

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 781

Introduced by Stinner, 48.

Read first time January 08, 2020

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 14-553,
2 15-317, and 23-1601, Reissue Revised Statutes of Nebraska, sections
3 17-605 and 17-606, Revised Statutes Cumulative Supplement, 2018, and
4 sections 16-318 and 84-304, Revised Statutes Supplement, 2019; to
5 provide an annual continuing education requirement for treasurers of
6 certain local governments; to provide a duty for the Auditor of
7 Public Accounts as prescribed; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-553, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-553 (1) The city treasurer of a city of the metropolitan class
4 shall be a member of the finance department of such city and shall give
5 bond or evidence of equivalent insurance in an amount as required by the
6 finance director of such city. The treasurer shall be liable for the
7 safekeeping and proper disbursement of all funds and money of the city
8 collected or received by him or her. He or she shall keep his or her
9 books and accounts in such manner as to show the amount of money
10 collected by him or her from all sources, the condition of each fund into
11 which the same has been placed, and the items of disbursement thereof.

12 (2) The city treasurer shall annually complete continuing education
13 through a program approved by the Auditor of Public Accounts, and proof
14 of completion of such program shall be submitted to the Auditor of Public
15 Accounts.

16 Sec. 2. Section 15-317, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 15-317 (1) The treasurer shall be required to give a bond or
19 evidence of equivalent insurance of not less than one hundred fifty
20 thousand dollars or he or she may be required to give a bond or evidence
21 of equivalent insurance double the sum of money estimated by the council
22 to be at any time in his or her hands belonging to the city and school
23 districts, and he or she shall be the custodian of all money belonging to
24 the city and all securities belonging or to be held by the city. He or
25 she shall keep a separate account of each fund or appropriation and
26 debits and credits belonging thereto. He or she shall give every person
27 paying money into the treasury a receipt therefor, specifying the date of
28 payment and on what account paid, and he or she shall also file copies of
29 receipts with his or her monthly report. He or she shall monthly and as
30 often as required render to the city council an account under oath
31 showing the state of the treasury at that date, the amount of money

1 remaining in each fund, the amount paid therefrom, and the balance of
2 money in the treasury. He or she shall also accompany such accounts with
3 a statement of all receipts and disbursements, together with all warrants
4 redeemed and paid by him or her, which warrants, together with any and
5 all vouchers held by him or her, shall be filed in the clerk's office,
6 and if he or she neglects or fails for thirty days from the end of any
7 month to enter such accounts, his or her office may by resolution of the
8 mayor and council be declared vacant, and the mayor with the concurrence
9 of the council shall fill the vacancy by appointment until the next
10 election of the city officers. The treasurer may employ and appoint a
11 deputy and an assistant or assistants as determined by ordinance. The
12 treasurer shall be liable upon his or her official bond for the acts of
13 such appointees.

14 (2) The treasurer shall annually complete continuing education
15 through a program approved by the Auditor of Public Accounts, and proof
16 of completion of such program shall be submitted to the Auditor of Public
17 Accounts.

18 Sec. 3. Section 16-318, Revised Statutes Supplement, 2019, is
19 amended to read:

20 16-318 (1) The city treasurer of a city of the first class shall be
21 required to give bond or evidence of equivalent insurance of not less
22 than twenty-five thousand dollars, or he or she may be required to give
23 bond in double the sum of money estimated by the city council at any time
24 to be in his or her hands belonging to the city. The city treasurer shall
25 be the custodian of all money belonging to the city. The city council
26 shall pay the actual premium of the bond or insurance coverage of such
27 treasurer.

28 (2) The city treasurer of a city of the first class shall keep a
29 separate account of each fund or appropriation and the debts and credits
30 belonging thereto. He or she shall give every person paying money into
31 the treasury a receipt therefor, specifying date of payment and on what

1 account paid. He or she shall also file copies of such receipts, except
2 tax receipts, with his or her monthly reports, and he or she shall at the
3 end of every month, and as often as may be requested, render an account
4 to the city council, under oath, showing the state of the treasury at the
5 date of such account, the amount of money remaining in each fund and the
6 amount paid therefrom, and the balance of money in the treasury. The city
7 treasurer shall also accompany such account with a statement of all
8 receipts and disbursements, together with all warrants redeemed and paid
9 by him or her, which warrants, with all vouchers held by him or her,
10 shall be filed with his or her account in the city clerk's office. He or
11 she shall produce and show all funds shown by such report to be on hand,
12 or satisfy the city council or its committee that he or she has such
13 funds in his or her custody or under his or her control. If the city
14 treasurer fails to render his or her account within twenty days after the
15 end of the month, or by a later date established by the city council, the
16 mayor with the consent of the city council may consider this failure as
17 cause to remove the city treasurer from office.

