

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 742**

Introduced by Hansen, 26.

Read first time January 06, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to counties; to amend sections 2-955, 8-157,  
2 23-150, 23-151, 23-1723, 23-1723.01, 23-1732, 23-2503, 23-2518,  
3 23-3502, 23-3582, 29-902.01, 32-221, 32-555, 33-114.01, and 71-1631,  
4 Reissue Revised Statutes of Nebraska, section 32-554, Revised  
5 Statutes Cumulative Supplement, 2014, and sections 23-148 and  
6 32-528, Revised Statutes Supplement, 2015; to change county  
7 population thresholds; to harmonize provisions; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-955, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 2-955 (1) Notices for control of noxious weeds shall consist of two  
4 kinds: General notices, as prescribed by rules and regulations adopted  
5 and promulgated by the director, which notices shall be on a form  
6 prescribed by the director; and individual notices, which notices shall  
7 be on a form prescribed by this section. Failure to publish general weed  
8 notices or to serve individual notices as provided in this section shall  
9 not relieve any person from the necessity of full compliance with the  
10 Noxious Weed Control Act and rules and regulations adopted and  
11 promulgated pursuant to the act.

12 (a) General notice shall be published by each control authority, in  
13 one or more newspapers of general circulation throughout the area over  
14 which the control authority has jurisdiction, on or before May 1 of each  
15 year and at such other times as the director may require or the control  
16 authority may determine.

17 (b) Whenever any control authority finds it necessary to secure more  
18 prompt or definite control of weeds on particular land than is  
19 accomplished by the general published notice, it shall cause to be served  
20 individual notice upon the owner of record of such land at his or her  
21 last-known address, giving specific instructions and methods when and how  
22 certain named weeds are to be controlled. Such methods may include  
23 definite systems of tillage, cropping, management, and use of livestock.

24 Each control authority shall use one or both of the following forms  
25 for all individual notices: (i)

26 ..... County Weed Control Authority

27 OFFICIAL NOTICE

28 Section 2-952, Reissue Revised Statutes of Nebraska, places an  
29 affirmative duty upon every person to control noxious weeds on land under  
30 such person's ownership or control. Information received by the control  
31 authority, including an onsite investigation by the county weed control

1 superintendent or a deputy, indicated the existence of an uncontrolled  
2 noxious weed infestation on property owned by you  
3 at: .....

4 The noxious weed or weeds are ..... . The method of control  
5 recommended by the control authority is as  
6 follows: .....

7 Other appropriate control methods are acceptable if approved by the  
8 county weed control superintendent.

9 Because the stage of growth of the noxious weed infestation on the  
10 above-specified property warrants immediate control, if such infestation  
11 remains uncontrolled after ten days from the date specified at the bottom  
12 of this notice, the control authority may enter upon such property for  
13 the purpose of taking the appropriate weed control measures. Costs for  
14 the control activities of the control authority shall be at the expense  
15 of the owner of the property and shall become a lien on the property as a  
16 special assessment levied on the date of control.

17 ..... Weed Control Superintendent

18 Dated.....;

19 or (ii)

20 ..... County Weed Control Authority

21 OFFICIAL NOTICE

22 Section 2-952, Reissue Revised Statutes of Nebraska, places an  
23 affirmative duty upon every person to control noxious weeds on land under  
24 such person's ownership or control. Information received by the control  
25 authority, including an onsite investigation by the county weed control  
26 superintendent or a deputy, indicates the existence of an uncontrolled  
27 noxious weed infestation on property owned by you  
28 at: .....

29 The noxious weed or weeds are ..... . The method of  
30 control recommended by the control authority is as  
31 follows: .....

1 Other appropriate control methods are acceptable if approved by the  
2 county weed control superintendent. If, within fifteen days from the date  
3 specified at the bottom of this notice, the noxious weed infestation on  
4 such property, as specified above, has not been brought under control,  
5 you may, upon conviction, be subject to a fine of \$100.00 per day for  
6 each day of noncompliance beginning on ....., up to a maximum of  
7 fifteen days of noncompliance (maximum \$1,500).

8 Upon request to the control authority, within fifteen days from the  
9 date specified at the bottom of this notice, you are entitled to a  
10 hearing before the control authority to challenge the existence of a  
11 noxious weed infestation on property owned by you  
12 at .....

13 ..... Weed Control Superintendent

14 Dated.....

15 In all counties having a population of four ~~three~~ hundred thousand  
16 or more inhabitants as determined by the most recent federal decennial  
17 census, the control authority may dispense with the individual notices  
18 and may publish general notices if published in one or more newspapers of  
19 general circulation throughout the area over which such control authority  
20 has jurisdiction. Such notice shall be published weekly for four  
21 successive weeks prior to May 1 of each year or at such other times as  
22 the control authority deems necessary. In no event shall a fine be  
23 assessed against a landowner as prescribed in subdivision (3)(a) of this  
24 section unless the control authority has caused individual notice to be  
25 served upon the landowner as specified in this subdivision.

26 (2) At the request of any owner served with an individual notice  
27 pursuant to subdivision (1)(b)(ii) of this section, the control authority  
28 shall hold an informal public hearing to allow such landowner an  
29 opportunity to be heard on the question of the existence of an  
30 uncontrolled noxious weed infestation on such landowner's property.

31 (3) Whenever the owner of the land on which noxious weeds are

1 present has neglected or failed to control them as required pursuant to  
2 the act and any notice given pursuant to subsection (1) of this section,  
3 the control authority having jurisdiction shall proceed as follows:

4 (a) If, within fifteen days from the date specified on the notice  
5 required by subdivision (1)(b)(ii) of this section, the owner has not  
6 taken action to control the noxious weeds on the specified property and  
7 has not requested a hearing pursuant to subsection (2) of this section,  
8 the control authority shall notify the county attorney who shall proceed  
9 against such owner as prescribed in this subdivision. A person who is  
10 responsible for an infestation of noxious weeds on particular land under  
11 his or her ownership and who refuses or fails to control the weeds on the  
12 infested area within the time designated in the notice delivered by the  
13 control authority shall, upon conviction, be guilty of an infraction  
14 pursuant to sections 29-431 to 29-438, except that the penalty shall be a  
15 fine of one hundred dollars per day for each day of violation up to a  
16 total of one thousand five hundred dollars for fifteen days of  
17 noncompliance; or

18 (b) If, within ten days from the date specified in the notice  
19 required by subdivision (1)(b)(i) of this section, the owner has not  
20 taken action to control the noxious weeds on the specified property and  
21 the stage of growth of such noxious weeds warrants immediate control to  
22 prevent spread of the infestation to neighboring property, the control  
23 authority may cause proper control methods to be used on such infested  
24 land, including necessary destruction of growing crops, and shall advise  
25 the record owner of the cost incurred in connection with such operation.  
26 The cost of any such control shall be at the expense of the owner. In  
27 addition the control authority shall immediately cause notice to be filed  
28 of possible unpaid weed control assessments against the property upon  
29 which the control measures were used in the register of deeds office in  
30 the county where the property is located. If unpaid for two months, the  
31 control authority shall certify to the county treasurer the amount of

1 such expense and such expense shall become a lien on the property upon  
2 which the control measures were taken as a special assessment levied on  
3 the date of control. The county treasurer shall add such expense to and  
4 it shall become and form a part of the taxes upon such land and shall  
5 bear interest at the same rate as taxes.

