

LEGISLATIVE BILL 560

Approved by the Governor April 20, 1978

Introduced by Mills 44

AN ACT to amend sections 23-343.07, 23-378, and 35-514.02, Reissue Revised Statutes of Nebraska, 1943, relating to political subdivisions; to provide for certain expenditures; to permit contracting for ambulance service; to provide procedures for merger of hospital districts as prescribed; to provide for an election; to provide provisions relating to assets and liabilities; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-343.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.07. (1) The county board, in counties in this state in which such facility or facilities have been established as provided in section 23-343, may, by a majority vote of the board, issue and sell bonds of the county in such sums as the county board may deem advisable to defray the cost of improvements or additions thereto and equipment. Such bonds shall not exceed the amount authorized for improvements, additions, or equipment in section 23-343.03.

(2) The county board may also, either on its own initiative or upon the recommendation of the board of trustees, from time to time submit to the electors of such county at a general election, or at a special election called for that purpose, the question of the issuance of the bonds of such county to defray the cost of improvements or additions to such facility or facilities or equipment therefor in an amount either within or exceeding the limitation of fifty per cent of the cost of such original facility or facilities and equipment. If approved by the vote of a majority of the electors voting on such proposition, the county board shall issue and sell such bonds. The county board, if it deems it best, may combine in one question to the voters the proposition of authorizing such improvements, additions, or equipment in excess of the limitation prescribed, as provided in section 23-343.03, and the issuance of bonds under this section.

(3) Such bonds shall (a) be payable in not to exceed twenty years from the date of issuance, (b) bear interest payable annually or semiannually, and (c) contain an option to the county to pay all or any part thereof at any time after five years from the date of issuance. When such bonds have been issued under the provisions of this section or section 23-343, the county board shall cause to be levied and collected annually a tax upon all of the taxable property of such county, except intangible property, sufficient to pay the interest and principal of the bonds as the same become due and payable.

(4) In addition to the issuance of bonds therefor, the county board may also place operating income from the operation of such facility which is not needed for current operations into a special reserve fund to be used to defray the cost of such improvements or additions and equipment. Income placed in such fund may be withdrawn and used for operating expenses with the approval of the county board.

Sec. 2. That section 23-378, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-378. The county boards of counties, and the governing bodies of cities and villages, may provide ambulance service as a governmental service either within or without the county or municipality, as the case may be. The county board or governing body may contract with any city, person, firm, or corporation to provide such service. Each may enter into an agreement with the other under the Interlocal Cooperation Act for the purpose of providing necessary ambulance service, or may provide separate service for itself. Public funds may be expended therefor, and a reasonable service fee may be charged to the user. Before any such ambulance service is established under the authority of this section, the county board or the governing bodies of cities and villages shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for providing such ambulance service, including an estimate of the initial cost and the possible continuing cost of operating such service. If the board or governing body after such hearing determines that public ambulance service is needed, it may proceed as authorized in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any county board of counties and the governing bodies of cities and villages may pay their cost for such service out of available general funds, or

may levy a tax for the purpose of providing necessary ambulance service, which levy shall be in addition to all other taxes and shall be in addition to restrictions on the levy of taxes provided by statute; Provided, that when a fire district provides ambulance service the county shall pay the cost for the county ambulance service by levying a tax on that property not in a fire district providing ambulance service.

Sec. 3. That section 35-514.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-514.02. A rural or suburban fire protection district may provide ambulance service either within or without the district, ~~and~~ may enter into agreement under the Interlocal Cooperation Act for the purpose of providing necessary ambulance service, may contract with any city, person, firm, or corporation to provide such service, may expend funds of the district and may charge a reasonable fee to the user. Before any such ambulance service is established under the authority of this section, the rural or suburban fire protection district shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for providing such ambulance service, including an estimate of the initial cost and the possible continuing cost of operating such service. If the board after such hearing determines that public ambulance service is needed, it may proceed as authorized in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any such fire protection district may pay the cost for such service out of available funds, or may levy a tax for the purpose of providing necessary ambulance service, which levy shall be in addition to any other tax for such fire protection district and shall be in addition to restrictions on the levy of taxes provided by statute; Provided, when such fire protection district levies a tax for the purpose of providing ambulance service the taxpayers of such district shall be exempt from any tax levied under the provisions of section 23-378.

