

AMENDMENTS TO LB 392

Introduced by Adams, 24.

1           1. Insert the following new sections:

2           Section 1. Section 11-119, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           11-119 The following named officers shall execute a bond  
5 with penalties of the following amounts:

6           (1) The Governor, one hundred thousand dollars;

7           (2) The Lieutenant Governor, one hundred thousand  
8 dollars;

9           (3) The Auditor of Public Accounts, one hundred thousand  
10 dollars;

11           (4) The Secretary of State, one hundred thousand dollars;

12           (5) The Attorney General, one hundred thousand dollars;

13           (6) The State Treasurer, not less than one million  
14 dollars and not more than double the amount of money that may come  
15 into his or her hands, to be fixed by the Governor;

16           (7) Each county attorney, a sum not less than one  
17 thousand dollars to be fixed by the county board;

18           (8) Each clerk of the district court, not less than five  
19 thousand dollars or more than one hundred thousand dollars to be  
20 determined by the county board;

21           (9) Each county clerk, not less than one thousand dollars  
22 or more than one hundred thousand dollars to be determined by the  
23 county board, except that when a county clerk also has the duties

1 of other county offices the minimum bond shall be two thousand  
2 dollars;

3 (10) Each county treasurer, not less than ten thousand  
4 dollars and not more than the amount of money that may come into  
5 his or her hands, to be determined by the county board;

6 (11) Each sheriff, in counties of not more than twenty  
7 thousand inhabitants, five thousand dollars, and in counties over  
8 twenty thousand inhabitants, ten thousand dollars;

9 (12) Each district superintendent of public instruction,  
10 one thousand dollars;

11 (13) Each county surveyor, five hundred dollars;

12 (14) Each county commissioner or supervisor, in counties  
13 of not more than twenty thousand inhabitants, one thousand dollars,  
14 in counties over twenty thousand and not more than thirty thousand  
15 inhabitants, two thousand dollars, in counties over thirty thousand  
16 and not more than fifty thousand inhabitants, three thousand  
17 dollars, and in counties over fifty thousand inhabitants, five  
18 thousand dollars;

19 (15) Each register of deeds in counties having a  
20 population of more than sixteen thousand five hundred inhabitants,  
21 not less than two thousand dollars or more than one hundred  
22 thousand dollars to be determined by the county board;

23 (16) Each township clerk, two hundred fifty dollars;

24 (17) Each township treasurer, two thousand dollars;

25 (18) Each county assessor, not more than five thousand  
26 dollars and not less than two thousand dollars;

27 (19) Each school district treasurer, not less than five

1 hundred dollars or more than double the amount of money that may  
2 come into his or her hands, the amount to be fixed by the president  
3 and secretary of the district;

4 (20) Each road overseer, two hundred fifty dollars;

5 (21) Each member of a county weed district board and the  
6 manager thereof, such amount as may be determined by the county  
7 board of commissioners or supervisors of each county with the same  
8 amount to apply to each member of any particular board; ~~and~~

9 (22) In any county, in lieu of the individual bonds  
10 required to be furnished by county officers, a schedule, position,  
11 or blanket bond or undertaking may be given by county officers, or  
12 a single corporate surety fidelity, schedule, position, or blanket  
13 bond or undertaking covering all the officers, including officers  
14 required by law to furnish an individual bond or undertaking, may  
15 be furnished. The county may pay the premium for the bond. The bond  
16 shall be, at a minimum, an aggregate of the amounts fixed by law  
17 or by the person or board authorized by law to fix the amounts,  
18 and with such terms and conditions as may be required by sections  
19 11-101 to 11-130; and -

20 (23) Each learning community coordinating council  
21 treasurer, not less than five hundred dollars or more than double  
22 the amount of money that may come into his or her hands, the amount  
23 to be fixed by the learning community coordinating council.

24 All other state officers, department heads, and employees  
25 shall be bonded or insured as required by section 11-201.

