

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 597**

Introduced by Pahls, 31.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend sections 22-417, 23-114.04,  
2 23-1901.01, 32-211, 32-218, 32-520, 32-521, and 39-1506,  
3 Reissue Revised Statutes of Nebraska; to require  
4 consolidation of certain county offices in certain  
5 counties; to harmonize provisions; and to repeal the  
6 original sections.

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

1           Section 1. In any county with a population of fewer than  
2 twenty-five thousand inhabitants based on the most recent federal  
3 decennial census on and after July 1, 2015, the following offices  
4 shall be consolidated in the county such that no more than five  
5 individuals occupy all of the offices at any time: Clerk of the  
6 district court; county assessor; county clerk; county highway  
7 superintendent; county sheriff; county surveyor; county treasurer;  
8 county zoning administrator; election commissioner; register of  
9 deeds; and weed control superintendent. Consolidation of an office is  
10 not required if the office is not utilized in the county or if the  
11 officeholder serves as county surveyor, county weed control  
12 superintendent, county zoning administrator, or county highway  
13 superintendent in more than one county.

14           Sec. 2. Section 22-417, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           22-417 ~~(1)~~(1)(a) Any county may consolidate the office  
17 of clerk of the district court, county assessor, county clerk, county  
18 engineer, county surveyor, or register of deeds. ~~except that the~~  
19 ~~consolidated officeholder shall meet the qualifications of each~~  
20 ~~office as required by law.~~

21           (b) In addition to the authority granted in subdivision  
22 (1)(a) of this section, a county with a population of fewer than  
23 twenty-five thousand inhabitants according to the most recent federal  
24 decennial census may consolidate any of the offices listed in  
25 subdivision (1)(a) of this section with any of the offices of county

1 highway superintendent, county sheriff, county treasurer, county  
2 zoning administrator, election commissioner, or weed control  
3 superintendent, except that the offices of clerk of the district  
4 court and county sheriff may not be consolidated with each other.

5           (c) The consolidated office shall have the powers and  
6 duties provided by law for each office consolidated. The holder of a  
7 consolidated office shall meet the qualifications required by law for  
8 each office held. The county board may adopt a resolution for the  
9 consolidation of any of such offices, ~~and submit the issue of the~~  
10 ~~consolidated office to the registered voters for approval at the next~~  
11 ~~general election or at a special election called for such purpose.~~  
12 The county board shall hold a public hearing prior to adoption of a  
13 resolution for the consolidation of offices and shall give notice of  
14 the hearing by publication in a newspaper of general circulation in  
15 the county once each week for three consecutive weeks prior to the  
16 hearing. Final publication shall be within seven calendar days prior  
17 to the hearing. The notice shall describe the offices to be  
18 consolidated and that the holder of the offices to be consolidated  
19 shall have his or her term of office end on the first Thursday after  
20 the first Tuesday in January following the general election in which  
21 the holder of the consolidated office is elected or as provided in  
22 the resolution for an appointed officeholder.

23           (2) The county board shall adopt the resolution for the  
24 consolidation of offices by majority vote of the board. If the county  
25 has a population of twenty-five thousand inhabitants or more, the

1 county board ~~and~~ shall submit the issue of consolidation to the  
2 registered voters for approval at the next general election or at a  
3 special election called for such purpose. For each consolidated  
4 office submitted for approval, the question shall be submitted to the  
5 voters in substantially the following form:

6 "Shall (name of each office proposed to be consolidated)  
7 be consolidated into one consolidated office according to the  
8 resolution adopted by the county board of (name of county) on (date  
9 of adoption of the resolution by the county board)? Yes No".

10 (3) If the majority of the registered voters in the  
11 county voting on the question vote in favor of consolidation, the  
12 consolidated office shall be filled at the next general election, and  
13 the terms of the incumbents shall end on the first Thursday after the  
14 first Tuesday in January following the general election in which the  
15 holder of the consolidated office is elected.

