

AMENDMENTS TO LB 269

Introduced by Government, Military and Veterans Affairs

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 23-148, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           23-148 The county board of commissioners in all counties  
6 having not more than three hundred thousand inhabitants shall  
7 consist of three persons, ~~except that the~~ as follows:

8           (1) The registered voters in any county containing  
9 not more than three hundred thousand inhabitants may vote at  
10 any general election as to whether their county board shall  
11 consist of three or five commissioners. ~~The registered voters of~~  
12 ~~counties under township organization voting as to a change to~~  
13 ~~the commissioner system may vote at the same time as to the~~  
14 ~~number of commissioners desired, except that the registered voters~~  
15 ~~of counties may vote to have the same number of commissioners~~  
16 ~~as there were supervisors in the county pursuant to sections~~  
17 ~~23-296 and 23-297 and to retain the existing county supervisor~~  
18 ~~district boundaries until it becomes necessary to draw district~~  
19 ~~boundaries under section 32-553.~~ Upon the completion of the canvass  
20 by the county canvassing board, the proposition shall be decided  
21 and, if the number of commissioners is increased from three to  
22 five commissioners, vacancies shall be deemed to exist and the  
23 procedures set forth in section 32-567 shall be instituted; and -

1           (2) The registered voters of any county under township  
2 organization voting to discontinue township organization may also  
3 vote as to the number of county commissioners as provided in  
4 sections 23-292 to 23-299.

5           Sec. 2. Section 23-149, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           23-149 ~~Whenever in~~ (1) In counties not under township  
8 organization, a registered voter may file a petition or petitions  
9 for the submission of the question regarding the number of  
10 commissioners ~~the county will have,~~ signed by not less than two  
11 hundred registered voters of the county voting at the last general  
12 election, on the county board. The petition or petitions shall be  
13 signed by registered voters equal in number to five percent of the  
14 voters registered in the county at the preceding statewide general  
15 election.

16           (2) When the petition or petitions are filed in the  
17 office of the county clerk or election commissioner not less than  
18 seventy days before the date of any general election, the county  
19 clerk or election commissioner shall cause the question to be  
20 submitted to the voters of the county at such election and give  
21 notice thereof in the general notice of such election. The forms  
22 of ballots shall be respectively: For three commissioners and For  
23 five commissioners; and the same shall be printed upon the regular  
24 ballots cast for officers voted for at such election and shall be  
25 counted and canvassed in the same manner.

26           (3) If a majority of votes cast at the election favor  
27 the proposition For five commissioners, thereafter the county shall

1 have five commissioners, and if a majority of the ballots cast  
2 at the election favor the proposition For three commissioners,  
3 thereafter the county shall have three commissioners.

4 Sec. 3. Section 23-151, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 23-151 (1) Each county under commissioner organization  
7 having not more than three hundred thousand inhabitants shall be  
8 divided into (a) three districts numbered respectively, one, two,  
9 and three, ~~or into~~ (b) five districts as provided for in sections  
10 23-148 and 23-149 numbered respectively, one, two, three, four, and  
11 five, or (c) seven districts as provided for in sections 23-292  
12 to 23-299 numbered respectively, one, two, three, four, five, six,  
13 and seven. Beginning October 1, 1991, each county having more than  
14 three hundred thousand inhabitants shall be divided into seven  
15 districts numbered respectively, one, two, three, four, five, six,  
16 and seven.

17 (2) Such districts shall consist of two or more voting  
18 precincts comprising compact and contiguous territory and embracing  
19 a substantially equal division of the population of the county.  
20 District boundary lines shall not be subject to alteration more  
21 than once every ten years.

22 (3) (a) In counties having more than three hundred  
23 thousand inhabitants, the establishment of district boundary lines  
24 pursuant to subsection (1) of this section shall be completed  
25 not later than October 1, 1991, or within one year after the  
26 county attains a population of more than three hundred thousand  
27 inhabitants, whichever occurs later. Beginning in 2001 and every

1 ten years thereafter, the district boundary lines of any county  
2 having more than three hundred thousand inhabitants shall be  
3 redrawn, if necessary to maintain substantially equal district  
4 populations, by the date specified in section 32-553.