18 (3) The city treasurer of a city of the first class shall keep a
19 record of all outstanding bonds against the city, showing the number and
20 amount of each bond, for and to whom the bonds were issued, and the date
21 upon which any bond is purchased, paid, or canceled. He or she shall
22 accompany the annual statement submitted pursuant to section 19-1101 with
23 a description of the bonds issued and sold in that year and the terms of
24 sale, with every item of expense thereof.

25 (4) The city treasurer of a city of the first class may employ and
26 appoint a delinquent tax collector, who shall be allowed a percentage
27 upon his or her collections to be fixed by the city council, not to
28 exceed the fees allowed by law to the county treasurer for like services.
29 Upon taxes collected by such delinquent tax collector, the city treasurer
30 shall receive no fees.

31 (5) The city treasurer of a city of the first class shall prepare

1 all special assessment lists and shall collect all special assessments.

2 (6) The city treasurer shall annually complete continuing education
3 through a program approved by the Auditor of Public Accounts, and proof
4 of completion of such program shall be submitted to the Auditor of Public
5 Accounts.

6 Sec. 4. Section 17-605, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 17-605 The city clerk or village clerk shall have the custody of all
9 laws and ordinances and shall keep a correct journal of the proceedings
10 of the city council of a city of the second class or village board of
11 trustees. After the period of time specified by the State Records
12 Administrator pursuant to the Records Management Act, the city clerk or
13 village clerk may transfer such journal of the proceedings of the city
14 council or village board of trustees to the State Archives of the
15 Nebraska State Historical Society for permanent preservation. He or she
16 shall also perform such other duties as may be required by the ordinances
17 of the city or village. If the city clerk or village clerk is acting as
18 the city treasurer or village treasurer, he or she shall also comply with
19 the requirements of subsection (3) of section 17-606.

20 Sec. 5. Section 17-606, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 17-606 (1) The treasurer of each city of the second class or village
23 shall be the custodian of all money belonging to the city or village. He
24 or she shall keep a separate account of each fund or appropriation and
25 the debts and credits belonging thereto. He or she shall give every
26 person paying money into the treasury a receipt for such money,
27 specifying the date of payment and on what account paid. He or she shall
28 also file copies of such receipts with his or her monthly reports, and he
29 or she shall, at the end of every month, and as often as may be required,
30 render an account to the city council or village board of trustees, under
31 oath, showing the state of the treasury at the date of such account and

1 the balance of money in the treasury. He or she shall also accompany such
2 accounts with a statement of all receipts and disbursements, together
3 with all warrants redeemed and paid by him or her, which warrants, with
4 any and all vouchers held by him or her, shall be filed with his or her
5 account in the clerk's office. If the city treasurer or village treasurer
6 fails to render his or her account within twenty days after the end of
7 the month, or by a later date established by the city council or village
8 board of trustees, the mayor of a city of the second class or the
9 chairperson of the village board of trustees with the advice and consent
10 of the trustees may use this failure as cause to remove the city
11 treasurer or village treasurer from office.

12 (2) The city treasurer or village treasurer shall keep a record of
13 all outstanding bonds against the city or village, showing the number and
14 amount of each bond, for and to whom the bonds were issued, and the date
15 upon which any bond is purchased, paid, or canceled. He or she shall
16 accompany the annual statement submitted pursuant to section 19-1101 with
17 a description of the bonds issued and sold in that year and the terms of
18 sale, with every item of expense thereof.

19 (3) The city treasurer or village treasurer shall annually complete
20 continuing education through a program approved by the Auditor of Public
21 Accounts, and proof of completion of such program shall be submitted to
22 the Auditor of Public Accounts.

