

## LEGISLATIVE BILL 44

Approved by the Governor February 17, 1971

Introduced by Leslie A. Stull, 49th District

AN ACT to amend sections 22-408, 22-409, 22-410, 22-411, 22-412, 22-413, 22-416, and 79-311, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide for the consolidation of county offices by the joint action of the county boards of the counties involved; to provide for an election when required by petitions; to provide for salaries and apportionment of costs for consolidated offices; and to repeal the original sections, and also sections 79-311.01 to 79-311.09, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 22-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-408. Any two or more adjoining counties may consolidate one or more county or township offices as provided by the provisions of sections 22-408 to 22-416 and this act.

Sec. 2. That section 22-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-409. (1) The question of consolidation of county or township offices, except county boards, shall be placed on the ballot in the year 1970 or any second year thereafter for submission to the voters upon the petition of registered electors equal in number, in each county proposed to be included, to ten per cent of the total vote cast for Governor in such county at the preceding general election. In all cases the registered electors signing such petitions shall be so distributed as to include ten per cent of the electors of each of one half of the voting precincts of each county involved. Such petitions shall be filed with the county clerk or the election commissioner, ~~as the case may be,~~ of each county not later than July 1, of such year.

(2) The county boards of two or more adjoining counties may, by joint or concurrent resolution, provide

for public hearing in each such county on the question of consolidation of county or township offices. Notice of such hearing shall be given in each county by publication once each week for three consecutive weeks in a newspaper of general circulation in each such county. After such hearings, the county boards of the counties involved may, by joint or concurrent resolution, order the question of the consolidation of county or township offices ~~to be~~ placed on the ballot in each county in the year 1970 or any second year thereafter.

(3) After public hearings pursuant to subsection (2) of this section, the county boards may, by joint or concurrent resolution, order the consolidation of county or township offices without placing the question on the ballot. Any such resolution shall be adopted prior to May 1 of an even-numbered year.

Sec. 3. When consolidation of offices is ordered pursuant to subsection (3) of section 22-409, a vote of the people in the counties involved may be required if petitions are filed within sixty days of the adoption of the joint or concurrent resolutions. Such petitions shall be subject to the same requirements for form, procedure, and number of signatures as petitions filed pursuant to subsection (1) of section 22-409.

Sec. 4. That section 22-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-410. It shall be the duty of the county clerk or election commissioner, ~~as the case may be,~~ to examine the petitions filed in his office to determine whether they are in proper form and signed by a sufficient number of registered electors. Not later than August 1, he shall certify his determination to the county clerk or election commissioner, ~~as the case may be,~~ of each county proposed to be included in the consolidation of county or township offices. If the petitions filed in each county are in proper form and signed by a sufficient number of registered electors, or if the county boards have so ordered, the question of consolidation of county or township offices shall be placed on the ballot at the next ensuing general election. A majority of all votes cast on the question in each county shall be necessary for the approval of the consolidation of county or township offices. The county clerk or election commissioner, ~~as the case may be,~~ shall certify the results from his county to the county clerk or election commissioner, ~~as the case may~~

be, of the county having the largest population in the proposed consolidation, who shall certify the approval or disapproval of such consolidation to each of the other counties.

Sec. 5. That section 22-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-411. Following approval of the consolidation of county or township offices, the county boards of each county included within such consolidation shall, by joint action, establish the salary to be paid to the holder of the consolidated office and shall apportion such salary among their counties in the proportion that ~~the assessed-valuation-of-all-taxable-property,--except intangible-property,~~ population in each county bears to ~~the assessed-valuation-of-all-taxable-property,--except intangible-property,~~ population in all such counties. In establishing salaries for a consolidated office, the county boards shall determine the combined population of the counties involved. Minimum annual salaries shall be those established by sections 23-1114.02 to 23-1114.07, with the combined population of the counties involved determining the class pursuant to section 23-1114.01. The county boards shall further agree upon the actual payment of such salary by a single county and the monthly remittance to such paying county of the proportionate share of each of the other counties.

Sec. 6. That section 22-412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-412. Candidates for the consolidated office shall file with the county clerk or election commissioner, ~~as the case may be,~~ of their county of residence. The names of such candidates shall be certified to the appropriate office of each of the other counties to be placed on the primary ballot. At the primary election following the approval of the consolidation of county or township offices, and in the year prior to the expiration of the office or offices consolidated, the two candidates receiving the greater number of votes for the position of consolidated nonpolitical office shall be nominated. If the consolidated office is under the laws of this state a partisan political office, the candidate receiving the greatest number of votes for each political party shall be nominated. The certification of the results of the primary election, as well as of the ensuing general election, shall be made in the manner provided in

section ~~79-344-03~~ 22-410.

Sec. 7. That section 22-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-413. An officer of the consolidated counties shall file the same bond required of the same office in the a county having the-largest a population equivalent to the population of the consolidated counties. Such bond shall be filed in the office of the county clerk of the county designated to make actual payment of his salary and approved by the board of such county. The fact of such filing and approval shall be certified to the county clerk of each of the other consolidated counties.