6 Nothing contained in this section shall be construed to limit  
7 satisfaction of the obligation imposed hereby in whole or in part by tax  
8 foreclosure proceedings. The expense may be collected by suit instituted  
9 for that purpose as a debt due the county or by any other or additional  
10 remedy otherwise available. Amounts collected under subdivision (3)(b) of  
11 this section shall be deposited to the noxious weed control fund of the  
12 control authority or, if no noxious weed control fund exists, to the  
13 county general fund.

14 Sec. 2. Section 8-157, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 8-157 (1) Except as otherwise provided in this section and section  
17 8-2103, the general business of every bank shall be transacted at the  
18 place of business specified in its charter.

19 (2)(a)(i) Except as provided in subdivision (2)(a)(ii) of this  
20 section, with the approval of the director, any bank located in this  
21 state may establish and maintain in this state an unlimited number of  
22 branches at which all banking transactions allowed by law may be made.

23 (ii) Any bank that owns or controls more than twenty-two percent of  
24 the total deposits in Nebraska, as described in subdivision (2)(c) of  
25 section 8-910 and computed in accordance with subsection (3) of section  
26 8-910, or any bank that is a subsidiary of a bank holding company that  
27 owns or controls more than twenty-two percent of the total deposits in  
28 Nebraska, as described in subdivision (2)(c) of section 8-910 and  
29 computed in accordance with subsection (3) of section 8-910, shall not  
30 establish and maintain an unlimited number of branches as provided in  
31 subdivision (2)(a)(i) of this section. With the approval of the director,

1 a bank as described in this subdivision may establish and maintain in the  
2 county in which such bank is located an unlimited number of branches at  
3 which all banking transactions allowed by law may be made, except that if  
4 such bank is located in a Class I or Class III county, such bank may  
5 establish and maintain in Class I and Class III counties an unlimited  
6 number of branches at which all banking transactions allowed by law may  
7 be made.

8 (iii) Any bank which establishes and maintains branches pursuant to  
9 subdivision (2)(a)(i) of this section and which subsequently becomes a  
10 bank as described in subdivision (2)(a)(ii) of this section shall not be  
11 subject to the limitations as to location of branches contained in  
12 subdivision (2)(a)(ii) of this section with regard to any such  
13 established branch and shall continue to be entitled to maintain any such  
14 established branch as if such bank had not become a bank as described in  
15 subdivision (2)(a)(ii) of this section.

16 (b) With the approval of the director, any bank or any branch may  
17 establish and maintain a mobile branch at which all banking transactions  
18 allowed by law may be made. Such mobile branch may consist of one or more  
19 vehicles which may transact business only within the county in which such  
20 bank or such branch is located and within counties in this state which  
21 adjoin such county.

22 (c) For purposes of this subsection:

23 (i) Class I county means a county in this state with a population of  
24 four ~~three~~ hundred thousand or more as determined by the most recent  
25 federal decennial census;

26 (ii) Class II county means a county in this state with a population  
27 of at least two hundred thousand and less than four ~~three~~ hundred  
28 thousand as determined by the most recent federal decennial census;

29 (iii) Class III county means a county in this state with a  
30 population of at least one hundred thousand and less than two hundred  
31 thousand as determined by the most recent federal decennial census; and

1 (iv) Class IV county means a county in this state with a population  
2 of less than one hundred thousand as determined by the most recent  
3 federal decennial census.

4 (3) With the approval of the director, a bank may establish and  
5 maintain branches acquired pursuant to section 8-1506 or 8-1516. All  
6 banking transactions allowed by law may be made at such branches.

7 (4) With the approval of the director, a bank may acquire the assets  
8 and assume the deposits of a branch of another financial institution in  
9 Nebraska if the acquired branch is converted to a branch of the acquiring  
10 bank. All banking transactions allowed by law may be made at a branch  
11 acquired pursuant to this subsection.

12 (5) With the approval of the director, a bank may establish a branch  
13 pursuant to subdivision (6) of section 8-115.01. All banking transactions  
14 allowed by law may be made at such branch.

15 (6) The name given to any branch established and maintained pursuant  
16 to this section shall not be substantially similar to the name of any  
17 existing bank or branch which is unaffiliated with the newly created  
18 branch and is located in the same city, village, or county. The name of  
19 such newly created branch shall be approved by the director.

20 (7) A bank which has a main chartered office or an approved branch  
21 located in the State of Nebraska may, through any of its executive  
22 officers, including executive officers licensed as such pursuant to  
23 section 8-139, or designated agents, conduct a loan closing at a location  
24 other than the place of business specified in the bank's charter or any  
25 branch thereof.

26 (8) A bank which has a main chartered office or approved branch  
27 located in the State of Nebraska may, upon notification to the  
28 department, establish savings account programs at any elementary or  
29 secondary school, whether public or private, that has students who reside  
30 in the same city or village as the main chartered office or branch of the  
31 bank, or, if the main office of the bank is located in an unincorporated

1 area of a county, at any school that has students who reside in the same  
2 unincorporated area. The savings account programs shall be limited to the  
3 establishment of individual student accounts and the receipt of deposits  
4 for such accounts.

