

LEGISLATIVE BILL 786

Approved by the Governor April 11, 2018

Introduced by Vargas, 7.

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

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

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

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

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

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

23-1402 The county comptroller shall keep a distinct account with the county treasurer of the county for each several term for which the county treasurer may be elected, in a book to be provided for that purpose, commencing from the day on which the county treasurer became qualified, and continuing until the same or other person is qualified as county treasurer. In this account, the county comptroller ~~he~~ shall charge the county treasurer with the amount of taxes levied and assessed in each year, as the same appears on each tax list, delivered to the county comptroller while in him ~~during his term of office~~; with the amount of money and with the amount of state, county, and general fund warrants, road orders, or other evidences of indebtedness, which the county treasurer may have been authorized to receive from the his predecessors in the office; with the amount of any additional assessments made after the delivery of any tax list, with the amount of any additional penalty added to the taxes, after the same became delinquent according to law; with the amount due the county for advertising lands for sale for delinquent taxes; with the amount received from the sale of any property, belonging to the county; with the amount received as fines and forfeitures; with the amount received from dram shop, tavern, grocery, and other licenses; and with the amount of money received from any other source authorized by law. Upon presentation of proper vouchers, the county comptroller ~~he~~ shall credit the county treasurer with the amount of all county tax which has been paid over to the proper authority and receipted for; with the amount of county warrants received by the county treasurer, and returned to the county board and canceled; with the amount of delinquent taxes and any additional penalty due thereon; with the amount due on lands and lots for advertising the same for sale; with the amount of double and erroneous assessments of property; with the amount of percentage fees allowed by law to the county treasurer for collecting taxes; with the amount of money and the amount of warrants or orders or other evidences of indebtedness which the county treasurer is allowed by law to receive for taxes, which the county treasurer ~~he~~ pays over to the his successor in the office; and with the amount of taxes uncollected on the tax lists delivered over to the his successor in the office.

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

23-1403 The county comptroller shall perform such other duties as may be required by law. The county comptroller shall keep a record of all claims filed against the county, and the claims themselves the county comptroller ~~he~~ shall keep on file in the his office. The county comptroller is hereby authorized and empowered to appoint the necessary help to be paid by the county, but for whose acts and doings the county said comptroller shall be responsible. During the his absence of or disability to act as the county said comptroller, the his deputy is hereby authorized to do and perform any and all acts that might by the county ~~such~~ comptroller ~~himself~~ be done and performed if present.

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

23-1602 All warrants issued by the county board shall, upon being presented for payment, if there are not sufficient funds in the treasury to pay

the same, be endorsed by the county treasurer not paid for want of funds, and the county treasurer shall also endorse thereon the date of such presentation and sign his or her name thereto. Warrants so endorsed shall draw interest from the date of such endorsement, at the rate to be fixed by the county board at the time of issuance and inserted in the warrant. No account or claim whatsoever against a county, which has been allowed by the county board, shall draw interest until a warrant has ~~shall have~~ been drawn in payment thereof and endorsed as ~~herein provided in this section~~.

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

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

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

23-1605 The county treasurer ~~of each county~~ shall, during the months of July and January of each year, cause to be published in a legal newspaper, and in counties having more than two hundred fifty thousand inhabitants in a daily legal newspaper printed in the county, or if there is no legal newspaper published in the county, in a legal newspaper of general circulation within the county, a tabulated statement of the affairs of the county treasurer's ~~his~~ office, showing the receipts and disbursements of the ~~his~~ office for the last preceding six months ending June 30 and December 31.

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

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

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

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

(2) The members of the commission shall be as follows: (a) Two elected officers selected from the offices of and elected by the county commissioners, clerk, assessor, treasurer, public defender, register of deeds, clerk of the district court, surveyor, and sheriff, being of opposite political parties if possible, and each party shall separately select its own member, (b) two full-time permanent county employees, and (c) one public member holding no public or political office. The initial two such employees shall be selected by the two elected officers referred to in subdivision (a) of this subdivision as follows: Any such employee who is at least twenty-one years of age may submit his or her name as a candidate to the elected officer of the political party with which the employee is registered ~~his own party~~ who shall then select one commission member from such list of names. The four members of the commission shall then select the public member. The commission shall establish employee election procedures which shall provide that all county employees subject to sections 23-2501 to 23-2516 may vote and, if not less than twenty-one years of age, be candidates for a member of the commission. One employee member of the commission shall be a Democrat elected by the Democrat-registered employees subject to sections 23-2501 to 23-2516 and one employee member of the commission shall be a Republican elected by the Republican-registered employees subject to sections 23-2501 to 23-2516. An employee otherwise eligible to vote and be a candidate for the office of employee member of the commission, but who is not registered as either a Democrat or a Republican, may become eligible to vote, and become a candidate for the office of employee member of the commission by making a declaration that he or she desires to vote for such a member of the commission, or be a candidate for such office, and, in the same declaration, designating the party, Democrat or Republican, with which he or she desires to be affiliated for this purpose. After making such declaration, that employee shall have the same right to vote for a candidate, and be a candidate for the office of employee member of the commission as ~~he would have had if the employee~~ he were a registered member of the party so designated in the declaration. The manner, form, and contents of such declaration shall be initially established by the two elected officials referred to in subdivision (2)(a) of this section, subject to modification by the commission after it has been fully formed.

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

At the expiration of the initial term of office, a successor member shall

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

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

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

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

23-2507 (1) The commission may prescribe the following: (a) General employment policies and procedures; (b) regulations for recruiting, examination, and certification of qualified applicants for employment and the maintenance of registers of qualified candidates for employment for all employees governed by sections 23-2501 to 23-2516; (c) a system of personnel records containing general data on all employees and standards for the development and maintenance of personnel records to be maintained within the offices governed by sections 23-2501 to 23-2516; (d) regulations governing such matters as hours of work, promotions, transfers, demotions, probation, terminations, and reductions in force; (e) regulations for use by all offices governed by sections 23-2501 to 23-2516 relating to such matters as employee benefits, vacation, sick leave, and holidays.

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

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

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

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

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

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

23-2510 Any employee may be discharged, suspended, or demoted in rank or compensation by his or her department head by a written order which shall specifically state the reasons therefor. Such order shall be filed with the commission, and a copy of such order shall be served upon the employee personally or by leaving it at his or her usual place of residence. Any employee so affected may, within ten days after service of the order, appeal such order to the commission. Notice of such appeal shall be in writing, signed by the employee appealing, and delivered to any member of the commission. The delivery of the notice of appeal shall be sufficient to perfect an appeal, and no other act shall be deemed necessary to confer jurisdiction of the commission over the appeal. In the event any employee is discharged, suspended, or demoted prior to the formation of the commission, such employee may appeal the order to the commission within ten days after the formation of the commission in the manner provided in this section.

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

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

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

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

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

Sec. 15. Original sections 23-1304, 23-1311, 23-1402, 23-1403, 23-1602,

23-1603, 23-1605, 23-1612, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, and 23-2528, Reissue Revised Statutes of Nebraska, are repealed.