16 (4) The term of a consolidated officer shall be four  
17 years or until his or her successor is elected and qualified, ~~except~~  
18 ~~that the term of a consolidated officer elected in the year 2000 or~~  
19 ~~any fourth year thereafter shall be two years or until his or her~~  
20 ~~successor is elected and qualified.~~ or, for an appointed  
21 officeholder, as provided in the resolution.

22 (5) Any election under this section shall be in  
23 accordance with the Election Act.

24 Sec. 3. Section 23-114.04, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   23-114.04 (1) The county board shall provide for  
2 enforcement of the zoning regulations within its county by requiring  
3 the issuance of permits prior to the erection, construction,  
4 reconstruction, alteration, repair, or conversion of any nonfarm  
5 building or structure within a zoned area, and the county board may  
6 provide for the withholding of any permit if the purpose for which it  
7 is sought would conflict with zoning regulations adopted for the  
8 particular district in which the building or structure is situated or  
9 in which it is proposed to be erected. All plats for subdivisions in  
10 the area outside the corporate limits of cities and villages and  
11 outside of an unincorporated area wherein a city or village has been  
12 granted subdivision jurisdiction and is exercising such jurisdiction  
13 must be approved by the county planning commission.

14                   (2) The county board may establish and appoint a county  
15 zoning administrator, who may also serve as a building inspector, and  
16 may fix his or her compensation or may authorize any administrative  
17 official of the county to assume the functions of such position in  
18 addition to his or her regular duties. The office of county zoning  
19 administrator may be consolidated with other county offices as  
20 provided in section 22-417. A county zoning administrator may serve  
21 as the county zoning administrator in more than one county. The  
22 county board may also fix a reasonable schedule of fees for the  
23 issuance of permits under the provisions of subsection (1) of this  
24 section. The permits shall not be issued unless the plans of and for  
25 the proposed erection, construction, reconstruction, alteration, use

1 or change of use, including sanitation, plumbing and sewage disposal,  
2 are filed in writing in the building inspector's office and such  
3 plans fully conform to all zoning regulations then in effect.

4 Sec. 4. Section 23-1901.01, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 23-1901.01 (1) Except as provided in subsection (2) of  
7 this section, a county surveyor elected after November 1986 need not  
8 be a resident of the county when he or she files for election as  
9 county surveyor, but a county surveyor shall reside in a county for  
10 which he or she holds office. In a county with a population of fewer  
11 than twenty-five thousand inhabitants according to the most recent  
12 federal decennial census, a qualified person need not be a resident  
13 of the county when he or she files for election as county surveyor  
14 and need not reside in a county for which he or she holds office. In  
15 any county with a population of fewer than twenty-five thousand  
16 inhabitants according to the most recent federal decennial census,  
17 the same person may file for election in or serve as county surveyor  
18 in more than one county.

19 (2) When there is no qualified surveyor within a county  
20 who will accept the office of county surveyor, the county board of  
21 such county may employ a competent surveyor either on a full-time or  
22 part-time basis from any other county of the State of Nebraska to  
23 such office. In making such employment, the county board shall  
24 negotiate a contract with the surveyor, such contract to specify the  
25 terms and conditions of the appointment or employment, including the

1 compensation of the surveyor, which compensation shall not be subject  
2 to section 33-116. A surveyor employed under this subsection shall  
3 serve the same term as that of an elected surveyor and shall not be  
4 required to reside in the county of employment.