Sec. 4. Any two or more hospital districts may merge into one district if a petition for merger is presented to the county board in the county which will include the greater portion of the proposed district by population and such merger is approved by a majority of the voters in the existing districts at an election as provided in section 6 of this act. A petition for merger shall be sufficient if for each district affected by the proposed merger it has been either signed by a majority

of the board of directors of each district or signed by the legal voters in each district equal to at least ten per cent of the number of votes cast in such district for the Governor at the last general election. The petition shall be filed at least sixty days prior to any election.

Sec. 5. The petition for merger shall include a plan for the proposed merger which plan shall contain:

(1) A description of the proposed boundaries of the merged district;

(2) A summary statement of the reasons for the proposed merger;

(3) The amount of the outstanding bonded indebtedness of each district and the manner in which such outstanding bonded indebtedness is proposed to be allocated if the merger is approved;

(4) The amount of outstanding indebtedness other than the bonded indebtedness of each district;

(5) The name of the proposed district; and

(6) Such other matters as the petitioner shall determine proper to be included.

Sec. 6. After determining the sufficiency of the petition, the county board shall by resolution provide for the submission of the question of the merger of the districts at a general, primary, or special election. If a special election is called the costs of such election shall be borne equally by the districts petitioning for the merger. If the question is submitted at a special election, the county clerk or election commissioner of each county having electors entitled to vote on the issue shall conduct the special election in such county and shall be responsible for designating the polling places and appointing the election officials, who need not be the regular election officials, and otherwise conducting the election within such county. The county board shall designate the form of ballot. The county clerk for the county whose county board has received the petition and called the election shall be responsible for giving notice of the special election. Such notice shall be published at least twenty days prior to the election and shall be published, for each district, in a legal newspaper of general circulation in such district. The notice of election shall state where absent, disabled, and confined voters' ballots may be obtained pursuant to Chapter 34, articles 8 and 12. In any such special election, the ballots shall be counted by the county

clerks or election commissioners conducting the election and each such county clerk or election commissioner shall designate two disinterested persons to assist him or her with the counting of ballots. If the question is submitted at the general election or primary election, the ballots shall be counted as provided by law for such elections. When all of the ballots have been counted in each county, the returns of such election shall be canvassed by the county canvassing board. All elections conducted pursuant to this section shall be conducted as provided under Chapter 32, except as otherwise specifically provided for in this section.

Sec. 7. If after canvassing the returns for each county the county board determines that the merger has been approved by a majority of the voters in each district, the county board shall enter an order for the merger of the districts.

Sec. 8. Immediately following the entry of the order of merger by the county board, the members of the board of directors of the former hospital districts which were merged by such order shall meet and elect from among themselves a chairperson, vice-chairperson, and secretary-treasurer. No more than two of such offices may be held by persons from one of such former hospital districts. The members of such boards shall adopt as rules for its proceeding the rules of one of such former districts with such changes and modifications as the members shall deem necessary. The members of the board of directors shall continue to serve as members of the board of directors of the merged district until the next statewide primary, at which time a board of directors, consisting of five members, shall be elected from the merged district for staggered terms of two for two years and three for four years in the manner prescribed for the election of an original board under section 23-343.25.

Sec. 9. After the entry by the county board of its order for merger of the districts, all property, debts, and liabilities of the former hospital districts shall be transferred to the new district, except that all outstanding bonded indebtedness of the previously existing hospital districts shall be allocated to the real estate included within such prior existing districts as provided in the plan of merger.

Sec. 10. That original sections 23-343.07, 23-378, and 35-514.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after

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its passage and approval, according to law.