

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 513

Introduced by Brewer, 43.

Read first time January 19, 2021

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to public power district boards; to amend
- 2 sections 32-512, 70-610, and 70-619, Reissue Revised Statutes of
- 3 Nebraska; to change duration of terms; to change qualifications for
- 4 candidates and members of the board; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 32-512 (1) After the selection of the original board of directors of
4 a public power district as provided for in sections 70-803 and 70-805 or
5 a district as provided for in sections 70-604 and 70-609, their
6 successors shall be nominated and elected on the nonpartisan ballot,
7 except that in districts receiving annual gross revenue of less than
8 forty million dollars, the candidates for the board of directors shall
9 not appear on the ballot in the primary election. The term of each
10 elected director shall be not more than six years or until his or her
11 successor is elected and qualified, except that beginning in 2022, each
12 director shall be elected for a term of four years. Candidates for the
13 board of directors shall meet the qualifications found in sections 70-610
14 and 70-619.

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

25 Sec. 2. Section 70-610, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 70-610 (1) After the selection of the original board of directors of
28 a district as provided for in sections 70-604 and 70-609, successors
29 shall be nominated and elected as provided in section 32-512. Elections
30 shall be conducted as provided in the Election Act.

31 (2) A candidate for director shall be a retail customer of the

1 district and a registered voter residing within the chartered territory
2 or subdivision as defined in the charter of the district or a retail
3 customer duly certified in accordance with subsection (3) of section
4 70-604.03.

5 (3) Each public power district shall pay for the election expenses
6 of nominating and electing its directors as provided in this section.
7 Except as otherwise provided in this section, the district shall pay to
8 each county in which the name of one or more candidates appears upon the
9 ballot as follows: Counties having a population of less than three
10 thousand inhabitants, one hundred dollars; counties having a population
11 of at least three thousand but less than nine thousand inhabitants, one
12 hundred fifty dollars; counties having a population of at least nine
13 thousand but less than fourteen thousand inhabitants, two hundred
14 dollars; counties having a population of at least fourteen thousand but
15 less than twenty thousand inhabitants, two hundred fifty dollars;
16 counties having a population of at least twenty thousand but less than
17 sixty thousand inhabitants, three hundred dollars; counties having a
18 population of at least sixty thousand but less than one hundred thousand
19 inhabitants, fifteen hundred dollars; counties having a population of at
20 least one hundred thousand but less than two hundred thousand
21 inhabitants, three thousand dollars; and counties having a population of
22 two hundred thousand inhabitants or more, fifty-five hundred dollars. The
23 population of a county for purposes of this section shall be the
24 population as determined by the most recent federal decennial census.

25 When the name of one or more candidates of a district appears on
26 ballots in less than one-half of the precincts in a county, the cost to
27 the district shall be reduced fifty percent. Election expenses shall be
28 due and payable by each public power district within thirty days after
29 receipt of a statement from the county.

30 (4) In lieu of the payment of election expenses pursuant to
31 subsection (3) of this section, a district shall pay for the election

1 expenses of nominating and electing its board of directors pursuant to
2 subsection (2) of section 32-1203 upon request of a county. The election
3 expenses shall be due and payable by the district within thirty days
4 after receipt from the county of an itemized statement of election
5 expenses owed by the district. This subsection shall not be construed to
6 authorize reimbursement for expenses not directly attributable to
7 nominating and electing members of the board of directors.

8 Sec. 3. Section 70-619, Reissue Revised Statutes of Nebraska, is
9 amended to read:

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

21 (2)(a) No person who is a full-time or part-time employee of the
22 district shall be eligible to serve as a member of the board of directors
23 of that district and no high-level manager employed by a district may
24 serve as a member of the board of directors of any district unless such
25 person (i) resigns or (ii) assumes an unpaid leave of absence for the
26 term as a member. The employing district shall grant such leave of
27 absence when requested by any employee for the purpose of the employee
28 serving as a member of such board. A member of a governing body of any
29 one of the municipalities within the areas of the district may not serve
30 on the original board of directors under sections 70-603 to 70-609.

31 (b) For purposes of this subsection, high-level manager means a

1 person employed by a district who serves in a high-level managerial
2 position, including chief executive officer, president, vice president,
3 chief financial officer, chief operations officer, general manager, or
4 assistant general manager.

5 Sec. 4. Original sections 32-512, 70-610, and 70-619, Reissue
6 Revised Statutes of Nebraska, are repealed.