

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 786

FINAL READING

Introduced by Vargas, 7.

Read first time January 03, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to county government; to amend sections
2 23-1304, 23-1311, 23-1402, 23-1403, 23-1602, 23-1603, 23-1605,
3 23-1612, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, and 23-2528,
4 Reissue Revised Statutes of Nebraska; to change terminology; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1304, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-1304 The county clerk shall keep a book in which shall be entered
4 in alphabetical order, by name of the principal, a minute of all official
5 bonds filed in the county clerk's ~~his~~ office, giving the name of the
6 office, amount and date of bond, names of sureties, and date of filing,
7 with proper reference to the book and page where the same is recorded.

8 Sec. 2. Section 23-1311, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 23-1311 The name or names of each signer of an instrument presented
11 for filing or recording in the office of the county clerk or register of
12 deeds, including the name of any notary or official taking the
13 acknowledgment, shall be typewritten or legibly printed beneath such
14 signature. The ~~, and the~~ county clerk or register of deeds may refuse to
15 accept and file any instrument failing to meet the requirements of this
16 section, except ~~;~~ Provided, that if the county clerk or register of deeds
17 determines that all signatures on the instrument are legible, the county
18 clerk or register of deeds ~~he~~ shall not refuse to file the instrument.

19 Sec. 3. Section 23-1402, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 23-1402 The county comptroller shall keep a distinct account with
22 the county treasurer ~~of the county~~ for each several term for which the
23 county treasurer may be elected, in a book to be provided for that
24 purpose, commencing from the day on which the county treasurer became
25 qualified, and continuing until the same or other person is qualified as
26 county treasurer. In this account, the county comptroller ~~he~~ shall charge
27 the county treasurer with the amount of taxes levied and assessed in each
28 year, as the same appears on each tax list, delivered to the county
29 comptroller while in him ~~during his term of~~ office; with the amount of
30 money and with the amount of state, county, and general fund warrants,
31 road orders, or other evidences of indebtedness, which the county

1 treasurer may have been authorized to receive from the ~~his~~ predecessors
2 in the office; with the amount of any additional assessments made after
3 the delivery of any tax list, with the amount of any additional penalty
4 added to the taxes, after the same became delinquent according to law;
5 with the amount due the county for advertising lands for sale for
6 delinquent taxes; with the amount received from the sale of any property,
7 belonging to the county; with the amount received as fines and
8 forfeitures; with the amount received from dram shop, tavern, grocery,
9 and other licenses; and with the amount of money received from any other
10 source authorized by law. Upon presentation of proper vouchers, the
11 county comptroller ~~he~~ shall credit the county treasurer with the amount
12 of all county tax which has been paid over to the proper authority and
13 receipted for; with the amount of county warrants received by the county
14 treasurer, and returned to the county board and canceled; with the amount
15 of delinquent taxes and any additional penalty due thereon; with the
16 amount due on lands and lots for advertising the same for sale; with the
17 amount of double and erroneous assessments of property; with the amount
18 of percentage fees allowed by law to the county treasurer for collecting
19 taxes; with the amount of money and the amount of warrants or orders or
20 other evidences of indebtedness which the county treasurer is allowed by
21 law to receive for taxes, which the county treasurer ~~he~~ pays over to the
22 ~~his~~ successor in the office; and with the amount of taxes uncollected on
23 the tax lists delivered over to the ~~his~~ successor in the office.

24 Sec. 4. Section 23-1403, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 23-1403 The county comptroller shall perform such other duties as
27 may be required by law. The county comptroller shall keep a record of all
28 claims filed against the county, and the claims themselves the county
29 comptroller ~~he~~ shall keep on file in the ~~his~~ office. The county
30 comptroller is hereby authorized and empowered to appoint the necessary
31 help to be paid by the county, but for whose acts and doings the county

1 ~~said~~ comptroller shall be responsible. During the ~~his~~ absence of or
2 disability to act as the county ~~said~~ comptroller, the ~~his~~ deputy is
3 hereby authorized to do and perform any and all acts that might by the
4 county ~~such~~ comptroller ~~himself~~ be done and performed if present.

5 Sec. 5. Section 23-1602, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 23-1602 All warrants issued by the county board shall, upon being
8 presented for payment, if there are not sufficient funds in the treasury
9 to pay the same, be endorsed by the county treasurer not paid for want of
10 funds, and the county treasurer shall also endorse thereon the date of
11 such presentation and sign his or her name thereto. Warrants so endorsed
12 shall draw interest from the date of such endorsement, at the rate to be
13 fixed by the county board at the time of issuance and inserted in the
14 warrant. No account or claim whatsoever against a county, which has been
15 allowed by the county board, shall draw interest until a warrant has
16 ~~shall have~~ been drawn in payment thereof and endorsed as ~~herein~~
17 in this section.