5 (9) Upon receiving an application for a branch to be established  
6 pursuant to subdivision (2)(a) of this section, to establish a mobile  
7 branch pursuant to subdivision (2)(b) of this section, to acquire a  
8 branch of another financial institution pursuant to subsection (4) of  
9 this section, to establish or acquire a branch pursuant to subsection (1)  
10 of section 8-2103, or to move the location of an established branch other  
11 than a move made pursuant to subdivision (6) of section 8-115.01, the  
12 director shall hold a public hearing on the matter if he or she  
13 determines, in his or her discretion, that the condition of the applicant  
14 bank warrants a hearing. If the director determines that the condition of  
15 the bank does not warrant a hearing, the director shall (a) publish a  
16 notice of the filing of the application in a newspaper of general  
17 circulation in the county where the proposed branch or mobile branch  
18 would be located, the expense of which shall be paid by the applicant  
19 bank, and (b) give notice of such application to all financial  
20 institutions located within the county where the proposed branch or  
21 mobile branch would be located and to such other interested parties as  
22 the director may determine. The director shall send the notice to  
23 financial institutions by first-class mail, postage prepaid, or  
24 electronic mail. Electronic mail may be used if the financial institution  
25 agrees in advance to receive such notices by electronic mail. A financial  
26 institution may designate one office for receipt of any such notice if it  
27 has more than one office located within the county where such notice is  
28 to be sent or a main office in a county other than the county where such  
29 notice is to be sent. If the director receives any substantive objection  
30 to the proposed branch or mobile branch within fifteen days after  
31 publication of such notice, he or she shall hold a hearing on the

1 application. Notice of a hearing held pursuant to this subsection shall  
2 be published for two consecutive weeks in a newspaper of general  
3 circulation in the county where the proposed branch or mobile branch  
4 would be located. The date for hearing the application shall not be more  
5 than ninety days after the filing of the application and not less than  
6 thirty days after the last publication of notice of hearing. The expense  
7 of any publication and mailing required by this section shall be paid by  
8 the applicant.

9 Sec. 3. Section 23-148, Revised Statutes Supplement, 2015, is  
10 amended to read:

11 23-148 The county board of commissioners in all counties having not  
12 more than four ~~three~~ hundred thousand inhabitants as determined by the  
13 most recent federal decennial census shall consist of three persons  
14 except as follows:

15 (1) The registered voters in any county containing not more than  
16 four ~~three~~ hundred thousand inhabitants as determined by the most recent  
17 federal decennial census may vote at any general election as to whether  
18 their county board shall consist of three or five commissioners. Upon the  
19 completion of the canvass by the county canvassing board, the proposition  
20 shall be decided and, if the number of commissioners is increased from  
21 three to five commissioners, vacancies shall be deemed to exist and the  
22 procedures set forth in sections 32-567 and 32-574 shall be instituted;  
23 and

24 (2) The registered voters of any county under township organization  
25 voting to discontinue township organization may also vote as to the  
26 number of county commissioners as provided in sections 23-292 to 23-299.

27 Sec. 4. Section 23-150, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 23-150 (1) The commissioners shall be registered voters and  
30 residents of their respective districts.

31 (2) Beginning in 1992, any person seeking nomination or election to

1 the county board of commissioners in a county having more than four ~~three~~  
2 hundred thousand inhabitants as determined by the most recent federal  
3 decennial census shall have resided within the district he or she seeks  
4 to represent for at least six months immediately prior to the date on  
5 which he or she is required to file as a candidate for such office. No  
6 person shall be eligible to be appointed to the county board in such  
7 counties unless he or she has resided in the district he or she would  
8 represent for at least six months prior to assuming office.

9 (3) This section shall be complied with within six months after a  
10 determination that the population has reached more than four hundred  
11 thousand inhabitants as determined by the most recent federal decennial  
12 census.

13 Sec. 5. Section 23-151, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 23-151 (1) Each county under commissioner organization having not  
16 more than four ~~three~~ hundred thousand inhabitants as determined by the  
17 most recent federal decennial census shall be divided into (a) three  
18 districts numbered respectively, one, two, and three, (b) five districts  
19 as provided for in sections 23-148 and 23-149 numbered respectively, one,  
20 two, three, four, and five, or (c) seven districts as provided for in  
21 sections 23-292 to 23-299 numbered respectively, one, two, three, four,  
22 five, six, and seven. Each county having more than four ~~three~~ hundred  
23 thousand inhabitants as determined by the most recent federal decennial  
24 census shall be divided into seven districts numbered respectively, one,  
25 two, three, four, five, six, and seven.

26 (2) Such districts shall consist of two or more voting precincts  
27 comprising compact and contiguous territory and embracing a substantially  
28 equal division of the population of the county. District boundary lines  
29 shall not be subject to alteration more than once every ten years unless  
30 the county has a change in population requiring it to be redistricted  
31 pursuant to subdivision (3)(a) of this section or unless there is a vote

1 to change from three to five districts as provided for in sections 23-148  
2 and 23-149.

3 (3)(a) The establishment of district boundary lines pursuant to  
4 subsection (1) of this section shall be completed within one year after a  
5 county attains a population of more than four ~~three~~ hundred thousand  
6 inhabitants as determined by the most recent federal decennial census.  
7 Beginning in 2001 and every ten years thereafter, the district boundary  
8 lines of any county having more than four ~~three~~ hundred thousand  
9 inhabitants as determined by the most recent federal decennial census  
10 shall be redrawn, if necessary to maintain substantially equal district  
11 populations, by the date specified in section 32-553.

12 (b) The establishment of district boundary lines and any alteration  
13 thereof under this subsection shall be done by the county board. If the  
14 county board fails to do so by the applicable deadline, district  
15 boundaries shall be drawn by the election commissioner within six months  
16 after the deadline established for the drawing or redrawing of district  
17 boundaries by the county board. If the election commissioner fails to  
18 meet such deadline, the remedies established in subsection (3) of section  
19 32-555 shall apply.

20 (4) The district boundary lines shall not be changed at any session  
21 of the county board unless all of the commissioners are present at such  
22 session.

23 (5) Commissioners shall be elected as provided in section 32-528.  
24 Elections shall be conducted as provided in the Election Act.

25 Sec. 6. Section 23-1723, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 23-1723 The sheriff's office merit commission in counties having a  
28 population of four ~~three~~ hundred thousand inhabitants or more as  
29 determined by the most recent federal decennial census shall consist of  
30 five members. One member shall be a duly elected county official,  
31 appointed by the county board. One member shall be a deputy sheriff,

1 elected by the deputy sheriffs. Three members shall be selected by the  
2 presiding judge of the judicial district encompassing such county and  
3 shall be public representatives who are residents of the county. The  
4 terms of office of members initially appointed or elected shall expire on  
5 January 1 of the first, second, and third years following their  
6 appointment or election, as designated by the county board. As the terms  
7 of initial members expire, their successors shall be appointed or elected  
8 for three-year terms in the same manner as the initial members. The  
9 additional public representative provided for in this section shall serve  
10 until January 1, 1984, and thereafter his or her successors shall be  
11 appointed or elected for three-year terms. Any vacancy shall be filled by  
12 appointment or election in the same manner as appointment or election of  
13 initial members. The commission shall have the power to declare vacant  
14 the position of any member who no longer meets the qualifications for  
15 election or appointment set out in this section.

16 Sec. 7. Section 23-1723.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 23-1723.01 (1) In counties having a population of not less than  
19 twenty-five thousand inhabitants and less than four ~~three~~ hundred  
20 thousand inhabitants as determined by the most recent federal decennial  
21 census, the sheriff's office merit commission shall consist of three  
22 members, except that the membership of the commission may be increased to  
23 five members by unanimous vote of the three-member commission.

