

LEGISLATIVE BILL 423

Approved by the Governor April 2, 1985

Introduced by Government, Military & Veterans Affairs Committee, Landis, 46, Chairperson; Abboud, 12; Chambers, 11; Hoagland, 6; Peterson, 21; Rogers, 41

AN ACT relating to county officers; to amend section 23-2001, Reissue Revised Statutes of Nebraska, 1943; to provide for the temporary replacement of an incarcerated county officer; to change the grounds for removal from office; and to repeal the original section.

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

Section 1. Except as provided in section 23-2001, the county board may require a county officer incarcerated for the conviction of a crime to temporarily forfeit his or her powers and duties while so incarcerated. The county board may declare the office temporarily vacant and appoint a replacement for the period of time such officer is incarcerated. The temporary officer shall assume all the powers and duties of the office and be compensated accordingly. No compensation shall be given to the incarcerated officer. If no other action is taken, the county officer may resume all duties of his or her office after the completion of his or her period of incarceration.

Sec. 2. That section 23-2001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2001. All county officers may be charged, tried, and removed from office, in the manner hereinafter provided, for (1) habitual or willful neglect of duty, (2) ~~gross partiality,~~ (3) ~~oppression,~~ (4) extortion, (5) (3) corruption, (6) (4) willful maladministration in office, (7) (5) conviction of a felony, ~~or~~ (8) (6) habitual drunkenness, or (7) official misconduct as defined in section 28-924.

Sec. 3. That original section 23-2001, Reissue Revised Statutes of Nebraska, 1943, is repealed.