23 Sec. 6. Section 23-1601, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 23-1601 (1) It is the duty of the county treasurer to receive all
26 money belonging to the county, from whatsoever source derived and by any
27 method of payment provided by section 77-1702, and all other money which
28 is by law directed to be paid to him or her. All money received by the
29 county treasurer for the use of the county shall be paid out by him or
30 her only on warrants issued by the county board according to law, except
31 when special provision for payment of county money is otherwise made by

1 law.

2 (2) The county treasurer shall prepare and file the required annual
3 inventory statement of county personal property in his or her custody or
4 possession as provided in sections 23-346 to 23-350.

5 (3) The county treasurer, at the direction of the city or village,
6 shall invest the bond fund money collected for each city or village
7 located within each county. The bond fund money shall be invested by the
8 county treasurer and any investment income shall accrue to the bond fund.
9 The county treasurer shall notify the city or village when the bonds have
10 been retired.

11 (4)(a) On or before the fifteenth day of each month, the county
12 treasurer (i) shall pay to each city, village, school district,
13 educational service unit, county agricultural society, and rural or
14 suburban fire protection district located within the county the amount of
15 all funds collected or received for the city, village, school district,
16 educational service unit, county agricultural society, and rural or
17 suburban fire protection district the previous calendar month, including
18 bond fund money when requested by any city of the first class under
19 section 16-731, and (ii) on forms provided by the Auditor of Public
20 Accounts, shall include with the payment a statement indicating the
21 source of all such funds received or collected and an accounting of any
22 expense incurred in the collection of ad valorem taxes, except that the
23 Auditor of Public Accounts shall, upon request of a county, approve the
24 use and reproduction of a county's general ledger or other existing forms
25 if such ledger or other forms clearly indicate the sources of all funds
26 received or collected and an accounting of any expenses incurred in the
27 collection of ad valorem taxes.

28 (b) If all such funds received or collected are less than twenty-
29 five dollars, the county treasurer may hold such funds until such time as
30 they are equal to or exceed twenty-five dollars. In no case shall such
31 funds be held by the county treasurer longer than six months.

1 (c) If a school district treasurer has not filed an official bond
2 pursuant to section 11-107 or evidence of equivalent insurance coverage,
3 the county treasurer may hold funds collected or received for the school
4 district until such time as the bond or evidence of equivalent insurance
5 coverage has been filed.

6 (5) Notwithstanding subsection (4) of this section, the county
7 treasurer of any county in which a city of the metropolitan class or a
8 Class V school district is located shall pay to the city of the
9 metropolitan class and to the Class V school district on a weekly basis
10 the amount of all current year funds as they become available for the
11 city or the school district.

12 (6) The county treasurer shall annually complete continuing
13 education through a program approved by the Auditor of Public Accounts,
14 and proof of completion of such program shall be submitted to the Auditor
15 of Public Accounts.

16 Sec. 7. Section 84-304, Revised Statutes Supplement, 2019, is
17 amended to read:

18 84-304 It shall be the duty of the Auditor of Public Accounts:

19 (1) To give information electronically to the Legislature, whenever
20 required, upon any subject relating to the fiscal affairs of the state or
21 with regard to any duty of his or her office;

22 (2) To furnish offices for himself or herself and all fuel, lights,
23 books, blanks, forms, paper, and stationery required for the proper
24 discharge of the duties of his or her office;

25 (3)(a) To examine or cause to be examined, at such time as he or she
26 shall determine, books, accounts, vouchers, records, and expenditures of
27 all state officers, state bureaus, state boards, state commissioners, the
28 state library, societies and associations supported by the state, state
29 institutions, state colleges, and the University of Nebraska, except when
30 required to be performed by other officers or persons. Such examinations
31 shall be done in accordance with generally accepted government auditing

1 standards for financial audits and attestation engagements set forth in
2 Government Auditing Standards (2011 Revision), published by the
3 Comptroller General of the United States, Government Accountability
4 Office, and except as provided in subdivision (10) of this section,
5 subdivision (16) of section 50-1205, and section 84-322, shall not
6 include performance audits, whether conducted pursuant to attestation
7 engagements or performance audit standards as set forth in Government
8 Auditing Standards (2011 Revision), published by the Comptroller General
9 of the United States, Government Accountability Office.