24 (2) If the commission consists of three members, one member shall be  
25 a duly elected county official, appointed by the county board, one member  
26 shall be a deputy sheriff, elected by the deputy sheriffs, and one member  
27 shall be selected by the presiding judge of the judicial district  
28 encompassing such county and shall be a public representative who is a  
29 resident of the county and neither an official nor employee of the  
30 county. If the commission consists of five members, one member shall be a  
31 duly elected county official, appointed by the board of county

1 commissioners, two members shall be deputy sheriffs, elected by the  
2 deputy sheriffs, and two members shall be selected by the presiding judge  
3 of the judicial district encompassing such county and shall be public  
4 representatives who are residents of the county and neither officials nor  
5 employees of the county.

6 (3) The terms of office of members initially appointed or elected  
7 after March 20, 1982, shall expire on January 1 of the years 1983, 1984,  
8 and 1985, as designated by the county board. Thereafter, the terms of the  
9 members of the commission shall be three years, except that in a county  
10 with a five-member commission, (a) the initial term of the additional  
11 deputy sheriff member shall be staggered so that his or her term shall  
12 coincide with the term of such county's deputy sheriff elected before  
13 August 31, 2003, and (b) the initial term of the additional public  
14 representative member shall be staggered so that his or her term shall  
15 coincide with the term of such county's public representative member  
16 appointed before August 31, 2003. As the terms of initial members expire,  
17 their successors shall be appointed or elected in the same manner as the  
18 initial members. Any vacancy shall be filled by appointment or election  
19 in the same manner as appointment or election of initial members. The  
20 commission shall have the power to declare vacant the position of any  
21 member who no longer meets the qualifications for election or appointment  
22 set out in this section.

23 Sec. 8. Section 23-1732, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 23-1732 (1) All deputy sheriffs in active employment on January 1,  
26 1970, in counties of four ~~three~~ hundred thousand inhabitants or more as  
27 determined by the most recent federal decennial census and on January 1,  
28 1973, in counties having a population of more than one hundred fifty  
29 thousand but less than four ~~three~~ hundred thousand inhabitants as  
30 determined by the most recent federal decennial census, and who have been  
31 such for more than two years immediately prior thereto, shall hold their

1 positions without examinations until discharged, reduced, promoted, or  
2 transferred in accordance with sections 23-1721 to 23-1736.

3 (2) All deputy sheriffs in active employment on January 1, 1975, in  
4 counties having a population of more than sixty thousand but not more  
5 than one hundred fifty thousand inhabitants, and who have been deputy  
6 sheriffs for more than two years immediately prior thereto, or who have  
7 been certified by the Nebraska Law Enforcement Training Center and who  
8 have received a certificate of completion shall hold their positions  
9 without examinations until discharged, reduced, promoted, or transferred  
10 in accordance with sections 23-1721 to 23-1736.

11 (3) All deputy sheriffs in active employment on January 1, 1977, in  
12 counties having a population of more than forty thousand but not more  
13 than sixty thousand inhabitants, and who have been deputy sheriffs for  
14 more than two years immediately prior thereto, or who have been certified  
15 by the Nebraska Law Enforcement Training Center and who have received a  
16 certificate of completion shall hold their positions without examinations  
17 until discharged, reduced, promoted, or transferred in accordance with  
18 sections 23-1721 to 23-1736.

19 (4) All deputy sheriffs in active employment on January 1, 1982, in  
20 counties having a population of twenty-five thousand or more but not more  
21 than forty thousand inhabitants, and who have been deputy sheriffs for  
22 more than two years immediately prior thereto, or who have been certified  
23 by the Nebraska Law Enforcement Training Center, and who have received a  
24 certificate of completion shall hold their positions without examinations  
25 until discharged, reduced, promoted, or transferred in accordance with  
26 sections 23-1721 to 23-1736.

27 (5) All deputy sheriffs who have been so employed for more than six  
28 months and less than two years on such date shall be required to take  
29 qualifying examinations, and all such deputy sheriffs who have been so  
30 employed for less than six months on such date shall be required to take  
31 competitive examinations.

1           Sec. 9. Section 23-2503, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           23-2503 In any county having a population of four ~~three~~ hundred  
4 thousand inhabitants or more as determined by the most recent federal  
5 decennial census, there shall be a Civil Service Commission which shall  
6 be formed as provided in sections 23-2501 to 23-2516. A county shall  
7 comply with this section within six months after a determination that the  
8 population has reached four hundred thousand inhabitants or more as  
9 determined by the most recent federal decennial census ~~within ninety days~~  
10 ~~of May 21, 1971.~~

11           Sec. 10. Section 23-2518, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           23-2518 For purposes of the County Civil Service Act:

14           (1) Appointing authority means elected officials and appointed  
15 department directors authorized to make appointments in the county  
16 service;

17           (2) Board of county commissioners means the board of commissioners  
18 of any county with a population of one hundred fifty thousand to four  
19 ~~three~~ hundred thousand inhabitants as determined by the most recent  
20 federal decennial census;

21           (3) Classified service means the positions in the county service to  
22 which the act applies;

23           (4) County personnel officer means the employee designated by the  
24 board of county commissioners to administer the act;

25           (5) Department means a functional unit of the county government  
26 headed by an elected official or established by the board of county  
27 commissioners;

28           (6) Deputy means an individual who serves as the first assistant to  
29 and at the pleasure of an elected official;

30           (7) Elected official means an officer elected by the popular vote of  
31 the people and known as the county attorney, public defender, county

1 sheriff, county treasurer, clerk of the district court, register of  
2 deeds, county clerk, county assessor, and county surveyor;

3 (8) Internal Revenue Code means the Internal Revenue Code as defined  
4 in section 49-801.01;

5 (9) Political subdivision means a village, city of the second class,  
6 city of the first class, city of the primary class, city of the  
7 metropolitan class, county, school district, public power district, or  
8 any other unit of local government including entities created pursuant to  
9 the Interlocal Cooperation Act or the Joint Public Agency Act. Political  
10 subdivision does not include a contractor with the county;

11 (10) State means the State of Nebraska;

12 (11) Straight-time rate of pay means the rate of pay in effect on  
13 the date of transfer of employees stated in the resolution by the county  
14 board requesting the transfer; and

15 (12) Transferred employee means an employee of the state or a  
16 political subdivision transferred to the county pursuant to a request for  
17 such transfer made by the county under section 23-2518.01.

18 Sec. 11. A board of county commissioners shall comply with the  
19 County Civil Service Act within six months after a determination that the  
20 population requirement as provided in subdivision (2) of section 23-2518  
21 has been attained as determined by the most recent federal decennial  
22 census.

