

## LEGISLATIVE BILL 1043

Passed over the Governor's veto April 9, 1990.

Introduced by Lynch, 13

AN ACT relating to public building commissions; to amend section 13-1303, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the corporate existence of such commissions; and to repeal the original section.

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

Section 1. That section 13-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1303. There is hereby created and established in each county a commission, to be known and designated as (name of city) (name of county) public building commission, ~~except~~ ; ~~PROVIDED~~; that sections 13-1301 to 13-1312 shall not become operative in any county unless and until the governing body of the county by resolution shall activate the commission for such county. A copy of such resolution certified by the county clerk shall be filed with and recorded by the Secretary of State, and also filed with the city clerk. Each such commission shall be a body politic and corporate and an instrumentality of the state.

Each commission shall be governed by a board of commissioners of five members, two of whom shall be appointed by the governing body of the county from among the members of such governing body, two of whom shall be appointed by the mayor of the city with the approval of the governing body of the city from among the members of such governing body, and the fifth of whom shall be appointed by the other four members. In the event the four members appointed by the county and the city cannot agree upon the fifth member, the Governor, upon request of such four members, or upon the request of the city, or the county, shall appoint the fifth member. The term of office of each member of the board, except for the initial members, shall be ~~for~~ four years, or until ~~their successors shall have been a successor is~~ appointed and ~~taken~~ takes office. Any vacancy on the board shall be filled (1) by the governing body of the county if the person whose membership was vacated was appointed by the governing body of the county, shall be

filled (2) by the mayor of the city with the approval of the governing body of the city, if the person whose membership was vacated was appointed by the mayor, and shall be filled (3) by the remaining four members if the person whose membership was vacated was appointed by the members of the board. The members of the board shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of sections 13-1301 to 13-1312 with reimbursement for mileage to be made at the rate provided in section 23-1112, for county officers and employees. A majority of the total number of members to which of the board is entitled shall constitute a quorum, and all action taken by the board shall be taken by a majority of such total number. The board may delegate to one or more of the members or to its officers, agents, and employees such powers and duties as it may deem deems proper. Any member of the board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of a member of the board may be brought in the district court of the county upon resolution of the governing body of the city or the county.

The term terms of office of the two persons initially appointed to the board by the governing body of the county shall be for one and four years, respectively, and such governing body shall designate which person shall serve for one year and which person shall serve for four years. The term of membership terms of office of the two persons initially appointed to the board by the mayor with the approval of the governing body of the city shall be for two and three years, and such governing body shall designate which person shall serve for two years and which person shall serve for three years. The term of membership office of the person initially appointed by the other members of the board shall be for four years. Terms of membership office on the board shall expire on the same day of the year, and the governing body of the county in making the first appointments to the board shall designate such expiration date.

The commission and its corporate existence shall continue only for a period of twenty years from the activation thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged and the governing bodies of the city and county jointly determine that the commission is no

longer needed. Upon the commission's ceasing to exist all rights or properties of the commission shall pass to and be vested in the city and county.

Sec. 2. That original section 13-1303, Reissue Revised Statutes of Nebraska, 1943, is repealed.