26 Sec. 3. Section 13-903, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           13-903 For purposes of the Political Subdivisions Tort  
2 Claims Act and sections 16-727, 16-728, 23-175, 39-809, and 79-610,  
3 unless the context otherwise requires:

4           (1) Political subdivision shall include villages, cities  
5 of all classes, counties, school districts, public power districts,  
6 learning communities, and all other units of local government,  
7 including entities created pursuant to the Interlocal Cooperation  
8 Act or Joint Public Agency Act. Political subdivision shall not be  
9 construed to include any contractor with a political subdivision;

10          (2) Governing body shall mean the village board of a  
11 village, the city council of a city, the board of commissioners  
12 or board of supervisors of a county, the board of directors of a  
13 public power district, the governing board or other governing body  
14 of an entity created pursuant to the Interlocal Cooperation Act or  
15 Joint Public Agency Act, and any duly elected or appointed body  
16 holding the power and authority to determine the appropriations and  
17 expenditures of any other unit of local government;

18          (3) Employee of a political subdivision shall mean any  
19 one or more officers or employees of the political subdivision or  
20 any agency of the subdivision and shall include members of the  
21 governing body, duly appointed members of boards or commissions  
22 when they are acting in their official capacity, volunteer  
23 firefighters, and volunteer rescue squad personnel. Employee shall  
24 not be construed to include any contractor with a political  
25 subdivision; and

26          (4) Tort claim shall mean any claim against a political  
27 subdivision for money only on account of damage to or loss of

1 property or on account of personal injury or death, caused by  
2 the negligent or wrongful act or omission of any employee of the  
3 political subdivision, while acting within the scope of his or her  
4 office or employment, under circumstances in which the political  
5 subdivision, if a private person, would be liable to the claimant  
6 for such damage, loss, injury, or death but shall not include any  
7 claim accruing before January 1, 1970.

8           Sec. 4. Section 13-2202, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           13-2202 For purposes of the Local Government  
11 Miscellaneous Expenditure Act:

12           (1) Elected and appointed officials and employees shall  
13 mean the elected and appointed officials and employees of any local  
14 government;

15           (2) Governing body shall mean, in the case of a city  
16 of any class, the council; in the case of a village, cemetery  
17 district, community hospital for two or more adjoining counties,  
18 county hospital, road improvement district, sanitary drainage  
19 district, or sanitary and improvement district, the board of  
20 trustees; in the case of a county, the county board; in the  
21 case of a municipal county, the council; in the case of a  
22 township, the town board; in the case of a school district, the  
23 school board; in the case of a rural or suburban fire protection  
24 district, reclamation district, natural resources district, or  
25 hospital district, the board of directors; in the case of a health  
26 district, the board of health; in the case of an educational  
27 service unit, the board; in the case of a community college, the

1 Community College Board of Governors for the area the board serves;  
2 in the case of an airport authority, the airport authority board;  
3 in the case of a weed control authority, the board; ~~and~~ in the  
4 case of a county agricultural society, the board of governors;  
5 and in the case of a learning community, the learning community  
6 coordinating council;

7 (3) Local government shall mean cities of any class,  
8 villages, cemetery districts, community hospitals for two or more  
9 adjoining counties, county hospitals, road improvement districts,  
10 counties, townships, sanitary drainage districts, sanitary and  
11 improvement districts, school districts, rural or suburban fire  
12 protection districts, reclamation districts, natural resources  
13 districts, hospital districts, health districts, educational  
14 service units, community colleges, airport authorities, weed  
15 control authorities, ~~and~~ county agricultural societies, and  
16 learning communities;

17 (4) Public funds shall mean such public funds as defined  
18 in section 13-503 as are under the direct control of governing  
19 bodies of local governments;

20 (5) Public meeting shall mean all regular, special, or  
21 called meetings, formal or informal, of any governing body for the  
22 purposes of briefing, discussion of public business, formation of  
23 tentative policy, or the taking of any action of the governing  
24 body; and

25 (6) Volunteer shall mean a person who is not an elected  
26 or appointed official or an employee of a local government and  
27 who, at the request or with the permission of the local government,

1 engages in activities related to the purposes or functions of the  
2 local government or for its general benefit.

