candidates are at-large candidates. 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 expires in those districts which have elected to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large, in which case the ballots shall list such candidates under an appropriate heading.

(3) The Secretary of State shall certify to the county clerk or election commissioner involved the names of the candidates on a sample ballot. 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) 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 section. 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: (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 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 the actual expenses to the county in district elections provided for in this section are less than the amounts established in this section, such actual expenses shall be the amount paid by 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.

(5) The district shall furnish to the Secretary of State and county clerk 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) Subject to the approval of the commission and at least six months prior to the primary election, the board of directors may elect to have a single director serve from each subdistrict.

Sec. 4. That section 2-3225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3225. Each district shall have the power and authority to levy a tax of not to exceed ~~three and five-tenths~~ four and one half cents on each one hundred

dollars of actual valuation annually on all of the taxable property, except intangible property, within such district unless a higher levy shall be authorized by a majority vote of those voting on the issue at a regular election on a referendum question submitted by resolution of the board of directors and certified to the Secretary of State on or before August 25 of the election year. The proceeds of such tax shall be used, together with any other funds which the district may receive from any source, for the operation of the district. When adopted by the board, the levy shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.

Sec. 5. That section 46-634.01, Revised Statutes Supplement, 1986, be amended to read as follows:

46-634.01. (1) Within ninety days after January 1, 1992, all ground water conservation districts created under sections 46-614 to 46-634 and in existence on such date shall be dissolved and the assets distributed as provided in section 46-633.

(2) On the date the dissolution of any ground water conservation district becomes effective, the board of directors of such district shall become advisory members of the board of directors of the natural resources district in which the ground water conservation district lies. If the ground water conservation district is included in two or more natural resources districts, the members of the board of directors of such ground water conservation district may serve on the most convenient natural resources district board.

(3) The members of the board of directors of the dissolved ground water conservation district serving on the respective natural resources district board shall serve in an advisory capacity only. Such advisory members shall offer assistance to the board in the areas of water conservation, water usage, drainage, flood prevention and control, erosion and pollution prevention and control, and other programs with which the ground water conservation district was concerned.

(4) Such advisory members shall have no vote in the affairs of the natural resources district and

shall receive no compensation for such membership; but shall be entitled to reimbursement for actual and necessary expenses incurred in attending meetings as provided in sections 84-306-01 to 84-306-05 for state employees-

Sec. 6. That original section 2-3225, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3213, 2-3214, and 46-634.01, Revised Statutes Supplement, 1986, are repealed.