

AMENDMENTS TO LB 646

Introduced by Government, Military and Veterans Affairs

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 32-512, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-512 (1) After the selection of the original board of  
6 directors of a public power district as provided for in sections  
7 70-803 and 70-805 or a district as provided for in sections 70-604  
8 and 70-609, their successors shall be nominated and elected on the  
9 nonpartisan ballot, except that in districts receiving annual gross  
10 revenue of less than forty million dollars, the candidates for the  
11 board of directors shall not appear on the ballot in the primary  
12 election. The term of each elected director shall be not more than  
13 six years or until his or her successor is elected and qualified.  
14 Candidates for the board of directors shall meet the qualifications  
15 found in sections 70-610 and 70-619.

16           (2) Registered voters residing within the chartered  
17 territory and registered voters duly certified in accordance with  
18 section 70-604.03 shall be qualified to vote in the district as  
19 certified pursuant to section 70-611. The registered voters of a  
20 subdivision created under subsection (1) of section 70-612 may only  
21 cast their ballots for candidates for directors to be elected from  
22 such subdivision and for candidates for directors to be elected  
23 at large from the whole district. The registered voters of a

1 subdivision created under subsection (2) of section 70-612 may only  
2 cast their ballots for candidates for directors to be elected from  
3 such subdivision.

4           Sec. 2. Section 70-612, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           70-612 (1)(a) Subject to the provisions of Chapter 70,  
7 article 6, and subject to the approval of the Nebraska Power  
8 Review Board, the board of directors of a district, other than a  
9 district with a service area containing a city of the metropolitan  
10 class, may amend the petition for its creation to provide for  
11 the division of the territory of such district into two or more  
12 subdivisions for the nomination and election of some or all of the  
13 directors. Each subdivision shall be composed of one or more voting  
14 precincts, or divided voting precincts, and the total population of  
15 each such subdivision shall be approximately the same. ~~Two~~ Except  
16 in districts which contain a city of the metropolitan class, two  
17 or more subdivisions may be combined for election purposes, and  
18 members of the board of directors to be elected from such combined  
19 subdivisions may be nominated and elected at large when not  
20 less than seventy-five percent of the population of the combined  
21 subdivisions is within the corporate limits of any city.

22           (b) In the event a district formed includes all  
23 or part of two or more counties and is ~~(a)~~ (i) engaged in  
24 furnishing electric light and power and more than fifty percent  
25 of its customers are rural customers or ~~(b)~~ (ii) engaged in  
26 furnishing electric light and power and in the business of owning  
27 and operating irrigation works, then and in that event such

1 subdivisions may be formed by following precinct or county boundary  
2 lines without regard to population if in the judgment of the  
3 Nebraska Power Review Board the interests of the rural users  
4 of electricity or of users of irrigation water service in such  
5 district will not be prejudiced thereby.

6 (2) (a) By December 1, 2013, the board of directors of a  
7 district with a service area containing a city of the metropolitan  
8 class shall divide the district into eight election subdivisions  
9 and number the subdivisions consecutively and submit the maps to  
10 the Nebraska Power Review Board. In establishing the eight election  
11 subdivisions, the board of directors shall preserve the boundaries  
12 of the existing election subdivisions in which one member resides  
13 and divide the remaining existing subdivision in which more than  
14 one member resides into the same number of election subdivisions as  
15 there are members residing in such existing subdivision, and shall  
16 provide for the subdivisions created by dividing such existing  
17 subdivision to be composed of substantially equal population and  
18 compact and contiguous territory.

19 (b) The board of directors shall assign each member  
20 holding a position on the board of directors on the effective date  
21 of this act to represent a numbered election subdivision for the  
22 remainder of the term of office for which the member is elected,  
23 regardless of whether the member resides in the subdivision,  
24 and shall make such assignments so that the terms of members  
25 representing election subdivisions numbered one, two, and three  
26 expire in January 2015, the terms of members representing election  
27 subdivisions numbered four and five expire in January 2017, and the

1 terms of members representing election subdivisions six, seven, and  
2 eight expire in January 2019. If possible, each member shall be  
3 assigned to represent an election subdivision that corresponds to  
4 the end of the term he or she is serving.

