

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 646

Introduced by Murante, 49; Ashford, 20; Avery, 28; Crawford, 45.
Read first time January 23, 2013
Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public power districts; to amend sections
2 70-612 and 70-619, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to election of directors as
4 prescribed; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-612, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 70-612 (1)(a) Subject to the provisions of Chapter 70,
4 article 6, and subject to the approval of the Nebraska Power Review
5 Board, the board of directors of a district, other than a district
6 with a service area containing a city of the metropolitan class, may
7 amend the petition for its creation to provide for the division of
8 the territory of such district into two or more subdivisions for the
9 nomination and election of some or all of the directors. Each
10 subdivision shall be composed of one or more voting precincts, or
11 divided voting precincts, and the total population of each such
12 subdivision shall be approximately the same. ~~Two~~ Except in districts
13 which contain a city of the metropolitan class, ~~two~~ or more
14 subdivisions may be combined for election purposes, and members of
15 the board of directors to be elected from such combined subdivisions
16 may be nominated and elected at large when not less than seventy-five
17 percent of the population of the combined subdivisions is within the
18 corporate limits of any city.

19 (b) In the event a district formed includes all or part
20 of two or more counties and is ~~(a)~~ (i) engaged in furnishing electric
21 light and power and more than fifty percent of its customers are
22 rural customers or ~~(b)~~ (ii) engaged in furnishing electric light and
23 power and in the business of owning and operating irrigation works,
24 then and in that event such subdivisions may be formed by following
25 precinct or county boundary lines without regard to population if in

1 the judgment of the Nebraska Power Review Board the interests of the
2 rural users of electricity or of users of irrigation water service in
3 such district will not be prejudiced thereby.

4 (2)(a) At the first election after January 1, 2014, in
5 which members are elected by election subdivision, the members from
6 districts 1, 3, and 5 shall be elected for initial terms of four
7 years, and the members from the remaining election subdivisions shall
8 be elected for initial terms of six years. Thereafter all members
9 shall be elected for terms of six years.

10 (b) If such district includes all or part of two or more
11 counties and is (i) engaged in furnishing electric light and power
12 and more than fifty percent of its customers are rural customers or
13 (ii) engaged in furnishing electric light and power and in the
14 business of owning and operating irrigation works, then election
15 subdivisions may be formed by following precinct or county boundary
16 lines without regard to population if in the judgment of the Nebraska
17 Power Review Board the interests of the rural users of electricity or
18 of users of irrigation water service in such district will not be
19 prejudiced thereby.

20 ~~(2)~~(3) Any public power district or public power and
21 irrigation district owning and operating irrigation works may, with
22 approval of the Nebraska Power Review Board, add representation on
23 its board of directors from any county which is outside its chartered
24 territory but in which is located some or all of such irrigation
25 works.

1 Sec. 2. Section 70-619, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 70-619 (1) The corporate powers of the district shall be
4 vested in and exercised by the board of directors of the district. No
5 person shall be qualified to hold office as a member of the board of
6 directors unless ~~(1)-(a)~~ he or she is a registered voter ~~(a)-(i)~~ of
7 such chartered territory, ~~(b)-(ii)~~ of the subdivision from which a
8 director is to be elected if such chartered territory is subdivided
9 for election purposes as provided in subsection (1) of section
10 70-612, or ~~(e)-(iii)~~ of one of the combined subdivisions from which
11 directors are to be elected at large as provided in section 70-612 or
12 ~~(2)-(b)~~ he or she is a retail customer duly certified in accordance
13 with subsection (3) of section 70-604.03.

14 (2) No person who is a full-time or part-time employee of
15 the district shall be eligible to serve as a member of the board of
16 directors unless such person resigns or assumes an unpaid leave of
17 absence for the term as a member. The district shall grant such leave
18 of absence when requested by any employee for the purpose of the
19 employee serving as a member of the board of directors. No person
20 shall be qualified to be a member of more than one such district
21 board, except that a director of a rural public power district may
22 serve as a director of another public power district formed or
23 organized for the purpose of generating electric energy or
24 transmitting electric energy exclusively for resale to some other
25 public power districts, rural electric cooperatives, and membership

1 associations or municipalities. No member of a governing body of any
2 one of the municipalities within the areas of the district shall be
3 qualified to serve on the original board of directors under sections
4 70-603 to 70-609.

5 Sec. 3. Original sections 70-612 and 70-619, Reissue
6 Revised Statutes of Nebraska, are repealed.