18 Sec. 6. Section 23-1603, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 23-1603 If any county treasurer neglects or refuses ~~shall neglect or~~
21 ~~refuse~~ to render any account or settlement required by law, fails or
22 neglects ~~or shall fail or neglect~~ to account for any balance due the
23 state, county, township, school district, or any other municipal
24 subdivision, or is guilty of any other misconduct in office, the county
25 board may forthwith remove the county treasurer ~~him~~ from office, and
26 appoint some suitable person to perform the duties of the county
27 treasurer until a ~~his~~ successor is elected or appointed and qualified.

28 Sec. 7. Section 23-1605, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 23-1605 The county treasurer ~~of each county~~ shall, during the months
31 of July and January of each year, cause to be published in a legal

1 newspaper, and in counties having more than two hundred fifty thousand
2 inhabitants in a daily legal newspaper printed in the county, or if there
3 is no legal newspaper published in the county, in a legal newspaper of
4 general circulation within the county, a tabulated statement of the
5 affairs of the county treasurer's ~~his~~ office, showing the receipts and
6 disbursements of the ~~his~~ office for the last preceding six months ending
7 June 30 and December 31.

8 Sec. 8. Section 23-1612, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 23-1612 Every county officer, and the ~~his~~ deputy and assistants of
11 every county officer ~~,~~ shall, on demand, exhibit to any examiner all
12 books, papers, records, and accounts pertaining to the ~~his~~ office and
13 shall truthfully answer all questions asked ~~that may be put to him~~ by
14 such examiner touching the affairs of the ~~his~~ office. Any person who
15 fails or refuses ~~shall fail or refuse~~ to comply with the ~~provisions of~~
16 this section shall be guilty of a Class V misdemeanor.

17 Sec. 9. Section 23-2504, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 23-2504 (1) The commission shall consist of five members who shall
20 be in sympathy with the application of merit principles to public
21 employment. No member of the commission shall be a member of any local,
22 state, or national committee of a political party or an officer or member
23 of a committee in any partisan political club or organization.

24 (2) The members of the commission shall be as follows: (a) Two
25 elected officers selected from the offices of and elected by the county
26 commissioners, clerk, assessor, treasurer, public defender, register of
27 deeds, clerk of the district court, surveyor, and sheriff, being of
28 opposite political parties if possible, and each party shall separately
29 select its own member, (b) two full-time permanent county employees, and
30 (c) one public member holding no public or political office. The initial
31 two such employees shall be selected by the two elected officers referred

1 to in subdivision (a) of this subdivision as follows: Any such employee
2 who is at least twenty-one years of age may submit his or her name as a
3 candidate to the elected officer of the political party with which the
4 employee is registered ~~his own party~~ who shall then select one commission
5 member from such list of names. The four members of the commission shall
6 then select the public member. The commission shall establish employee
7 election procedures which shall provide that all county employees subject
8 to sections 23-2501 to 23-2516 may vote and, if not less than twenty-one
9 years of age, be candidates for a member of the commission. One employee
10 member of the commission shall be a Democrat elected by the Democrat-
11 registered employees subject to sections 23-2501 to 23-2516 and one
12 employee member of the commission shall be a Republican elected by the
13 Republican-registered employees subject to sections 23-2501 to 23-2516.
14 An employee otherwise eligible to vote and be a candidate for the office
15 of employee member of the commission, but who is not registered as either
16 a Democrat or a Republican, may become eligible to vote, and become a
17 candidate for the office of employee member of the commission by making a
18 declaration that he or she desires to vote for such a member of the
19 commission, or be a candidate for such office, and, in the same
20 declaration, designating the party, Democrat or Republican, with which he
21 or she desires to be affiliated for this purpose. After making such
22 declaration, that employee shall have the same right to vote for a
23 candidate, and be a candidate for the office of employee member of the
24 commission as ~~he would have had~~ if the employee he were a registered
25 member of the party so designated in the declaration. The manner, form,
26 and contents of such declaration shall be initially established by the
27 two elected officials referred to in subdivision (2)(a) of this section,
28 subject to modification by the commission after it has been fully formed.

29 (3) The initial term of office of (a) the two elected officers shall
30 be three years from May 21, 1971; (b) the initial term of office of the
31 county employees shall be two years from May 21, 1971; and (c) the

1 initial term of the public member shall be three years from May 21, 1971.

2 At the expiration of the initial term of office, a successor member
3 shall be elected or appointed as provided in sections 23-2501 to 23-2516
4 for a term of three years. Membership on the commission of any member
5 shall terminate upon the resignation of any member or at such time as the
6 member no longer complies with the qualifications for election or
7 appointment to the commission. In the event a member's term terminates
8 prior to the expiration of the term for which the member he was elected
9 or appointed, the commission shall appoint a successor complying with the
10 same qualifications for the unexpired term.

