

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 233

FINAL READING

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

13 Each commission shall be governed by a board of
14 commissioners of five members, two of whom shall be appointed by
15 the governing body of the county from among the members of such
16 governing body, two of whom shall be appointed by the mayor of the
17 city with the approval of the governing body of the city from among
18 the members of such governing body, and the fifth of whom shall
19 be appointed by the other four members. The fifth member shall be
20 a resident of the county in which the commission is established.

21 In the event the four members appointed by the county and the
22 city cannot ~~agree upon~~ appoint the fifth member by a majority,
23 the Governor, upon request of such four members, the city, or the
24 county, shall appoint the fifth member. The term of office of
25 each member of the board, except for the initial members, shall

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

23 The terms of office of the two persons initially
24 appointed to the board by the governing body of the county
25 shall be for one and four years, and such governing body shall

1 designate which person shall serve for one year and which person
2 shall serve for four years. The terms of office of the two persons
3 initially appointed to the board by the mayor with the approval
4 of the governing body of the city shall be for two and three
5 years, and such governing body shall designate which person shall
6 serve for two years and which person shall serve for three years.
7 The term of office of the person initially appointed by the other
8 members of the board shall be for four years. Terms of office
9 on the board shall expire on the same day of the year, and the
10 governing body of the county in making the first appointments to
11 the board shall designate such expiration date.

12 The commission and its corporate existence shall continue
13 until all its liabilities have been met and its bonds have been
14 paid in full or such liabilities and bonds have otherwise been
15 discharged and the governing bodies of the city and county jointly
16 determine that the commission is no longer needed. Upon the
17 commission's ceasing to exist all rights or properties of the
18 commission shall pass to and be vested in the city and county.

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