

LEGISLATIVE BILL 1014

Approved by the Governor March 28, 2014

Introduced by Murante, 49; Cook, 13.

FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2102, 14-2103, and 32-540, Reissue Revised Statutes of Nebraska; to change provisions relating to election of the board of directors as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 14-2102, Reissue Revised Statutes of Nebraska, is amended to read:

14-2102 (1) In each metropolitan utilities district service area, there shall be a board of directors consisting of seven members. The members shall be elected as provided in section 32-540.

(2) Registered voters within the boundaries of the district shall be registered voters of such district. A registered voter of the district and shall be eligible for the office of director subject to the special qualification of residence for the outside member, except that if the board of directors, by resolution, divides the territory of the district into election subdivisions pursuant to subsection (2) of section 32-540, a registered voter of the district shall be eligible for the office of director from the election subdivision in which he or she resides.

(3) The outside member specified in section 32-540 shall be a registered voter residing within the district but outside the corporate limits of the city of the metropolitan class for which the district was created. In the event of the annexation of the area within which the outside member resides, he or she may continue to serve as the outside member until the expiration of the term of office for which such member was elected and until a successor is elected and qualified.

Sec. 2. Section 14-2103, Reissue Revised Statutes of Nebraska, is amended to read:

14-2103 Whenever a metropolitan utilities district is extended to include sanitary and improvement districts, unincorporated area, towns, villages, or territory lying outside the corporate limits of cities of the metropolitan class or so extended as to include sanitary and improvement districts, unincorporated area, towns, or villages in an adjoining county or counties, then such sanitary and improvement districts, unincorporated area, towns, or villages shall have a right to participate in the nomination and in the election of members of the board of directors of the metropolitan utilities district. The election commissioner or county clerk of each of the counties in which ballots are cast pursuant to this section shall within seven days after the election transmit, by mail or otherwise, to the election commissioner of the county in which the city of the metropolitan class is located, a copy of the abstract of the votes cast for members of the board of directors. The election commissioner shall in due course deliver to the candidate receiving the highest number of votes a certificate of election as a member of the board of directors. Any and all filings for such office shall be made with the election commissioner of the county in which the city of the metropolitan class is located notwithstanding that the person wishing to file lives in a county adjoining the one in which the city of the metropolitan class is located.

Sec. 3. Section 32-540, Reissue Revised Statutes of Nebraska, is amended to read:

32-540 ~~In~~ (1) Except as otherwise provided in subsection (2) of this section, in each metropolitan utilities district service area, two of the members of the board of directors shall be chosen at large by the registered voters within the district at the time of the statewide primary and statewide general elections held in the even-numbered years, except that at the primary and general elections held in 1978 and every six years thereafter, three members, one of whom shall be known as the outside member, shall be elected at large by the registered voters within the district.

(2) (a) The board of directors of a metropolitan utilities district may by resolution provide for the division of the territory of the district into seven election subdivisions composed of substantially equal population and compact and contiguous territory and number the subdivisions consecutively. One member of the board of directors shall be elected from each subdivision.

(b) If the board of directors provides for seven election

subdivisions prior to February 1, 2016, the board of directors shall assign each position on the board of directors to represent a numbered election subdivision for the remainder of the term of office for which the member is elected, regardless of whether the member resides in the subdivision, and shall make such assignments so that members representing election subdivisions numbered one and two hold office until the first Tuesday after the first Monday in January 2019 or until their successors are elected and qualified, members representing election subdivisions numbered three, four, and five hold office until the first Tuesday after the first Monday in January 2021 or until their successors are elected and qualified, and members representing election subdivisions six and seven hold office until the first Tuesday after the first Monday in January 2023 or until their successors are elected and qualified.

(c) A successor who resides in the numbered election subdivision shall be nominated and elected at the statewide primary and general elections held in the calendar year prior to the expiration of the term of the member who represents such numbered election subdivision.

(d) After each federal decennial census, the board of directors shall create new boundaries for the election subdivisions. In establishing the boundaries of the election subdivisions, the board of directors shall follow county lines wherever practicable, shall provide for the subdivisions to be composed of substantially equal population and compact and contiguous territory, and shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census.

(3) Nomination and election of all directors shall be by nonpartisan ballot. ~~Members~~ Except as provided in subsection (2) of this section, members of the board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election or until their successors are elected and qualified. The directors shall meet the qualifications found in sections 14-2102 and 14-2103.

Sec. 4. Original sections 14-2102, 14-2103, and 32-540, Reissue Revised Statutes of Nebraska, are repealed.