

E AND R AMENDMENTS TO LB 646

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following 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) or (3) of section 70-612  
2 may only cast their ballots for candidates for directors to be  
3 elected from 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) The board of directors of a district with a  
7 service area containing a city of the metropolitan class may amend  
8 its charter to provide for the division of the territory of the  
9 district into election subdivisions composed of substantially equal  
10 population and compact and contiguous territory and number the  
11 subdivisions consecutively and submit the maps to the Nebraska  
12 Power Review Board.

13 (b) If the board of directors provides for eight election  
14 subdivisions prior to January 1, 2014, the board of directors  
15 shall assign each position on the board of directors to represent  
16 a numbered election subdivision for the remainder of the term of  
17 office for which the member is elected, regardless of whether the  
18 member resides in the subdivision, and shall make such assignments  
19 so that the terms of members representing election subdivisions  
20 numbered one, two, and three expire in January 2015, the terms  
21 of members representing election subdivisions numbered four and  
22 five expire in January 2017, and the terms of members representing  
23 election subdivisions six, seven, and eight expire in January 2019.  
24 If possible, each member shall be assigned to represent an election  
25 subdivision that corresponds to the end of the term he or she is  
26 serving.

27 (c) A successor who resides in the numbered election

1 subdivision shall be nominated and elected at the statewide primary  
2 and general elections held in the calendar year prior to the  
3 expiration of the term of the member who represents such numbered  
4 election subdivision.

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

15 ~~(2)~~ (4) Any public power district or public power and  
16 irrigation district owning and operating irrigation works may, with  
17 approval of the Nebraska Power Review Board, add representation  
18 on its board of directors from any county which is outside its  
19 chartered territory but in which is located some or all of such  
20 irrigation works.

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

23 70-615 (1) In addition to the events listed in section  
24 32-560, a vacancy on the board of directors shall exist in the  
25 event of the (a) removal from the chartered area of any director,  
26 (b) removal from the subdivision from which such director was  
27 elected except as otherwise provided in subsection (2) or (3) of

1 section 70-612, (c) elimination or detachment from the chartered  
2 area of the territory in which a director or directors reside, or  
3 (d) expiration of the term of office of a director and failure  
4 to elect a director to fill such office at the preceding general  
5 election. After notice and hearing, a vacancy shall also exist  
6 in the event of the absence of any director from more than two  
7 consecutive regular meetings of the board, unless such absences are  
8 excused by a majority of the remaining board members.

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

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

27           (4) At any time a vacancy is to be filled by election,

1 the secretary of the district shall give notice to the public  
2 by publishing the notice of vacancy, length of term, and the  
3 deadline for filing, once in a newspaper or newspapers of general  
4 circulation within the district.

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

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

9 70-619 (1) The corporate powers of the district shall be  
10 vested in and exercised by the board of directors of the district.  
11 No person shall be qualified to hold office as a member of the  
12 board of directors unless ~~(1)~~ (a) he or she is a registered voter  
13 ~~(a)~~ (i) of such chartered territory, ~~(b)~~ (ii) of the subdivision  
14 from which a director is to be elected if such chartered territory  
15 is subdivided for election purposes as provided in subsection  
16 (1), (2), or (3) of section 70-612, or ~~(e)~~ (iii) of one of the  
17 combined subdivisions from which directors are to be elected at  
18 large as provided in section 70-612 or ~~(2)~~ (b) he or she is a  
19 retail customer duly certified in accordance with subsection (3) of  
20 section 70-604.03.

21 (2) No person who is a full-time or part-time employee  
22 of the district shall be eligible to serve as a member of the  
23 board of directors unless such person resigns or assumes an unpaid  
24 leave of absence for the term as a member. The district shall  
25 grant such leave of absence when requested by any employee for  
26 the purpose of the employee serving as a member of the board of  
27 directors. No person shall be qualified to be a member of more than

1 one such district board, except that a director of a rural public  
2 power district may serve as a director of another public power  
3 district formed or organized for the purpose of generating electric  
4 energy or transmitting electric energy exclusively for resale to  
5 some other public power districts, rural electric cooperatives, and  
6 membership associations or municipalities. No member of a governing  
7 body of any one of the municipalities within the areas of the  
8 district shall be qualified to serve on the original board of  
9 directors under sections 70-603 to 70-609.

10           Sec. 5. Original sections 32-512, 70-612, 70-615, and  
11 70-619, Reissue Revised Statutes of Nebraska, are repealed.

12           2. On page 1, line 2, strike "70-612" and insert "32-512,  
13 70-612, 70-615,".