10 (b) Any entity, excluding the state colleges and the University of
11 Nebraska, that is audited or examined pursuant to subdivision (3)(a) of
12 this section and that is the subject of a comment and recommendation in a
13 management letter or report issued by the Auditor of Public Accounts
14 shall, on or before six months after the issuance of such letter or
15 report, provide to the Auditor of Public Accounts a detailed written
16 description of any corrective action taken or to be taken in response to
17 the comment and recommendation. The Auditor of Public Accounts may
18 investigate and evaluate the corrective action. The Auditor of Public
19 Accounts shall then electronically submit a report of any findings of
20 such investigation and evaluation to the Governor, the appropriate
21 standing committee of the Legislature, and the Appropriations Committee
22 of the Legislature. The Auditor of Public Accounts shall also ensure that
23 the report is delivered to the Appropriations Committee for entry into
24 the record during the committee's budget hearing process;

25 (4)(a) To examine or cause to be examined, at the expense of the
26 political subdivision, when the Auditor of Public Accounts determines
27 such examination necessary or when requested by the political
28 subdivision, the books, accounts, vouchers, records, and expenditures of
29 any agricultural association formed under Chapter 2, article 20, any
30 county agricultural society, any joint airport authority formed under the
31 Joint Airport Authorities Act, any city or county airport authority, any

1 bridge commission created pursuant to section 39-868, any cemetery
2 district, any community redevelopment authority or limited community
3 redevelopment authority established under the Community Development Law,
4 any development district, any drainage district, any health district, any
5 local public health department as defined in section 71-1626, any
6 historical society, any hospital authority or district, any county
7 hospital, any housing agency as defined in section 71-1575, any
8 irrigation district, any county or municipal library, any community
9 mental health center, any railroad transportation safety district, any
10 rural water district, any township, Wyuka Cemetery, the Educational
11 Service Unit Coordinating Council, any entity created pursuant to the
12 Interlocal Cooperation Act, any educational service unit, any village,
13 any service contractor or subrecipient of state or federal funds, any
14 political subdivision with the authority to levy a property tax or a
15 toll, or any entity created pursuant to the Joint Public Agency Act.

16 For purposes of this subdivision, service contractor or subrecipient
17 means any nonprofit entity that expends state or federal funds to carry
18 out a state or federal program or function, but it does not include an
19 individual who is a direct beneficiary of such a program or function or a
20 licensed health care provider or facility receiving direct payment for
21 medical services provided for a specific individual.

22 (b) The Auditor of Public Accounts may waive the audit requirement
23 of subdivision (4)(a) of this section upon the submission by the
24 political subdivision of a written request in a form prescribed by the
25 auditor. The auditor shall notify the political subdivision in writing of
26 the approval or denial of the request for a waiver.

27 (c) Through December 31, 2017, the Auditor of Public Accounts may
28 conduct audits under this subdivision for purposes of sections 2-3228,
29 12-101, 13-2402, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037,
30 19-3501, 23-1118, 23-3526, 71-1631.02, and 79-987.

31 (d) Beginning on May 24, 2017, the Auditor of Public Accounts may

1 conduct audits under this subdivision for purposes of sections 13-2402,
2 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 18-814,
3 71-1631.02, and 79-987 and shall prescribe the form for the annual
4 reports required in each of such sections. Such annual reports shall be
5 published annually on the web site of the Auditor of Public Accounts;

6 (5) To report promptly to the Governor and the appropriate standing
7 committee of the Legislature the fiscal condition shown by such
8 examinations conducted by the auditor, including any irregularities or
9 misconduct of officers or employees, any misappropriation or misuse of
10 public funds or property, and any improper system or method of
11 bookkeeping or condition of accounts. The report submitted to the
12 committee shall be submitted electronically. In addition, if, in the
13 normal course of conducting an audit in accordance with subdivision (3)
14 of this section, the auditor discovers any potential problems related to
15 the effectiveness, efficiency, or performance of state programs, he or
16 she shall immediately report them electronically to the Legislative
17 Performance Audit Committee which may investigate the issue further,
18 report it electronically to the appropriate standing committee of the
19 Legislature, or both;

20 (6)(a) To examine or cause to be examined the books, accounts,
21 vouchers, records, and expenditures of a fire protection district. The
22 expense of the examination shall be paid by the political subdivision.