5 (b) The establishment of district boundary lines and any  
6 alteration thereof under this subsection shall be done by the  
7 county board. If the county board fails to do so by the applicable  
8 deadline, district boundaries shall be drawn by the election  
9 commissioner within six months after the deadline established for  
10 the drawing or redrawing of district boundaries by the county  
11 board. If the election commissioner fails to meet such deadline,  
12 the remedies established in subsection (3) of section 32-555 shall  
13 apply.

14 (4) The district boundary lines shall not be changed at  
15 any session of the county board unless all of the commissioners are  
16 present at such session.

17 (5) Commissioners shall be elected as provided in section  
18 32-528. Elections shall be conducted as provided in the Election  
19 Act.

20 Sec. 4. Section 23-202, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 23-202 ~~The county commissioners on petition of two~~  
23 ~~hundred and fifty or more legal voters of the county, shall~~  
24 ~~cause to be submitted to the voters of the county~~ (1) In counties  
25 not under township organization, a registered voter may file  
26 a petition or petitions for the submission of the question of  
27 township organization. The petition or petitions shall be signed

1 by registered voters equal in number to five percent of the  
2 voters registered in the county at the preceding statewide general  
3 election.

4 (2) When the petition or petitions are filed in the  
5 office of the county clerk or election commissioner, the question  
6 shall be submitted to the registered voters at the next general  
7 election held not less than seventy days after the filing of the  
8 petitions. The questions on the ballot shall be respectively: 7  
9 by ballot, 7 to be written or printed, 7 or partly written or partly  
10 printed thereon For township organization, or Against township  
11 organization.

12 (3) Elections shall be conducted as provided in the  
13 Election Act. 7 the votes to be counted, canvassed, and returned in  
14 like manner as votes for county officers.

15 Sec. 5. Section 23-292, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 23-292 Any county which may have adopted or that may  
18 hereafter adopt has township organization shall discontinue the  
19 same whenever the majority of the electors of said registered  
20 voters of the county voting on the question of such discontinuance  
21 shall so decide in the manner ~~herein~~ provided in sections 23-293 to  
22 23-295.

23 Sec. 6. Section 23-293, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 23-293 ~~Whenever~~ (1) In counties under township  
26 organization, a registered voter may file a petition or petitions  
27 for a submission of the question of the discontinuance of township

1 organization to the registered voters of the county. The petition  
2 or petitions shall be signed by registered voters equal in  
3 number to five percent of the voters registered in the county at  
4 the preceding statewide general election. When the petition or  
5 petitions are filed in the office of the county clerk or election  
6 commissioner, the question shall be submitted to the registered  
7 voters at the next general election held not less than seventy days  
8 after the filing of the petitions.

9       (2) In counties under township organization, if ~~7~~ signed  
10 by a number of electors not less than ten percent of those voting  
11 at the last general election~~7~~ or a resolution supported by a  
12 majority of the county board is filed in the office of the county  
13 clerk or election commissioner for submission of the question of  
14 discontinuance of township organization to the registered voters  
15 of the county, the question shall be submitted to the registered  
16 voters at the next general election held not less than seventy  
17 days after the filing of the resolution. ~~not less than seventy~~  
18 days before the date of any general election~~7~~, the county clerk or  
19 election commissioner shall cause such question to be submitted to  
20 the voters of the county at such election and give notice of the  
21 submission of the question in the general election notices of such  
22 election.

23       (3) A petition or county board resolution for  
24 discontinuance of township organization shall specify whether the  
25 county board of commissioners to be formed pursuant to section  
26 23-151 will have five or seven members and that reorganization  
27 as a county board of commissioners will be effective at the

1 expiration of the supervisors' terms of office in January of the  
2 third calendar year following the election to discontinue township  
3 organization.