23 Sec. 12. Section 23-3502, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 23-3502 (1) When a county with a population of three thousand six  
26 hundred inhabitants or more and less than two hundred thousand  
27 inhabitants or with a taxable value of the taxable property of twenty-  
28 eight million six hundred thousand dollars or more establishes a facility  
29 as provided by section 23-3501, the county board of the county shall  
30 appoint a board of trustees.

31 (2) In counties having a population of two hundred thousand

1 inhabitants or more, the county board of the county having a facility, in  
2 lieu of appointing a board of trustees of such facility, may elect to  
3 serve as the board of trustees of such facility. If the county board  
4 makes such election, the county board shall assume all the duties and  
5 responsibilities of the board of trustees of the facility, including  
6 those set forth in sections 23-3504 and 23-3505. Such election shall be  
7 evidenced by the adoption of a resolution by the county board.

8 (3)(a) The board of trustees appointed pursuant to this section  
9 shall consist of three, five, seven, or nine members as fixed by the  
10 county board.

11 (b) When the board is first established:

12 (i) If the county provides for a three-member board, one member  
13 shall be appointed for a term of two years, one for four years, and one  
14 for six years from the date such member is appointed. Thereafter, as the  
15 members' terms expire, members shall be appointed for terms of six years;

16 (ii) If the county board provides for a five-member board, one  
17 additional member shall be appointed for four years and one for six  
18 years. If the board is changed to a five-member board, the three members  
19 who are serving as such trustees at the time of a change from a three-  
20 member to a five-member board shall each complete his or her respective  
21 term of office. The two additional members shall be appointed by the  
22 county board, one for a term of four years and one for a term of six  
23 years. Thereafter, as the members' terms expire, members shall be  
24 appointed for terms of six years;

25 (iii) If the county board provides for a seven-member board, one  
26 additional member shall be appointed for two years and one for four  
27 years. If the board is changed to a seven-member board, the three or five  
28 members who are serving as such trustees at the time of the change shall  
29 each complete his or her respective term of office. The two or four  
30 additional members shall be appointed by the county board. If two  
31 additional members are appointed, one shall be appointed for four years

1 and one for six years. If four additional members are appointed, one  
2 shall be appointed for two years, two for four years, and one for six  
3 years. Thereafter, as the members' terms expire, members shall be  
4 appointed for terms of six years; and

5 (iv) If the county board provides for a nine-member board, one  
6 additional member shall be appointed for two years and one for six years.  
7 If the board is changed to a nine-member board, the three, five, or seven  
8 members who are serving as such trustees at the time of the change shall  
9 each complete his or her respective term of office. The two, four, or six  
10 additional members shall be appointed by the county board. If two  
11 additional members are appointed, one shall be appointed for two years  
12 and one for six years. If four additional members are appointed, two  
13 shall be appointed for two years, one for four years, and one for six  
14 years. If six additional members are appointed, two shall be appointed  
15 for two years, two for four years, and two for six years. Thereafter, as  
16 the members' terms expire, members shall be appointed for terms of six  
17 years.

18 (4)(a) All members of the board of trustees shall be residents of  
19 the county.

20 (b) In any county having a population of more than four ~~three~~  
21 hundred thousand inhabitants as determined by the most recent federal  
22 decennial census, a minimum of one member of the board of trustees shall  
23 reside outside the corporate limits of the city in which such facility or  
24 facilities are located. In any county having a population of more than  
25 four ~~three~~ hundred thousand inhabitants as determined by the most recent  
26 federal decennial census, if only one member of the board of trustees  
27 resides outside the corporate limits of the city in which the facility is  
28 located and the residence of the member is annexed by the city, he or she  
29 shall be allowed to complete his or her term of office but shall not be  
30 eligible for reappointment.

31 (c) The trustees shall, within ten days after their appointment,

1 qualify by taking the oath of county officers as provided in section  
2 11-101 and by furnishing a bond, if required by the county board, in an  
3 amount to be fixed by the county board.

4 (d) Any person who has been excluded from participation in a  
5 federally funded health care program or is included in a federal  
6 exclusionary data base shall be ineligible to serve as a trustee.

7 (5) The board of trustees shall elect a trustee to serve as  
8 chairperson, one as secretary, and one as treasurer. The board shall make  
9 such elections at each annual board meeting.

10 (6)(a) When a member is absent from three consecutive board  
11 meetings, either regular or special, without being excused by the  
12 remaining members of the board, his or her office shall become vacant and  
13 a new member shall be appointed by the county board to fill the vacancy  
14 for the unexpired term of such member pursuant to subdivision (6)(b) of  
15 this section.

16 (b) Any member of such board may at any time be removed from office  
17 by the county board for any reason. Vacancies shall be filled in  
18 substantially the same manner as the original appointments are made. The  
19 person appointed to fill such a vacancy shall hold office for the  
20 unexpired term of the member that he or she has replaced.

21 (7) The county board shall consult with the existing board of  
22 trustees regarding the skills and qualifications of any potential  
23 appointees to the board pursuant to this section prior to appointing any  
24 new trustee.

25 Sec. 13. Section 23-3582, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 23-3582 (1) Whenever the formation of a hospital authority is  
28 desired, a petition or petitions stating (a) the general location of the  
29 hospital to be maintained by such proposed authority, (b) the territory  
30 to be included within it, which territory shall be contiguous, (c) the  
31 approximate number of persons believed to reside within the boundaries of

1 the proposed authority, and (d) the names of five or more, but not  
2 exceeding eleven, proposed trustees, who shall be electors residing  
3 within the boundaries of the proposed authority, to serve as a board of  
4 trustees until their successors are appointed and qualified, should the  
5 authority be formed, together with a prayer that the same be declared to  
6 be a hospital authority under the Hospital Authorities Act may be filed  
7 in the office of the county clerk of the county in which the proposed  
8 authority is situated.

9 (2)(a) Each hospital authority established in a county having a  
10 total population of four ~~three~~ hundred thousand or more, as shown by the  
11 most recent federal decennial census, shall encompass an area in which at  
12 least forty thousand persons reside, (b) each hospital authority  
13 established in a county having a total population of one hundred fifty  
14 thousand to four ~~three~~ hundred thousand, as shown by the most recent  
15 federal decennial census, shall encompass an area in which at least  
16 thirty thousand persons reside, (c) each hospital authority established  
17 in a county having a total population of twenty thousand to one hundred  
18 fifty thousand, as shown by the most recent federal decennial census,  
19 shall encompass an area in which at least twenty thousand persons reside,  
20 and (d) no hospital authority shall be established in any county having a  
21 total population of less than twenty thousand, as shown by the most  
22 recent federal decennial census, unless the hospital authority  
23 encompasses the entire county which it is to serve. Such petitions shall  
24 be signed by at least one hundred electors who appear to reside within  
25 the suggested boundaries of the proposed authority.

