

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 927

Introduced by Johnson, 37.

Read first time January 14, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend section 13-2801, Revised
2 Statutes Cumulative Supplement, 2006; to provide factors
3 favoring the change of county boundaries as prescribed;
4 to harmonize provisions; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2801, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 13-2801 (1) One or more counties and at least one of
4 the municipalities in each county may create a municipal county
5 to carry out all county services and all municipal services. The
6 process of creating a municipal county shall begin by passage of
7 a joint resolution by the governing bodies of the counties and
8 municipalities involved. The joint resolution may be initiated by
9 the governing bodies or by petition as provided in subsection
10 (2) of this section. Factors favoring the creation of a municipal
11 county as enumerated in section 2 of this act shall be considered
12 by such governing bodies.

13 (2) Whenever registered voters of any county and of at
14 least one municipality in the county, equal in number to ten
15 percent of the total vote cast for Governor in the county or
16 municipality at the preceding election, petition the respective
17 county board and city council or village board of trustees to
18 pass a resolution as contemplated by this section, it shall
19 be the duty of the county board and city council or village
20 board to pass a joint resolution creating an interjurisdictional
21 planning commission. Petitions shall be filed with the county
22 clerk, election commissioner, city clerk, or other officer having
23 charge of the records of the governing body. The official shall
24 ascertain the number of registered voters signing such petitions
25 and transmit his or her findings, along with the petition, to the

1 county board and city council or village board of trustees.

2 (3) Within ninety days after the passage of the joint
3 resolution or within ninety days after receipt of a petition
4 by the registered voters, the governing bodies of the counties
5 and municipalities involved shall create an interjurisdictional
6 planning commission. A commission may also be created by
7 the district court having jurisdiction over the counties and
8 municipalities involved upon the failure by the counties and
9 municipalities to pass a joint resolution after submission of
10 a petition by the registered voters. The commission shall have
11 no less than nine members and no more than twenty-one members
12 representing the counties and municipalities involved as determined
13 by the governing bodies of the counties and municipalities involved
14 in order to achieve proportionate representation. The governing
15 bodies shall select the members. Representation on the commission
16 shall be prorated based upon population of the counties and
17 municipalities involved, except that (a) each county and each
18 municipality involved shall have at least one representative
19 selected by its respective governing body and (b) not more than
20 forty percent of the total membership shall be public officials.
21 Meetings of the commission shall be subject to the Open Meetings
22 Act.

23 (4)(a) The commission shall hold at least one public
24 hearing prior to preparing the plan for the creation of the
25 municipal county, study all governmental subdivisions in the

1 affected area, and then make a determination of whether creation
2 of a municipal county is in the public interest. If it is not
3 in the public interest to do so, the commission shall issue
4 a report stating its findings, including, but not limited to,
5 any recommendations regarding (i) interlocal agreements, (ii)
6 agreements to provide for the joint delivery of services, or
7 (iii) any other such recommendations. If it is in the public
8 interest to do so, the commission shall prepare one plan for the
9 creation of the municipal county. Such plan shall be approved by
10 the governing body of each county and each municipality involved
11 prior to submission of the issue to a vote of the registered voters
12 unless the commission was created by a petition of the registered
13 voters.

14 (b) The plan shall specify (i) which counties and
15 municipalities will be dissolved upon creation of the municipal
16 county, (ii) the form of government, with an elected executive
17 officer, a professional municipal county manager or administrator
18 appointed by the commission, or both, to operate the executive
19 functions of the municipal county, (iii) the number of council
20 members of the municipal county and whether they will be elected
21 by district or at large, and (iv) which elected officials, if any,
22 will be eliminated.

23 (c) At least ninety days prior to submission of the
24 issue to a vote of the registered voters, the commission and the
25 governing body of each county and each municipality involved shall

1 hold at least one public hearing in its respective jurisdiction
2 and make available for review by residents of the county and
3 municipality all material terms and conditions set forth in the
4 resolution to create the municipal county, including information
5 regarding the tax implications and quality and cost of services to
6 be provided by the proposed plan to create the municipal county.

7 (5) Upon approval of the plan by the governing body
8 of each county and each municipality involved, if required, or
9 upon the governing bodies' approval or failure to approve if the
10 commission was created by a petition of the registered voters, the
11 county clerks or election commissioners shall place the issue on
12 the ballot at the next primary, general, or special election.

13 Sec. 2. For purposes of creating a municipal county under
14 section 13-2801, consolidating counties under section 22-401, or
15 otherwise changing county boundary lines as permitted by Article IX
16 of the Constitution of Nebraska, the following shall be considered
17 as factors favoring such actions:

18 (1) Shared communities of interest;

19 (2) Cultural and historical ties;

20 (3) Economic activity, including shared trade centers;

21 (4) Combined population total of at least ten thousand
22 residents; and

23 (5) Combined geographical area of less than five thousand
24 square miles.

25 Sec. 3. Original section 13-2801, Revised Statutes

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1 Cumulative Supplement, 2006, is repealed.