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

10 (d) After each federal decennial census, the board of  
11 directors of a district with a service area containing a city of  
12 the metropolitan class shall create new boundaries for the eight  
13 election subdivisions. In establishing the boundaries of the eight  
14 election subdivisions, the board of directors shall follow county  
15 lines wherever practicable, shall provide for the subdivisions  
16 to be composed of substantially equal population and compact and  
17 contiguous territory, and shall, as nearly as possible, follow the  
18 precinct lines created by the election commissioner or county clerk  
19 after each federal decennial census.

20 ~~(2)~~ (3) Any public power district or public power and  
21 irrigation district owning and operating irrigation works may, with  
22 approval of the Nebraska Power Review Board, add representation  
23 on its board of directors from any county which is outside its  
24 chartered territory but in which is located some or all of such  
25 irrigation works.

26 Sec. 3. Section 70-615, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1                   70-615 (1) In addition to the events listed in section  
2 32-560, a vacancy on the board of directors shall exist in the  
3 event of the (a) removal from the chartered area of any director,  
4 (b) removal from the subdivision from which such director was  
5 elected except as otherwise provided in subsection (2) of section  
6 70-612, (c) elimination or detachment from the chartered area of  
7 the territory in which a director or directors reside, or (d)  
8 expiration of the term of office of a director and failure to elect  
9 a director to fill such office at the preceding general election.  
10 After notice and hearing, a vacancy shall also exist in the event  
11 of the absence of any director from more than two consecutive  
12 regular meetings of the board, unless such absences are excused by  
13 a majority of the remaining board members.

14                   (2) In the event of a vacancy from any of such causes,  
15 or otherwise, such vacancy or vacancies shall, except in districts  
16 having within their chartered area twenty-five or more cities  
17 and villages, be filled by the board of directors. In districts  
18 having within their chartered area twenty-five or more cities and  
19 villages, vacancies shall be filled by the Governor.

20                   (3) If a vacancy occurs during the term of any director  
21 prior to the deadline for filing and the unexpired term extends  
22 beyond the first Thursday after the first Tuesday in January  
23 following the next general election, an appointment shall be until  
24 the first Thursday after the first Tuesday in January following the  
25 next general election, and candidates may file nomination papers  
26 as provided by law for the placing of their names upon the ballot  
27 for election to the unexpired term. If a vacancy occurs during the

1 term of any director after the deadline for filing for election,  
2 an appointment shall be until the first Thursday after the first  
3 Tuesday in January following the next general election for which  
4 candidates may file nomination papers as provided by law.

5 (4) At any time a vacancy is to be filled by election,  
6 the secretary of the district shall give notice to the public  
7 by publishing the notice of vacancy, length of term, and the  
8 deadline for filing, once in a newspaper or newspapers of general  
9 circulation within the district.

10 (5) Any appointment shall be filed with the Secretary of  
11 State by certified mail.

12 Sec. 4. Section 70-619, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 70-619 (1) The corporate powers of the district shall be  
15 vested in and exercised by the board of directors of the district.  
16 No person shall be qualified to hold office as a member of the  
17 board of directors unless ~~(1)~~ (a) he or she is a registered voter  
18 ~~(a)~~ (i) of such chartered territory, ~~(b)~~ (ii) of the subdivision  
19 from which a director is to be elected if such chartered territory  
20 is subdivided for election purposes as provided in subsection (1)  
21 or (2) of section 70-612, or ~~(e)~~ (iii) of one of the combined  
22 subdivisions from which directors are to be elected at large as  
23 provided in section 70-612 or ~~(2)~~ (b) he or she is a retail  
24 customer duly certified in accordance with subsection (3) of  
25 section 70-604.03.

26 (2) No person who is a full-time or part-time employee  
27 of the district shall be eligible to serve as a member of the

1 board of directors unless such person resigns or assumes an unpaid  
2 leave of absence for the term as a member. The district shall  
3 grant such leave of absence when requested by any employee for  
4 the purpose of the employee serving as a member of the board of  
5 directors. No person shall be qualified to be a member of more than  
6 one such district board, except that a director of a rural public  
7 power district may serve as a director of another public power  
8 district formed or organized for the purpose of generating electric  
9 energy or transmitting electric energy exclusively for resale to  
10 some other public power districts, rural electric cooperatives, and  
11 membership associations or municipalities. No member of a governing  
12 body of any one of the municipalities within the areas of the  
13 district shall be qualified to serve on the original board of  
14 directors under sections 70-603 to 70-609.

15           Sec. 5. Original sections 32-512, 70-612, 70-615, and  
16 70-619, Reissue Revised Statutes of Nebraska, are repealed.