Sec. 8. That section 22-416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-416. The question of the withdrawal of a county from a consolidation of county or township offices formed in the manner provided in sections 22-409 and 22-410 shall be placed on the ballot for submission to the voters upon the petition of registered electors equal in number, in the county desiring to so withdraw, to ten per cent of the total vote cast for Governor in such county at the preceding general election. In all cases the registered electors signing such petitions shall be so distributed as to include ten per cent of the electors of each of one half of the voting precincts in the county. Such petitions shall be filed with the county clerk or the election commissioner, ~~as the case may be,~~ of the county desiring to withdraw from a consolidation of county or township offices not later than July 1, preceding the next general election. It shall be the duty of such county clerk or election commissioner, ~~as the case may be,~~ to examine the petitions filed in his office to determine whether they are in proper form and signed by a sufficient number of registered electors. Not later than August 1, he shall certify his determination to the county clerk or election commissioner, ~~as the case may be,~~ of each county having consolidated county or township offices. If the petitions filed in the county wishing to withdraw from the consolidation of county or township offices are in proper form and signed by a sufficient number of registered electors, the question of the withdrawal of the county from consolidation of county or township offices of which it is a part shall be placed on the ballot in the county wishing to so withdraw from the

consolidation of county or township offices at the general election in the year 1974 or any second year thereafter. A majority of all votes cast in the affirmative on the question in the county wishing to withdraw shall be necessary for the withdrawal of the county from the consolidation of county or township offices of which it is a part. The county clerk or election commissioner, ~~as the case may be,~~ of the county which votes to withdraw from the consolidation of county or township offices shall certify the results of the election to the county clerk or election commissioner, ~~as the case may be,~~ of the other counties in the consolidation of county or township offices. Such withdrawal shall only be effective at the expiration of a term of office of the consolidated counties. If two or more counties will remain in the consolidation of county or township offices after such withdrawal, the county boards of the remaining counties shall meet jointly to determine whether such consolidation of county or township offices shall continue or be dissolved as of the date such withdrawal is to become effective. If the remaining counties determine such consolidation shall be dissolved, then the office or offices that were consolidated shall be filled in each individual county at the next general election.

Sec. 9. That section 79-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-311. (1) There shall be a county superintendent in each organized county, ~~or a district superintendent in each county superintendent district established under the provisions of sections 79-311-01 to 79-311-08,~~ whose term of service shall be four years and who shall be elected at the same time and in the same manner as other county superintendents officers on the nonpolitical ballot; are elected; Provided, that no county superintendent shall be elected in those counties (a) having a population of three thousand inhabitants, or less, and (b) which has been organized into a single school district under the direction of a single board of education and a superintendent of schools elected by that board of education. The superintendent of schools of such a county shall submit all reports and assume the duties hereinafter required of the county superintendent.

(2) In counties or districts having a population of six thousand five hundred or more inhabitants, no person shall be eligible to have his name appear on the ballot as a nominee for the office of county ~~or district~~

superintendent at any primary election, to have his name appear on the ballot as a candidate for the office of county ~~or--district~~ superintendent at any general election, or to have an election certificate issued to him if he is the successful candidate for the office of county ~~or--district~~ superintendent, unless he holds a Nebraska certificate valid for administration in all elementary and secondary schools issued in this state and in force on each such occasion, except as otherwise provided for in subsection (4) of this section.

(3) In counties ~~or--districts~~ having a population of less than six thousand five hundred inhabitants, ~~it is required that~~ each nominee, each candidate, and each recipient of an election certificate for the office of county ~~or--district~~ superintendent shall hold a teacher's certificate issued in this state and in force, and a baccalaureate degree from a standard institution of higher education and shall have had not less than three years successful teaching experience if his name is to appear on the ballot or if he is to receive his election certificate, except as otherwise provided for in subsection (4) of this section.

(4) Any person now holding the office of county superintendent in any county who has not the certificate required in a county of the size of the one in which he holds office, as provided by subsection (2) or (3) of this section, shall be eligible to be a candidate, nominee, or recipient of an election certificate for such office to succeed himself in that office except that a county superintendent, referred to in subsection (2) of this section, to be so eligible, must hereafter earn at least nine semester college hours of credit every four years until he shall qualify for the certificate referred to in subsection (2) of this section.

(5) It shall be the duty of the county clerk of each county to notify the Commissioner of Education of the nominations for the office of county ~~or--district~~ superintendent in his county and of the election to such office at the time the results of the primary and general elections respectively are ascertained.

(6) The county clerk shall refuse to place the name of any candidate on the ballot for such office who shall not have presented such clerk with a certified statement from the office of the Commissioner of Education that such candidate holds a valid certificate, required under the provisions of subsection (2) or (3) of this section, in the county of such candidate unless

the same is not required under subsection (4) of this section.

(7) A person may serve as county superintendent in more than one county if approved by the county boards of each of said counties.

(8) All provisions of law relating to the consolidation of county offices shall apply to the office of county superintendent. When the office of county superintendent is consolidated, the combined population of the counties involved shall be used for the purposes of subsections (2) and (3) of this section.

Sec. 10. That original sections 22-408, 22-409, 22-410, 22-411, 22-412, 22-413, 22-416, and 79-311, Reissue Revised Statutes of Nebraska, 1943, and also sections 79-311.01 to 79-311.09, Reissue Revised Statutes of Nebraska, 1943, are repealed.