26 Sec. 14. Section 29-902.01, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 29-902.01 (1) The presiding judge of the county court in each county  
29 having a population of four ~~three~~ hundred thousand or more inhabitants as  
30 determined by the most recent federal decennial census shall, as often as  
31 is necessary, meet and designate on a schedule not less than one judge of

1 the county court to be reasonably available on call for the setting of  
2 orders for discharge from actual custody upon bail, the issuance of  
3 search warrants, and for such other matters as may be deemed appropriate,  
4 at all times when a court is not in session in the county.

5 (2) The officer in charge of a jail, or a person such officer  
6 designates, in which an arrested person is held in custody shall assist  
7 the arrested person or such person's attorney in contacting the judge on  
8 call as soon as possible for the purpose of obtaining release on bail.

9 Sec. 15. Section 32-221, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 32-221 (1) The election commissioner shall appoint precinct and  
12 district inspectors, judges of election, and clerks of election to assist  
13 the election commissioner in conducting elections on election day. In  
14 counties with a population of less than four ~~three~~ hundred thousand  
15 inhabitants as determined by the most recent federal decennial census,  
16 judges and clerks of election and inspectors shall be appointed at least  
17 thirty days prior to the statewide primary election, shall hold office  
18 for terms of two years or until their successors are appointed and  
19 qualified for the next statewide primary election, and shall serve at all  
20 elections in the county during their terms of office. In counties with a  
21 population of four ~~three~~ hundred thousand or more inhabitants as  
22 determined by the most recent federal decennial census, judges and clerks  
23 of election shall be appointed at least thirty days prior to the first  
24 election for which appointments are necessary and shall serve for at  
25 least four elections.

26 (2) Judges and clerks of election may be selected at random from a  
27 cross section of the population of the county. All qualified citizens  
28 shall have the opportunity to be considered for service. All qualified  
29 citizens shall fulfill their obligation to serve as judges or clerks of  
30 election as prescribed by the election commissioner. No citizen shall be  
31 excluded from service as a result of discrimination based upon race,

1 color, religion, sex, national origin, or economic status. No citizen  
2 shall be excluded from service unless excused by reason of ill health or  
3 other good and sufficient reason.

4 (3) All persons appointed shall be of good repute and character, be  
5 able to read and write the English language, and except as otherwise  
6 provided in subsection (5) of section 32-223, be registered voters in the  
7 county. No candidate at an election shall be appointed as a judge or  
8 clerk of election or inspector for such election other than a candidate  
9 for delegate to a county, state, or national political party convention.

10 (4) If a vacancy occurs in the office of judge or clerk of election  
11 or inspector, the election commissioner shall fill such vacancy in  
12 accordance with section 32-223. If any judge or clerk of election or  
13 inspector fails to appear at the hour appointed for the opening of the  
14 polls, the remaining officers shall notify the election commissioner,  
15 select a registered voter to serve in place of the absent officer if so  
16 directed by the election commissioner, and proceed to conduct the  
17 election. If the election commissioner finds that a judge or clerk of  
18 election or inspector does not possess all the qualifications prescribed  
19 in this section or if any judge or clerk of election or inspector is  
20 guilty of neglecting the duties of the office or of any official  
21 misconduct, the election commissioner shall remove the person and fill  
22 the vacancy.

23 Sec. 16. Section 32-528, Revised Statutes Supplement, 2015, is  
24 amended to read:

25 32-528 (1) In counties having a county board of three commissioners,  
26 two commissioners shall be elected at the statewide general election in  
27 1994 and each four years thereafter, and one commissioner shall be  
28 elected at the statewide general election in 1996 and each four years  
29 thereafter. In counties having a county board of five commissioners,  
30 three commissioners shall be elected at the statewide general election in  
31 1994 and each four years thereafter, and two commissioners shall be

1 elected at the statewide general election in 1996 and each four years  
2 thereafter. In counties having a county board of seven or more  
3 commissioners, one commissioner shall be elected in each odd-numbered  
4 commissioner district at the statewide general election in 1994 and each  
5 four years thereafter, and one commissioner shall be elected in each  
6 even-numbered commissioner district at the statewide general election in  
7 1996 and each four years thereafter.

8 (2) Except for commissioners first elected after the county adopts  
9 the commissioner form of government or has increased the number of  
10 commissioners, the term of each county commissioner shall be four years  
11 or until his or her successor is elected and qualified. At the first  
12 election held to choose the board of commissioners in any county having  
13 three commissioners, the person having the highest number of votes shall  
14 serve for four years and the two receiving the next highest number of  
15 votes shall serve for two years, and if any three or more persons have  
16 the same number of votes, their terms of office shall be determined by  
17 the county canvassing board. The county commissioners shall meet the  
18 qualifications found in section 23-150. Nothing in this section shall be  
19 construed to prohibit the reelection of a commissioner holding office if  
20 the commissioner is reelected to represent his or her respective  
21 district. The county commissioners shall be elected on the partisan  
22 ballot.

23 (3)(a) In counties having not more than one hundred fifty thousand  
24 inhabitants as determined by the most recent federal decennial census,  
25 one commissioner shall be nominated and elected from each district by the  
26 registered voters of the district.

27 (b) In counties having a population of more than one hundred fifty  
28 thousand but not more than four ~~three~~ hundred thousand inhabitants as  
29 determined by the most recent federal decennial census, one commissioner  
30 shall be nominated and elected from each district by the registered  
31 voters of the district as provided in subsection (5) of this section.

1 (c) In counties having more than four ~~three~~ hundred thousand  
2 inhabitants as determined by the most recent federal decennial census,  
3 one commissioner shall be nominated and elected from each district by the  
4 registered voters of the district.

5 (4) In counties in which a majority has voted to have five  
6 commissioners as provided in section 23-148, the three commissioners of  
7 such county whose terms of office will expire after the election shall  
8 continue in office until the expiration of the terms for which they were  
9 elected and until their successors are elected and qualified. Two  
10 commissioners shall be appointed pursuant to sections 32-567 and 32-574  
11 to serve until the first Thursday after the first Tuesday in January  
12 following the next statewide general election. At the next statewide  
13 general election, commissioners shall be elected to fill the positions of  
14 any commissioners appointed under this section. At the first primary  
15 election after such appointments, filings shall be accepted for terms of  
16 two years and for terms of four years so that two commissioners will be  
17 elected to four-year terms at one election and three commissioners will  
18 be elected to four-year terms at the next election.

