

## LEGISLATIVE BILL 212

Approved by the Governor March 3, 1999

Introduced by Schmitt, 41

AN ACT relating to counties; to amend section 23-3502, Reissue Revised Statutes of Nebraska; to provide for a change in the number of members of a board of trustees of a county medical facility; and to repeal the original section.

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

Section 1. Section 23-3502, Reissue Revised Statutes of Nebraska, is amended to read:

23-3502. (1)(a) When a county with a population of three thousand six hundred or more and less than two hundred thousand inhabitants or with a taxable value of the taxable property of twenty-eight million six hundred thousand dollars or more establishes a facility or facilities as provided by section 23-3501, the county board of the county shall proceed at once to appoint a board of trustees. Such board shall consist of three, ~~or five,~~ or seven members as fixed by the county board. All members of the board shall be residents of such county.

(b) When the board is first established, one member shall be appointed for a term of two years, one for four years, and one for six years from the date they are appointed if the county board provides for a three-member board. ~~Otherwise~~

If the county board provides for a five-member board, one additional member shall be appointed for four years and one for six years. When the board is changed to a five-member board, the three members who are serving as such trustees at the time of a change from a three-member to a five-member board shall each complete his or her respective term of office. The two additional members shall be appointed by the county board, one for a term of four years and one for a term of six years. Thereafter, as their terms expire, members shall be appointed for terms of six years.

If the county board provides for a seven-member board, one additional member shall be appointed for two years and one for four years. When the board is changed to a seven-member board, the three or five members who are serving as such trustees at the time of the change shall each complete his or her respective term of office. The two or four additional members shall be appointed by the county board. If two additional members are appointed, one shall be appointed for four years and one for six years. If four additional members are appointed, one shall be appointed for two years, two for four years, and one for six years.

(2) Except in any county having a population of more than three hundred thousand inhabitants, not over two members of the board of trustees shall be from the city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, a minimum of one member of the board of trustees shall be a resident of the county and shall reside outside the corporate limits of the city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, if only one member of the board of trustees resides outside the corporate limits of the city in which the facility or facilities are located and the residence of the member is annexed by the city, he or she shall be allowed to complete his or her term of office but shall not be eligible for reappointment. The trustees shall, within ten days after their appointment, qualify by taking the oath of county officers and by furnishing a bond in an amount to be fixed by the county board. They shall organize as a board of trustees by the election of one of their number as chairperson, one as secretary, and one as treasurer, except that in counties with two hundred thousand inhabitants or more, the county treasurer of the county in which such facility or facilities are located shall be the treasurer of the board of trustees. The treasurer shall receive and pay out all the money under the control of such board as ordered by it and shall report such expenditures and receipts to the county board on a monthly basis and as required by section 23-3507. The monthly report shall include a statement of the amount of currently outstanding registered warrants.

(3)(a) When a member or trustee is absent from three consecutive board meetings either regular or special without being excused by the remaining members of the board, his or her office shall become vacant and a new member shall be appointed by the county board to fill the vacancy for the unexpired term of such member pursuant to subdivision (3)(b) of this section.

Such vacancy shall become effective when the county board finds that there is such a vacancy or fills the same as provided in this subsection.

(b) Any member of such board may at any time be removed from office by the county board. Vacancies shall be filled in substantially the same manner as the original appointments are made. The person appointed to fill such a vacancy shall hold office for the unexpired term.

(4) In counties having a population of two hundred thousand inhabitants or more, the county board of the county having such facility or facilities, in lieu of appointing a board of trustees of such facility or facilities, may elect to serve as the board of trustees of such facility or facilities. If the county board makes such election, the county board shall assume all the duties and responsibilities of the board of trustees of the institution. Such election shall be evidenced by the adoption of a resolution by the county board.

Sec. 2. Original section 23-3502, Reissue Revised Statutes of Nebraska, is repealed.