

LEGISLATIVE BILL 5

Approved by the Acting Governor January 24, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to counties; to amend sections 23-320.05, 23-343.28, 23-362.01, 23-362.04, 23-2502, and 33-129, Reissue Revised Statutes of Nebraska, 1943; to correct internal references as prescribed; to eliminate a notice requirement for certain elections; to redefine a term; to transfer a section relating to county assessors; to transfer a section relating to the Commission on Indian Affairs; to eliminate a provision relating to federal tax liens that is no longer needed; to eliminate a provision relating to classification of employees in the civil service system; to harmonize provisions; and to repeal the original sections, and also sections 23-1526 and 23-2530, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-320.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-320.05. For the purpose of maintaining and operating such flood control works or other similar projects as provided in sections 23-320.01 to 23-320.07, when the same shall works or projects have been completed and turned over to the county, and also for the purpose of developing and carrying out a coordinated soil and water resource program and program of flood control for the county, the county board of such county shall be empowered to make an annual tax levy of not to exceed one and seven-tenths cents on each one hundred dollars upon the actual value of all the taxable property in such county, except intangible property. The 7 and such levy shall be in addition to all other levies authorized or limited by law. Pending approval of an authorized flood control plan, the county involved may establish a special flood and erosion control reserve fund. Such fund may be used for obtaining land, easements, and rights-of-way, and relocation of and relocating utilities in connection with water and erosion improvements that have authorization and

construction approval. To aid in the growth of such fund, it may be invested in short-term securities authorized by the provisions of section 77-2302 section 77-2315. Money remaining in the fund at the completion of construction or the discontinuance of an authorized project may revert to the general fund. It shall be the duty of the county board and the county engineer to keep all such flood control works or other similar projects in serviceable condition and to make such repairs as may, from time to time, be necessary.

Sec. 2. That section 23-343.28, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.28. Candidates for election to the board of directors of a local hospital district may be nominated by petitions signed by not less than twenty-five electors of the district, or by direct filing. Such petitions or applications for nomination shall be filed with the county clerk or election commissioner not less than sixty days prior to the statewide primary election. Notice of the election, containing the names of candidates to be voted upon, shall be published in the manner provided in section 32-518. The ballots cast at such election shall be counted and the results announced by the county canvassing board, as provided in Chapter 32.

Nomination petitions for board member which have been filed with the board of directors or other filing officer prior to March 21, 1972, referring to a 1972 city election, are hereby deemed to refer to the 1972 primary election, and shall be transferred to the office of the county clerk or election commissioner forthwith.

Sec. 3. That section 23-362.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-362.01. Each qualifying county in which an Indian reservation is located shall receive an equal share of the funds paid out in accordance with sections section 23-362 to 23-362-04 for each reservation within the county.

Sec. 4. That section 23-362.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~23-362-04.~~ The Commission on Indian Affairs may participate in alcohol rehabilitation programs with any nonprofit organization.

Sec. 5. That section 23-2502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

23-2502. As used in sections 23-2501 to 23-2516, unless the context otherwise requires:

(1) Employees shall mean all county employees of the county. The term employees shall not include part-time employees, employees subject to the State Personnel Office Act state personnel service, court-appointed employees, employees of the county attorney's office, employees of the public defender's office, dentists, physicians, practicing attorneys, deputy sheriffs, officers appointed by the Governor, or elected officers or the chief deputy of each office or the deputy of each office if there is not more than one deputy in the office;

(2) Part-time employee shall mean any person whose position is seasonal or temporary as defined by the commission;

(3) Department head shall mean an officer holding an elected office, an officer holding office by appointment of the Governor, the chief deputy of any office or the deputy if there is not more than one deputy, and such other persons holding positions as are declared to be department heads by the county board; and

(4) Commission shall mean the Civil Service Commission.

Sec. 6. That section 33-129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~33-129-~~ In counties having a population of over two hundred thousand, the county assessor shall have two chief deputies, a chief field deputy and a chief office deputy.

Sec. 7. That original sections 23-320.05, 23-343.28, 23-362.01, 23-362.04, 23-2502, and 33-129, Reissue Revised Statutes of Nebraska, 1943, and also sections 23-1526 and 23-2530, Reissue Revised Statutes of Nebraska, 1943, are repealed.