19 (5) In counties having more than one hundred fifty thousand but not  
20 more than four ~~three~~ hundred thousand inhabitants as determined by the  
21 most recent federal decennial census:

22 (a) At the primary election in 2010, one commissioner shall be  
23 nominated from each odd-numbered district, and at the ensuing general  
24 election, one commissioner shall be elected from each odd-numbered  
25 district. Their successors shall be nominated and elected every four  
26 years thereafter; and

27 (b) At the primary election in 2012, one commissioner shall be  
28 nominated from each even-numbered district, and at the ensuing general  
29 election, one commissioner shall be elected from each even-numbered  
30 district. Their successors shall be nominated and elected every four  
31 years thereafter.

1           Sec. 17. Section 32-554, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           32-554 (1)(a) Any city not under a home rule charter, village,  
4 county, or school district nominating and electing members to its  
5 governing board at large may, either by majority vote of the governing  
6 body or by petition of registered voters pursuant to subsection (2) of  
7 this section, submit, at a general election, the question of nominating  
8 and electing members to its governing board by district or ward.

9           (b) Any city not under a home rule charter, village, county having  
10 not more than four ~~three~~ hundred thousand inhabitants as determined by  
11 the most recent federal decennial census, or school district nominating  
12 and electing members to its governing board by district or ward may,  
13 either by majority vote of the governing body or by petition of  
14 registered voters pursuant to subsection (2) of this section, submit, at  
15 a general election, the question of nominating and electing members to  
16 its governing board at large.

17           (c) Any city of the first class, except a city having adopted the  
18 commissioner or city manager plan of government, nominating and electing  
19 members to its governing body by ward may, either by ordinance by  
20 majority vote of the governing body or by petition of registered voters  
21 pursuant to subsection (2) of this section, submit, at a general  
22 election, the question of nominating and electing some of the members to  
23 its governing body by ward and some at large. No more than four members  
24 of the city council may be elected on an at-large basis, and at least  
25 four members of the city council shall be elected by ward. The ordinance  
26 of the governing body or petition shall specify the number of at-large  
27 members to be elected. At the first election in which one or more at-  
28 large members are to be elected to the city council, the members shall be  
29 elected to serve for initial terms of office of the following lengths:  
30 (i) If one at-large member is to be elected, he or she shall serve for a  
31 four-year term; (ii) if two at-large members are to be elected, the

1 candidate receiving the highest number of votes shall be elected to serve  
2 for a four-year term and the other elected member shall be elected to  
3 serve for a two-year term; (iii) if three at-large members are to be  
4 elected, the two candidates receiving the highest number of votes shall  
5 be elected to serve for four-year terms and the other elected member  
6 shall be elected to serve for a two-year term; and (iv) if four at-large  
7 members are to be elected, the two candidates receiving the highest  
8 number of votes shall be elected to serve for four-year terms and the  
9 other elected members shall be elected to serve for two-year terms.  
10 Following the initial term of office, all at-large council members shall  
11 be elected to serve for four-year terms. No candidate may file as both an  
12 at-large candidate and a candidate by ward at the same election.

13 (2) Petitions for submission of the question shall be signed by  
14 registered voters of the city, village, county, or school district  
15 desiring to change the procedures for electing the governing board of the  
16 city, village, county, or school district. The petition or petitions  
17 shall be signed by registered voters equal in number to twenty-five  
18 percent of the votes cast for the person receiving the highest number of  
19 votes in the city, village, county, or school district at the preceding  
20 general election for electing the last member or members to its governing  
21 board. Each sheet of the petition shall have printed the full and correct  
22 copy of the question as it will appear on the official ballot. The  
23 petitions shall be filed with the county clerk or election commissioner  
24 not less than seventy days prior to the date of the general election, and  
25 no signatures shall be added or removed from the petitions after they  
26 have been so filed. Petitions shall be verified as provided in section  
27 32-631. If the petition or petitions are found to contain the required  
28 number of valid signatures, the county clerk or election commissioner  
29 shall place the question on a separate ballot to be issued to the  
30 registered voters of the city, village, county, or school district  
31 entitled to vote on the question.

1           (3)(a) Any city, village, county, or school district voting to  
2 change from nominating and electing the members of its governing board by  
3 district or ward to nominating and electing some or all of such members  
4 at large shall notify the public and instruct the filing officer to  
5 accept the appropriate filings on an at-large basis. Candidates to be  
6 elected at large shall be nominated and elected on an at-large basis at  
7 the next primary and general election following submission of the  
8 question.

9           (b) Any city, village, county, or school district voting to change  
10 from nominating and electing the members of its governing board at large  
11 to nominating and electing by district or ward shall notify the public  
12 and instruct the filing officer to accept all filings by district or  
13 ward. Candidates shall be nominated and elected by district or ward at  
14 the next primary and general election following submission of the  
15 question. When district or ward elections have been approved by the  
16 majority of the electorate, the governing board of any city, village,  
17 county, or school district approving such question shall establish  
18 districts substantially equal in population as determined by the most  
19 recent federal decennial census except as provided in subsection (2) of  
20 section 32-553.

21           (4) Except as provided in section 14-201, each city not under a home  
22 rule charter, village, county, and school district which votes to  
23 nominate and elect members to its governing board by district or ward  
24 shall establish districts or wards so that approximately one-half of the  
25 members of its governing board may be nominated and elected from  
26 districts or wards at each election. Districts or wards shall be created  
27 not later than October 1 in the year following the general election at  
28 which the question was voted upon. If the governing board fails to draw  
29 district boundaries by October 1, the procedures set forth in section  
30 32-555 shall be followed.

31           Sec. 18. Section 32-555, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-555 (1) Except as provided in subsection (4) of this section, if  
3 the governing board of any city, village, county, or school district  
4 which nominates or elects members to the board by district or ward fails  
5 to draw district boundaries by the date established in subsection (1) of  
6 section 32-553 or subsection (4) of section 32-554, the county attorney  
7 of the county in which the board is located shall file an action in the  
8 district court for the purpose of ordering the board to draw district  
9 boundaries. If within six months after the receipt of such order the  
10 board does not comply, the members of the board shall be subject to  
11 removal and the court shall order the Secretary of State to draw district  
12 boundaries in accordance with the most recent federal decennial census.  
13 Any vacancy resulting from such removal from office shall be filled as  
14 provided by law.

15 (2) If the county attorney fails to file the action required by  
16 subsection (1) of this section, he or she shall be subject to removal  
17 from office. If the county attorney fails to file such action, any  
18 citizen within the jurisdiction of the governing board may file the  
19 action. The court shall order the board to pay any costs and attorney's  
20 fees involved in such action.