5 Sec. 5. Section 32-211, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 32-211 The office of election commissioner may be created  
8 for each county having a population of not less than twenty thousand  
9 nor more than one hundred thousand inhabitants. Such office may be  
10 created by resolution of the county board establishing such office,  
11 and the election commissioner shall be appointed by the county board.  
12 The appointment of a chief deputy election commissioner shall be at  
13 the option of the county board. If a chief deputy election  
14 commissioner is appointed, he or she shall be a member of a different  
15 political party than the election commissioner. The election  
16 commissioner and chief deputy election commissioner shall be  
17 registered voters, residents of such county for at least one year,  
18 and of good moral character and integrity and capacity. The election  
19 commissioner and chief deputy election commissioner shall serve for  
20 terms of four years from the date of their initial appointment or  
21 until their successors have been appointed and qualified. The county  
22 board may by resolution eliminate the office of election commissioner  
23 at the end of a term or upon a vacancy in the office. ~~The~~ In a county  
24 with a population of twenty-five thousand inhabitants or more, the  
25 county board shall not appoint any county official who is serving an

1 elected term to the office of election commissioner or chief deputy  
2 election commissioner. If a vacancy occurs in either office, the  
3 county board shall appoint an election commissioner or chief deputy  
4 election commissioner to serve for the unexpired term.

5           Sec. 6. Section 32-218, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           32-218 (1) The county clerk or the officer holding such  
8 consolidated office pursuant to section 22-417 shall have the powers  
9 and perform the duties assigned to the election commissioner except  
10 in those counties which have an election commissioner as provided by  
11 section 32-207 or 32-211. The powers and duties assigned to the  
12 county clerk in the Election Act relating to the registration of  
13 voters and the conduct of elections shall only apply to county clerks  
14 in counties without an election commissioner. The county clerk may  
15 hire additional personnel to perform the duties assigned under the  
16 act.

17           (2) The county board may establish the position of deputy  
18 county clerk for elections. Such deputy shall be appointed by the  
19 county clerk and shall not be a member of the same political party as  
20 the county clerk, except that any deputy county clerk for elections  
21 serving on January 1, 1995, shall be allowed to continue in his or  
22 her position for as long as he or she holds the position. Under the  
23 direction of the county clerk, the deputy shall be primarily  
24 responsible for performing the duties imposed on the county clerk by  
25 the election laws of this state and shall perform such other duties

1 as may from time to time be assigned to him or her by the county  
2 clerk. The deputy shall serve at the pleasure of the county clerk.  
3 The county board shall determine the compensation of the deputy.

4 Sec. 7. Section 32-520, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 32-520 ~~A-Except as provided in section 22-417, a county~~  
7 sheriff shall be elected in each county at the statewide general  
8 election in 1990 and each four years thereafter. The term of the  
9 county sheriff shall be four years or until his or her successor is  
10 elected and qualified. The county sheriff shall meet the  
11 qualifications found in sections 23-1701 and 23-1701.01. The county  
12 sheriff shall be elected on the partisan ballot.

13 Sec. 8. Section 32-521, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 32-521 ~~A-Except as provided in section 22-417, a county~~  
16 treasurer shall be elected in each county at the statewide general  
17 election in 1990 and each four years thereafter. The term of the  
18 county treasurer shall be four years or until his or her successor is  
19 elected and qualified. The county treasurer shall meet the  
20 qualifications found in section 23-1601.01. The county treasurer  
21 shall be elected on the partisan ballot.

22 Sec. 9. Section 39-1506, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 39-1506 Any person, whether or not a resident of the  
25 county, who is a duly licensed engineer in this state, any firm of

1 consulting engineers duly licensed in this state, or any other person  
2 who is a competent, experienced, practical road builder shall be  
3 qualified to serve as county highway superintendent, except that no  
4 member of the county board shall be eligible for appointment. A  
5 county highway superintendent may serve as the county highway  
6 superintendent in more than one county. In counties having a  
7 population of fifty thousand but less than one hundred fifty thousand  
8 inhabitants according to the most recent official United States  
9 census, the county surveyor shall perform all the duties and possess  
10 all the powers and functions of the county highway superintendent. In  
11 counties having a population of one hundred fifty thousand or more  
12 inhabitants, the county engineer shall serve as county highway  
13 superintendent.

14           Sec. 10. Original sections 22-417, 23-114.04, 23-1901.01,  
15 32-211, 32-218, 32-520, 32-521, and 39-1506, Reissue Revised Statutes  
16 of Nebraska, are repealed.