3           Sec. 6. Section 32-555.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-555.01 The election commissioners of the applicable  
6 counties, pursuant to certification of the establishment of a  
7 learning community pursuant to section 79-2102, shall divide the  
8 territory of the new learning community into six numbered districts  
9 for the purpose of electing members to the learning community  
10 coordinating council in compliance with section 32-553 and for  
11 the purpose of organizing achievement subcouncils pursuant to  
12 section 79-2117. Such districts shall be compact and contiguous  
13 and substantially equal in population. The newly established  
14 ~~election~~ subcouncil districts shall be certified to the Secretary  
15 of State on or before November 1 immediately following such  
16 certification. The newly established ~~election~~ subcouncil districts  
17 shall apply beginning with the election of the first council  
18 members for such learning community. Following the drawing of  
19 initial ~~election~~ subcouncil districts pursuant to this section,  
20 additional redistricting thereafter shall be undertaken by the  
21 learning community coordinating council according to section  
22 32-553.

23           Sec. 8. Section 77-2704.15, Revised Statutes Cumulative  
24 Supplement, 2008, is amended to read:

25           77-2704.15 (1) Sales and use taxes shall not be imposed  
26 on the gross receipts from the sale, lease, or rental of and  
27 the storage, use, or other consumption in this state of purchases

1 by the state, including public educational institutions recognized  
2 or established under the provisions of Chapter 85, or by any  
3 county, township, city, village, rural or suburban fire protection  
4 district, city airport authority, county airport authority, joint  
5 airport authority, drainage district organized under sections  
6 31-401 to 31-450, natural resources district, elected county fair  
7 board, housing agency as defined in section 71-1575 except for  
8 purchases for any commercial operation that does not exclusively  
9 benefit the residents of an affordable housing project, or joint  
10 entity or agency formed to fulfill the purposes described in the  
11 Integrated Solid Waste Management Act by any combination of two  
12 or more counties, townships, cities, or villages pursuant to the  
13 Interlocal Cooperation Act, the Integrated Solid Waste Management  
14 Act, or the Joint Public Agency Act, except for purchases for use  
15 in the business of furnishing gas, water, electricity, or heat, or  
16 by any irrigation or reclamation district, the irrigation division  
17 of any public power and irrigation district, or public schools or  
18 learning communities established under Chapter 79.

19 (2) The appointment of purchasing agents shall be  
20 recognized for the purpose of altering the status of the  
21 construction contractor as the ultimate consumer of building  
22 materials which are physically annexed to the structure and which  
23 subsequently belong to the state or the governmental unit. The  
24 appointment of purchasing agents shall be in writing and occur  
25 prior to having any building materials annexed to real estate in  
26 the construction, improvement, or repair. The contractor who has  
27 been appointed as a purchasing agent may apply for a refund of or

1 use as a credit against a future use tax liability the tax paid  
2 on inventory items annexed to real estate in the construction,  
3 improvement, or repair of a project for the state or a governmental  
4 unit.

5 (3) Any governmental unit listed in subsection (1) of  
6 this section, except the state, which enters into a contract  
7 of construction, improvement, or repair upon property annexed to  
8 real estate without first issuing a purchasing agent authorization  
9 to a contractor or repairperson prior to the building materials  
10 being annexed to real estate in the project may apply to the Tax  
11 Commissioner for a refund of any sales and use tax paid by the  
12 contractor or repairperson on the building materials physically  
13 annexed to real estate in the construction, improvement, or repair.

14 2. On page 2, lines 6, 7, 9, and 14; page 3, lines 5 and  
15 24; page 4, lines 3, 7, 8, 16, and 21; page 10, line 13; page 11,  
16 line 19; and page 12, lines 2, 5, 7, 12, 14, 17, 18, and 19, strike  
17 "election", show as stricken, and insert "subcouncil".

18 3. On page 2, line 6, after "districts" insert "created  
19 pursuant to section 32-555.01".

20 4. On page 10, line 9; page 11, lines 21 and 23; strike  
21 "election" and insert "subcouncil".

22 5. Amend the repealer and renumber the remaining sections  
23 accordingly.