11 Sec. 10. Section 23-2506, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 23-2506 The commission shall hold regular meetings at least once
14 every three months, and shall designate the time and place thereof by
15 notice posted in the courthouse at least seven days prior to the meeting.
16 The commission shall adopt rules of procedure and shall keep a record of
17 its proceedings. The commission shall also make provision for special
18 meetings, and all meetings and records of the commission shall be open to
19 the public except as otherwise provided in sections 23-2501 to 23-2516.
20 The commission shall elect one of its members as chairperson ~~chairman~~ for
21 a period of one year or until a ~~his~~ successor has been duly elected and
22 qualified.

23 Sec. 11. Section 23-2507, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 23-2507 (1) The commission may prescribe the following: (a) General
26 employment policies and procedures; (b) regulations for recruiting,
27 examination, and certification of qualified applicants for employment and
28 the maintenance of registers of qualified candidates for employment for
29 all employees governed by sections 23-2501 to 23-2516; (c) a system of
30 personnel records containing general data on all employees and standards
31 for the development and maintenance of personnel records to be maintained

1 within the offices governed by sections 23-2501 to 23-2516; (d)
2 regulations governing such matters as hours of work, promotions,
3 transfers, demotions, probation, terminations, and reductions in force;
4 (e) regulations for use by all offices governed by sections 23-2501 to
5 23-2516 relating to such matters as employee benefits, vacation, sick
6 leave, and holidays.

7 (2) The commission shall require department heads to provide
8 sufficient criteria to enable the commission to properly conduct
9 employment examinations.

10 (3) The commission shall require department heads to supply to the
11 commission position classification plans, job descriptions, and job
12 specifications.

13 (4) Individual personnel records shall be available for inspection
14 only by the employee involved, the employee's his department head, and
15 such other persons as the commission shall authorize.

16 (5) The commission shall have such other powers as are necessary to
17 effectuate the purposes of sections 23-2501 to 23-2516.

18 (6) All acts of the commission pursuant to the authority conferred
19 in this section shall be binding on all county department heads governed
20 by sections 23-2501 to 23-2516.

21 Sec. 12. Section 23-2510, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 23-2510 Any employee may be discharged, suspended, or demoted in
24 rank or compensation by his or her department head by a written order
25 which shall specifically state the reasons therefor. Such order shall be
26 filed with the commission, and a copy of such order shall be served upon
27 the employee personally or by leaving it at his or her usual place of
28 residence. Any employee so affected may, within ten days after service of
29 the order, appeal such order to the commission. Notice of such appeal
30 shall be in writing, signed by the employee appealing, and delivered to
31 any member of the commission. The delivery of the notice of appeal shall

1 be sufficient to perfect an appeal, and no other act shall be deemed
2 necessary to confer jurisdiction of the commission over the appeal. In
3 the event any employee is discharged, suspended, or demoted prior to the
4 formation of the commission, such employee may appeal the order to the
5 commission within ten days after the formation of the commission in the
6 manner provided in this section.

7 Sec. 13. Section 23-2514, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 23-2514 Notwithstanding any other provision of sections 23-2501 to
10 23-2516, any person who holds the position of chief deputy, or deputy if
11 there is not more than one deputy in the office, may be removed by the
12 elected officer from the position of chief deputy or deputy without
13 cause, but such person shall, if he or she has been an employee of the
14 county for more than two years prior to the ~~his~~ appointment as chief
15 deputy or deputy, have the right, unless discharged or demoted as
16 provided in sections 23-2510 and 23-2511, to remain as a county employee
17 at a salary not less than eighty percent of his or her average salary
18 during the three preceding years.

19 Sec. 14. Section 23-2528, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 23-2528 (1) An employee in the classified service who has completed
22 a ~~his~~ probationary period shall have permanent tenure until the employee
23 ~~he~~ resigns voluntarily or is separated in accordance with the rules and
24 regulations governing retirement, dismissal, or layoff.

25 (2) An employee in the classified service with a probationary,
26 provisional, temporary, or emergency appointment shall have no tenure
27 under that appointment and may be separated from employment by the ~~his~~
28 appointing authority without any right of appeal except as provided in
29 section 23-2531.

30 Sec. 15. Original sections 23-1304, 23-1311, 23-1402, 23-1403,
31 23-1602, 23-1603, 23-1605, 23-1612, 23-2504, 23-2506, 23-2507, 23-2510,

1 23-2514, and 23-2528, Reissue Revised Statutes of Nebraska, are repealed.