4           Sec. 7. Section 23-294, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           23-294 The forms of ballots shall be respectively, For  
7 continuance of township organization, and Against continuance  
8 of township organization, and the same shall be written or  
9 printed upon the regular ballot cast for officers voted for  
10 at such election, and shall be counted and canvassed in the  
11 same manner.(1) If the petition or county board resolution to  
12 discontinue township organization specifies a five-member county  
13 board of commissioners pursuant to section 23-293, the questions  
14 on the ballot shall be respectively: For continuance of township  
15 organization; or For discontinuance of township organization and  
16 creation of a five-member county board of commissioners effective  
17 at the expiration of the supervisors' terms of office in January of  
18 the third calendar year following this election.

19           (2) If the petition or county board resolution to  
20 discontinue township organization specifies a seven-member county  
21 board of commissioners pursuant to section 23-293, the questions  
22 on the ballot shall be respectively: For continuance of township  
23 organization; or For discontinuance of township organization and  
24 creation of a seven-member county board of commissioners effective  
25 at the expiration of the supervisors' terms of office in January of  
26 the third calendar year following this election.

27           (3) Elections shall be conducted regarding discontinuance

1 of township organization as provided in the Election Act.

2           Sec. 8. Section 23-295, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           23-295 If it shall appear from the returns of said  
5 election that a majority of the votes cast on the question  
6 are against the continuance of township organization, then such  
7 organization shall cease to exist as soon as a board of county  
8 commissioners are appointed and qualified, as hereinafter provided.  
9 effective at the expiration of the supervisors' terms of office in  
10 January of the third calendar year following such election.

11           Sec. 9. Section 23-296, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           23-296 When township organization shall cease ceases in  
14 any county, as provided by sections 23-292 to 23-295, the office  
15 of county commissioner which became vacant by reason of its  
16 adoption is hereby restored, and such county is hereby divided into  
17 commissioner districts, with the same boundaries and comprising the  
18 same territory as such districts had when township organization was  
19 adopted; PROVIDED, when such a county votes to have the same number  
20 of commissioners as there were supervisors in the county, then the  
21 commissioner districts shall be the same districts as the former  
22 supervisor districts unless changed at a later date as provided  
23 by section 23-149. a commissioner system shall be established. The  
24 county board of commissioners shall have five or seven members as  
25 specified in the petition or county board resolution pursuant to  
26 section 23-293.

27           Sec. 10. Section 23-297, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           23-297 On the first Saturday after the first Tuesday  
3 of January following the election at which township organization  
4 shall be voted to be discontinued, the county commissioners of  
5 such county, for the purpose of temporary organization, shall be  
6 appointed by the county clerk, treasurer, and county attorney of  
7 such county, unless the counties vote to retain the same persons as  
8 the former supervisors, in which event, the commissioner districts  
9 shall be the same districts as the former supervisor districts  
10 unless changed at a later date as provided by section 23-149.  
11 Their successors shall be elected at the next general election in  
12 the manner provided by law for the first election of a board of  
13 commissioners in any county.

14           (1) If the voters vote for creation of a seven-member  
15 county board of commissioners, the commissioner districts shall  
16 be the same districts as the former supervisor districts unless  
17 changed at a later date as provided by section 23-149 and the  
18 supervisors whose terms have not expired on the effective date of  
19 the reorganization prescribed in section 23-293 shall continue in  
20 office as commissioners for the remainder of their unexpired terms.

21           (2) (a) If the voters vote for creation of a five-member  
22 county board of commissioners, the county clerk, county treasurer,  
23 and county attorney shall meet on the first Saturday after the  
24 first Tuesday of January following such election and redistrict the  
25 county into five commissioner districts with substantially equal  
26 population. Such redistricting shall be completed within thirty  
27 days after such initial meeting and shall specify where necessary

1 the newly established districts which the members will serve for  
2 the balance of the unexpired terms as designated in subdivision (b)  
3 of this subsection. The newly established districts will not be  
4 effective until the effective date of the reorganization prescribed  
5 in section 23-293 except for purposes of being nominated and  
6 elected for office from such districts.