23 (b) Whenever the expenditures of a fire protection district are one
24 hundred fifty thousand dollars or less per fiscal year, the fire
25 protection district shall be audited no more than once every five years
26 except as directed by the board of directors of the fire protection
27 district or unless the auditor receives a verifiable report from a third
28 party indicating any irregularities or misconduct of officers or
29 employees of the fire protection district, any misappropriation or misuse
30 of public funds or property, or any improper system or method of
31 bookkeeping or condition of accounts of the fire protection district. In

1 the absence of such a report, the auditor may waive the five-year audit
2 requirement upon the submission of a written request by the fire
3 protection district in a form prescribed by the auditor. The auditor
4 shall notify the fire protection district in writing of the approval or
5 denial of a request for waiver of the five-year audit requirement. Upon
6 approval of the request for waiver of the five-year audit requirement, a
7 new five-year audit period shall begin.

8 (c) Whenever the expenditures of a fire protection district exceed
9 one hundred fifty thousand dollars in a fiscal year, the auditor may
10 waive the audit requirement upon the submission of a written request by
11 the fire protection district in a form prescribed by the auditor. The
12 auditor shall notify the fire protection district in writing of the
13 approval or denial of a request for waiver. Upon approval of the request
14 for waiver, a new five-year audit period shall begin for the fire
15 protection district if its expenditures are one hundred fifty thousand
16 dollars or less per fiscal year in subsequent years;

17 (7) To appoint two or more assistant deputies (a) whose entire time
18 shall be devoted to the service of the state as directed by the auditor,
19 (b) who shall be certified public accountants with at least five years'
20 experience, (c) who shall be selected without regard to party affiliation
21 or to place of residence at the time of appointment, (d) who shall
22 promptly report to the auditor the fiscal condition shown by each
23 examination, including any irregularities or misconduct of officers or
24 employees, any misappropriation or misuse of public funds or property,
25 and any improper system or method of bookkeeping or condition of
26 accounts, and it shall be the duty of the auditor to file promptly with
27 the Governor a duplicate of such report, and (e) who shall qualify by
28 taking an oath which shall be filed in the office of the Secretary of
29 State;

30 (8) To conduct audits and related activities for state agencies,
31 political subdivisions of this state, or grantees of federal funds

1 disbursed by a receiving agency on a contractual or other basis for
2 reimbursement to assure proper accounting by all such agencies, political
3 subdivisions, and grantees for funds appropriated by the Legislature and
4 federal funds disbursed by any receiving agency. The auditor may contract
5 with any political subdivision to perform the audit of such political
6 subdivision required by or provided for in section 23-1608 or 79-1229 or
7 this section and charge the political subdivision for conducting the
8 audit. The fees charged by the auditor for conducting audits on a
9 contractual basis shall be in an amount sufficient to pay the cost of the
10 audit. The fees remitted to the auditor for such audits and services
11 shall be deposited in the Auditor of Public Accounts Cash Fund;

12 (9) To develop and maintain an annual budget and actual financial
13 information reporting system for political subdivisions that is
14 accessible online by the public;

15 (10) When authorized, to conduct joint audits with the Legislative
16 Performance Audit Committee as described in section 50-1205;~~and~~

17 (11) Unless otherwise specifically provided, to assess the interest
18 rate on delinquent payments of any fees for audits and services owing to
19 the Auditor of Public Accounts at a rate of fourteen percent per annum
20 from the date of billing unless paid within thirty days after the date of
21 billing. For an entity created pursuant to the Interlocal Cooperation Act
22 or the Joint Public Agency Act, any participating public agencies shall
23 be jointly and severally liable for the fees and interest owed if such
24 entity is defunct or unable to pay; and -

25 (12) To approve annual continuing education programs for county
26 treasurers, city treasurers, and village treasurers as required by
27 sections 14-553, 15-317, 16-318, 17-606, and 23-1601. The cost of
28 attending such programs shall be at the expense of the county, city, or
29 village. The auditor shall maintain records of program attendance and
30 notify each county board, city council, or village board of trustees if
31 its treasurer has not completed such program attendance. The auditor

1 shall inform the Attorney General and the county attorney of the county
2 in which a treasurer is located if such treasurer has not completed a
3 required annual continuing education program.

4 Sec. 8. Original sections 14-553, 15-317, and 23-1601, Reissue
5 Revised Statutes of Nebraska, sections 17-605 and 17-606, Revised
6 Statutes Cumulative Supplement, 2018, and sections 16-318 and 84-304,
7 Revised Statutes Supplement, 2019, are repealed.