21 (3) If an election commissioner required to draw district boundaries  
22 for any county having more than four ~~three~~ hundred thousand inhabitants  
23 as determined by the most recent federal decennial census pursuant to  
24 sections 23-151 and 32-553 fails to do so, the election commissioner  
25 shall be subject to (a) suit by the county attorney for the purpose of  
26 ordering the drawing of district boundaries, (b) removal from office  
27 pursuant to section 32-214 for failure to comply with an order to draw  
28 district boundaries within six months of receipt of such order, and (c)  
29 suit by any citizen for the purpose of ordering the drawing of district  
30 boundaries and shall be obligated to pay any costs and attorney's fees  
31 involved in any such action.

1 (4) If the county board of any county having more than four ~~three~~  
2 hundred thousand inhabitants as determined by the most recent federal  
3 decennial census fails to complete the process of drawing district  
4 boundaries as provided for in sections 23-151 and 32-553, the procedures  
5 set forth in subdivision (3)(b) of section 23-151 shall be followed.

6 Sec. 19. Section 33-114.01, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 33-114.01 In any county having a population of more than one hundred  
9 thousand and less than four ~~three~~ hundred thousand inhabitants as  
10 determined by the most recent federal decennial census, when such county  
11 has entered into an agreement with the county seat for it to provide the  
12 services of its electronic data processing equipment for the purposes of  
13 tax collection, the county treasurer shall receive from such city for  
14 services provided in the assessment and collection of taxes the amount  
15 provided by agreement between the county and such city.

16 Sec. 20. Section 71-1631, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 71-1631 Except as provided in subsection (4) of section 71-1630, the  
19 board of health of each county, district, or city-county health  
20 department organized under sections 71-1626 to 71-1636 shall, immediately  
21 after appointment, meet and organize by the election of one of its own  
22 members as president, one as vice president, and another as secretary  
23 and, either from its own members or otherwise, a treasurer and shall have  
24 the power set forth in this section. The board may elect such other  
25 officers as it may deem necessary and may adopt and promulgate such rules  
26 and regulations for its own guidance and for the government of such  
27 health department as may be necessary, not inconsistent with sections  
28 71-1626 to 71-1636. The board of health shall, with the approval of the  
29 county board and the municipality, whenever a city is a party in such a  
30 city-county health department:

31 (1) Select the health director of such department who shall be (a)

1 well-trained in public health work though he or she need not be a  
2 graduate of an accredited medical school, but if he or she is not such a  
3 graduate, he or she shall be assisted at least part time by at least one  
4 medical consultant who shall be a licensed physician, (b) qualified in  
5 accordance with the state personnel system, and (c) approved by the  
6 Department of Health and Human Services;

7 (2) Hold an annual meeting each year, at which meeting officers  
8 shall be elected for the ensuing year;

9 (3) Hold meetings quarterly each year;

10 (4) Hold special meetings upon a written request signed by two of  
11 its members and filed with the secretary;

12 (5) Provide suitable offices, facilities, and equipment for the  
13 health director and assistants and their pay and traveling expenses in  
14 the performance of their duties, with mileage to be computed at the rate  
15 provided in section 81-1176;

16 (6) Publish, on or soon after the second Tuesday in July of each  
17 year, in pamphlet form for free distribution, an annual report showing  
18 (a) the condition of its trust for each year, (b) the sums of money  
19 received from all sources, giving the name of any donor, (c) how all  
20 money has been expended and for what purpose, and (d) such other  
21 statistics and information with regard to the work of such health  
22 department as may be of general interest;

23 (7) Enact rules and regulations, subsequent to public hearing held  
24 after due public notice of such hearing by publication at least once in a  
25 newspaper having general circulation in the county or district at least  
26 ten days prior to such hearing, and enforce the same for the protection  
27 of public health and the prevention of communicable diseases within its  
28 jurisdiction, subject to the review and approval of such rules and  
29 regulations by the Department of Health and Human Services;

30 (8) Make all necessary sanitary and health investigations and  
31 inspections;

1           (9) In counties having a population of more than four ~~three~~ hundred  
2 thousand inhabitants as determined by the most recent federal decennial  
3 census, enact rules and regulations for the protection of public health  
4 and the prevention of communicable diseases within the district, except  
5 that such rules and regulations shall have no application within the  
6 jurisdictional limits of any city of the metropolitan class and shall not  
7 be in effect until (a) thirty days after the completion of a three-week  
8 publication in a legal newspaper, (b) approved by the county attorney  
9 with his or her written approval attached thereto, and (c) filed in the  
10 office of the county clerk of such county. A county shall comply with  
11 this subsection within six months after a determination that the  
12 population has reached more than four hundred thousand inhabitants as  
13 determined by the most recent federal decennial census;

14           (10) Investigate the existence of any contagious or infectious  
15 disease and adopt measures, with the approval of the Department of Health  
16 and Human Services, to arrest the progress of the same;

17           (11) Distribute free as the local needs may require all vaccines,  
18 drugs, serums, and other preparations obtained from the Department of  
19 Health and Human Services or purchased for public health purposes by the  
20 county board;

21           (12) Upon request, give professional advice and information to all  
22 city, village, and school authorities on all matters pertaining to  
23 sanitation and public health;

24           (13) Fix the salaries of all employees, including the health  
25 director. Such city-county health department may also establish an  
26 independent pension plan, retirement plan, or health insurance plan or,  
27 by agreement with any participating city or county, provide for the  
28 coverage of officers and employees of such city-county health department  
29 under such city or county pension plan, retirement plan, or health  
30 insurance plan. Officers and employees of a county health department  
31 shall be eligible to participate in the county pension plan, retirement

1 plan, or health insurance plan of such county. Officers and employees of  
2 a district health department formed by two or more counties shall be  
3 eligible to participate in the county retirement plan unless the district  
4 health department establishes an independent pension plan or retirement  
5 plan for its officers or employees;

6 (14) Establish fees for the costs of all services, including those  
7 services for which third-party payment is available; and

8 (15) In addition to powers conferred elsewhere in the laws of the  
9 state and notwithstanding any other law of the state, implement and  
10 enforce an air pollution control program under subdivision (23) of  
11 section 81-1504 or subsection (1) of section 81-1528, which program shall  
12 be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401  
13 et seq. Such powers shall include without limitation those involving  
14 injunctive relief, civil penalties, criminal fines, and burden of proof.  
15 Nothing in this section shall preclude the control of air pollution by  
16 resolution, ordinance, or regulation not in actual conflict with the  
17 state air pollution control regulations.

18 Sec. 21. Original sections 2-955, 8-157, 23-150, 23-151, 23-1723,  
19 23-1723.01, 23-1732, 23-2503, 23-2518, 23-3502, 23-3582, 29-902.01,  
20 32-221, 32-555, 33-114.01, and 71-1631, Reissue Revised Statutes of  
21 Nebraska, section 32-554, Revised Statutes Cumulative Supplement, 2014,  
22 and sections 23-148 and 32-528, Revised Statutes Supplement, 2015, are  
23 repealed.