

LEGISLATIVE BILL 28

Approved by the Governor March 10, 1997

Introduced by Cudaback, 36; Schellpeper, 18; Wickersham, 49

AN ACT relating to the Nebraska Local Hospital District Act; to amend sections 23-3547 and 23-3552, Revised Statutes Supplement, 1996; to change provisions relating to powers and duties of districts; to change provisions relating to taxation; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 23-3547, Revised Statutes Supplement, 1996, is amended to read:

23-3547. Each local hospital district shall have and exercise the following powers:

- (1) To have and use a corporate seal and alter it at pleasure;
- (2) To sue and be sued in all courts and places and in all actions and proceedings whatever;
- (3) To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description within and outside the district and to control, dispose of, convey, and encumber the same and create a leasehold interest in ~~some~~ such property for the benefit of the district;
- (4) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district, which power shall be exercised in the manner provided in sections 76-704 to 76-724;
- (5) To administer any trust declared or created for hospitals of the district and receive by gift, devise, or bequest and hold in trust or otherwise property situated in this state or elsewhere and, when not otherwise provided, dispose of the same for the benefit of such hospitals;
- (6) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district and to perform such functions in respect to the legal affairs of the district as the board may direct;
- (7) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;
- (8) To prescribe the duties and powers of the manager, secretary, and other officers and employees of any such hospitals, to determine the number of and appoint all such officers and employees, and to fix their compensation. Such officers and employees shall hold their offices or positions at the pleasure of such boards;
- (9) To do any and all things which an individual might do which are necessary for and to the advantage of a hospital;
- (10) To establish, maintain, lease, or operate one or more hospitals ~~Hospitals~~, as used in within or outside the district, or both. For purposes of the Nebraska Local Hospital District Act, shall have hospital has the meaning as provided in subdivision (10) of section 23-3594;
- (11) To do any and all other acts and things necessary to carry out the Nebraska Local Hospital District Act; and
- (12) To acquire, maintain, and operate ambulances or ambulance services within and without outside the district.

Sec. 2. Section 23-3552, Revised Statutes Supplement, 1996, is amended to read:

23-3552. (1) The board of directors may, after the adoption of the budget statement, levy and collect an annual tax which the district requires under the adopted budget statement to be received from taxation for the ensuing fiscal year not to exceed three and five-tenths cents on each one hundred dollars of the taxable value of the taxable property within such district, On and after July 1, 1998, the tax levy provided in this subsection is subject to section 77-3443.

(2) In addition to the levy authorized in subsection (1) of this section, the board of directors of a hospital district may authorize an additional annual tax not to exceed three and five-tenths cents on each one hundred dollars of the taxable value of the taxable property within such district, On and after July 1, 1998, the tax levy provided in this subsection is subject to section 77-3443. Such ~~tax~~ except that such tax shall not be authorized until the question of such additional tax has been submitted to the qualified electors of the district at a primary or general election or a

special election called for that purpose and a majority of those voting approve the additional tax. Notice of the time and place of the special election shall be given by publication at least once each week in a legal newspaper of general circulation in the district for three successive weeks immediately preceding such election.

(3) The Until July 1, 1998, the taxes authorized by subsections (1) and (2) of this section shall not be included within the levy limitations for general county purposes prescribed in section 23-119 or Article VIII, section 5, of the Constitution of Nebraska. On and after July 1, 1998, the taxes authorized by subsections (1) and (2) of this section shall not be included within the levy limitations for general county purposes prescribed in section 77-3442 or Article VIII, section 5, of the Constitution of Nebraska. ~~For~~ On and after July 1, 1998, for purposes of section 77-3443, the county board of each of the counties having land embraced within the district shall approve the tax levy.

(4) The taxes authorized by subsections (1) and (2) of this section shall not be used to support or supplement the operations of health care services or facilities located outside the geographic boundaries of the district.

(5) The board shall annually, on or before September 20, certify the taxes authorized by this section to the county clerk of each of the counties having land embraced within such district. The county clerk shall extend such levies on the tax list, and the county treasurer shall collect the tax in the same manner as county taxes and shall remit the taxes collected to the county treasurer of the county in which the petition for the formation of the district was filed. The county treasurer shall credit the local hospital district with the amount thereof and make disbursements therefrom on warrants of the district signed by the chairperson and secretary-treasurer of the board of directors.

Sec. 3. Original sections 23-3547 and 23-3552, Revised Statutes Supplement, 1996, are repealed.