

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 233

Introduced By: Pirsch, 4

Read first time: January 9, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public building commissions; to amend
2 section 13-1303, Reissue Revised Statutes of Nebraska; to
3 provide a residency requirement for certain members as
4 prescribed; and to repeal the original section.

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

1 Section 1. Section 13-1303, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-1303. There is hereby created and established in each
4 county a commission to be known and designated as (name of city) (name
5 of county) public building commission, except that sections 13-1301 to
6 13-1312 shall not become operative in any county unless and until the
7 governing body of the county by resolution shall activate the
8 commission for such county. A copy of such resolution certified by the
9 county clerk shall be filed with and recorded by the Secretary of
10 State and also filed with the city clerk. Each such commission shall
11 be a body politic and corporate and an instrumentality of the state.

12 Each commission shall be governed by a board of
13 commissioners of five members, two of whom shall be appointed by the
14 governing body of the county from among the members of such governing
15 body, two of whom shall be appointed by the mayor of the city with the
16 approval of the governing body of the city from among the members of
17 such governing body, and the fifth of whom shall be appointed by the
18 other four members. The fifth member shall be a resident of the
19 county in which the commission is established. In the event the four
20 members appointed by the county and the city cannot ~~agree upon~~
21 appoint the fifth member by a majority, the Governor, upon
22 request of such four members, the city, or the county, shall appoint
23 the fifth member. The term of office of each member of the board,
24 except for the initial members, shall be four years or until a
25 successor is appointed and takes office. Any vacancy on the board
26 shall be filled (1) by the governing body of the county if the person
27 whose membership was vacated was appointed by the governing body of

1 the county, (2) by the mayor of the city with the approval of the
2 governing body of the city if the person whose membership was vacated
3 was appointed by the mayor, and (3) by the remaining four members if
4 the person whose membership was vacated was appointed by the members
5 of the board. The members of the board shall not be entitled to
6 compensation for their services but shall be entitled to reimbursement
7 of expenses paid or incurred in the performance of the duties imposed
8 upon them by sections 13-1301 to 13-1312 with reimbursement for
9 mileage to be made at the rate provided in section 81-1176. A majority
10 of the total number of members of the board shall constitute a quorum,
11 and all action taken by the board shall be taken by a majority of such
12 total number. The board may delegate to one or more of the members or
13 to its officers, agents, and employees such powers and duties as it
14 deems proper. Any member of the board may be removed from office for
15 incompetence, neglect of duty, or malfeasance in office. An action for
16 the removal of a member of the board may be brought in the district
17 court of the county upon resolution of the governing body of the city
18 or the county.

19 The terms of office of the two persons initially appointed
20 to the board by the governing body of the county shall be for one and
21 four years, and such governing body shall designate which person shall
22 serve for one year and which person shall serve for four years. The
23 terms of office of the two persons initially appointed to the board by
24 the mayor with the approval of the governing body of the city shall be
25 for two and three years, and such governing body shall designate which
26 person shall serve for two years and which person shall serve for
27 three years. The term of office of the person initially appointed by

1 the other members of the board shall be for four years. Terms of
2 office on the board shall expire on the same day of the year, and the
3 governing body of the county in making the first appointments to the
4 board shall designate such expiration date.

5 The commission and its corporate existence shall continue
6 until all its liabilities have been met and its bonds have been paid
7 in full or such liabilities and bonds have otherwise been discharged
8 and the governing bodies of the city and county jointly determine that
9 the commission is no longer needed. Upon the commission's ceasing to
10 exist all rights or properties of the commission shall pass to and be
11 vested in the city and county.

12 Sec. 2. Original section 13-1303, Reissue Revised Statutes
13 of Nebraska, is repealed.