7 (b) (i) If three members of the county board of  
8 supervisors were elected for four-year terms at the election to  
9 create a five-member county board of commissioners, each such  
10 supervisor shall serve two of such years as a supervisor and two  
11 of such years as a commissioner representing the newly established  
12 districts as designated under subdivision (a) of this subsection  
13 and two commissioners shall be elected for four-year terms from the  
14 newly established districts at the next general election.

15 (ii) If four members of the county board of supervisors  
16 were elected for four-year terms at the election to create a  
17 five-member county board of commissioners, the three of such  
18 supervisors receiving the most votes at such election shall serve  
19 two of such years as a supervisor and two of such years as  
20 a commissioner representing the newly established districts as  
21 designated under subdivision (a) of this subsection, the fourth of  
22 such supervisors shall serve a term of two years as a supervisor,  
23 and two commissioners shall be elected for four-year terms from the  
24 newly established districts at the next general election.

25 Sec. 11. Section 23-299, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 23-299 When township organization shall be is

1 discontinued in any county, ~~it shall be the duty of~~ the town clerk  
2 in each town in ~~said~~ such county, as soon as the county board  
3 of ~~county~~ commissioners are ~~appointed and~~ is qualified pursuant  
4 to section 23-297, ~~to~~ shall deposit with the county clerk of the  
5 county all town records, papers, and documents pertaining to the  
6 affairs of such town~~7~~, and ~~to~~ certify to ~~him~~ the county clerk the  
7 amount of indebtedness of such town outstanding at the time of  
8 such discontinuance. The county board shall have full and complete  
9 power to settle all the unfinished business of the town as fully  
10 as might have been done by the town itself~~7~~, and to dispose of any  
11 and all property belonging to such town, the proceeds of which,  
12 after paying all indebtedness, shall be disposed of by the county  
13 board for the benefit of the taxable inhabitants thereof by such  
14 board crediting all unexpended balances of ~~said~~ the town to the  
15 district road fund~~7~~, and in no other manner. ~~It shall be the duty of~~  
16 ~~such~~ The county board, at such time as ~~shall be provided by law, to~~  
17 shall levy a tax upon the taxable property of such town to pay any  
18 unliquidated indebtedness it may have outstanding.

19           Sec. 12. Section 51-201.03, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           51-201.03 (1) The registered voters of the incorporated  
22 and unincorporated areas of a county which do not have a public  
23 library may file an initiative petition with the county board  
24 requesting the establishment of a county library. The petition  
25 shall be filed by July 31 prior to a statewide general election.  
26 Signatures gathered before the last statewide general election  
27 shall not be counted. An initiative petition shall conform to

1 the requirements of section 32-628. Petition signers and petition  
2 circulators shall conform to the requirements of sections 32-629  
3 and 32-630. The county board shall submit the petitions to the  
4 election commissioner or county clerk for signature verification  
5 pursuant to section 32-631. The required number of signatures shall  
6 be ~~ten~~ five percent of the voters registered at the last statewide  
7 general election in the incorporated and unincorporated areas of  
8 the county which do not have a public library. The election  
9 commissioner or county clerk shall notify the county board within  
10 thirty days after receiving the petitions from the county board  
11 whether the required number of signatures has been gathered.

12 (2) If the county board determines that the petitions are  
13 in proper form and signed by the necessary number of registered  
14 voters, the county board shall notify the governing body and  
15 library board of each incorporated area within the county within  
16 ten days after such determination and shall publish in a newspaper  
17 of general circulation in the county that the registered voters of  
18 the unincorporated area of the county and of the incorporated areas  
19 which do not have a public library will be asked to vote on the  
20 issue at the next statewide general election and shall submit the  
21 question of whether to establish a county library to the voters as  
22 required in section 51-201.

23 Sec. 13. Original sections 23-148, 23-149, 23-151,  
24 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and  
25 51-201.03, Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 14. The following sections are outright repealed:  
27 Sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised

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1 Statutes of Nebraska.