

LEGISLATIVE BILL 207

Approved by the Governor February 14, 2007

Introduced by Friend, 10

FOR AN ACT relating to public utilities; to amend sections 14-2110 and 14-2147, Reissue Revised Statutes of Nebraska, and sections 14-2109 and 14-2146, Revised Statutes Cumulative Supplement, 2006; to provide a power for the board of directors of a metropolitan utilities district; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 14-2109, Revised Statutes Cumulative Supplement, 2006, is amended to read:

14-2109 The board of directors of a metropolitan utilities district shall at its first regular meeting appoint a ~~general manager~~ an individual with an official title designated by the board who shall (1) act as secretary of such board, (2) have general supervision of the management, construction, operation, and maintenance of the utility plants and property under the jurisdiction of or owned by such metropolitan utilities district, subject to the direction of the board, (3) hold office at the pleasure of the board, (4) possess business training, executive experience, and knowledge of the development and operation of public utilities, (5) give bond for the faithful performance of his or her duties in the sum of not less than ten thousand dollars to be filed with and approved by the board of directors, (6) receive such compensation as the board may determine, which compensation shall not be decreased during the incumbency of any appointee, and (7) devote his or her exclusive time to the duties of the office. The board of directors may employ or authorize the employment of such other employees and assistants as may be deemed necessary for the operation and maintenance of the utility plants under its jurisdiction and of the conduct of the affairs of the board and provide for their compensation. The compensation of the ~~general manager~~ appointed individual and such employees shall be paid from funds under control of the board. In no event shall the compensation, as a salary or otherwise, of any employee or officer exceed ten thousand dollars per annum unless approved by a vote of two-thirds or more of the members of the board of directors. The record of such vote of approval, together with the names of the directors so voting, shall be made a part of the permanent records of the board.

Sec. 2. Section 14-2110, Reissue Revised Statutes of Nebraska, is amended to read:

14-2110 No regular appointee or employee of the metropolitan utilities district, except the ~~general manager~~, individual appointed in section 14-2109, who has been in its service consecutively for more than one year and whose name has been placed, by a unanimous vote of the full board of directors, upon the permanent employees list provided for in the rules adopted by the board shall be subject to removal except upon a two-thirds vote of the full board and then only for cause which shall be stated in writing and filed with the secretary of the board at least ten days prior to a hearing preceding such removal.

Sec. 3. Section 14-2146, Revised Statutes Cumulative Supplement, 2006, is amended to read:

14-2146 The Auditor of Public Accounts and the person making the examination and audit pursuant to section 14-2145 shall have access to all books, records, vouchers, papers, contracts, or other data containing information on the subject in the office of the board of such metropolitan utilities district, in the office of the ~~general manager of the district~~, individual appointed in section 14-2109, or in the possession or under the control of any of the agents or employees of the district. It is hereby made the duty of all officers, agents, and employees of the district to furnish to the auditor and his or her agents and employees such information regarding the auditing of the metropolitan utilities district as may be demanded.

Sec. 4. Section 14-2147, Reissue Revised Statutes of Nebraska, is amended to read:

14-2147 Upon the completion of such examination and audit, the person making the same shall file and furnish to the village or city clerk of each village or city within the district one copy of his or her report. Another copy shall be furnished to the county board of the counties in which the metropolitan utilities district is located. A copy shall also be placed on file with the ~~manager of the metropolitan utilities district~~. individual appointed in section 14-2109. The original copy shall be filed in the office

of the Auditor of Public Accounts. The cost and expense of making such audit shall be paid by the metropolitan utilities district in which such audit and examination have been made. The auditor shall make out and certify a bill for the expense of making such an audit. Upon presentation of the bill to the secretary of the board of the metropolitan utilities district, it shall be the duty of the board to allow and pay the claim. The amount thereof shall be paid to the State Treasurer.

Sec. 5. Original sections 14-2110 and 14-2147, Reissue Revised Statutes of Nebraska, and sections 14-2109 and 14-2146, Revised Statutes Cumulative Supplement, 2006, are repealed.