

## LEGISLATIVE BILL 304

Approved by the Governor March 25, 1977

Introduced by Keyes, 3

AN ACT to amend section 23-1723, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to specify membership for sheriff's office merit commissions for certain counties; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-1723, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1723. The sheriff's office merit commission in counties having a population of three hundred thousand inhabitants or more shall consist of five members. One member shall be a duly elected county official, appointed by the board of county commissioners. One member shall be a deputy sheriff, elected by the deputy sheriffs. One member shall be a member of the division of corrections, elected by the members of the division. Two members shall be selected by the presiding judge of the judicial district encompassing such county and shall be public representatives who are residents of the county and neither shall be an official or nor an employee of the county. The terms of office of members initially appointed or elected shall expire on January 1 of the first, second and third years following their appointment or election, as designated by the board of county commissioners. As the terms of initial members expire, their successors shall be appointed or elected for three-year terms in the same manner as the initial members. The additional public representative provided for in this section shall serve until January 1, 1977, and the member from the division of corrections shall serve until January 1, 1978, and thereafter their successors shall be appointed or elected for three-year terms. Any vacancy shall be filled by appointment or election in the same manner as appointment or election of initial members. The commission shall have the power to declare vacant the position of any member who no longer meets the qualifications for election or appointment set out in this section.

Sec. 2. In counties having a population of not less than forty thousand inhabitants nor more than three hundred thousand inhabitants, the sheriff's office merit commission shall consist of three members. One member shall be a duly elected county official, appointed by the

board of county commissioners. One member shall be a deputy sheriff, elected by the deputy sheriffs. The third member shall be selected by the presiding judge of the judicial district encompassing such county and shall be a public representative who is a resident of the county and neither an official nor employee of the county. The terms of office of members initially appointed or elected shall expire on January 1 of the years 1978, 1979, and 1980, as designated by the board of county commissioners. As the terms of initial members expire, their successors shall be appointed or elected for three-year terms in the same manner as the initial members. Any vacancy shall be filled by appointment or election in the same manner as appointment or election of initial members. The commission shall have the power to declare vacant the position of any member who no longer meets the qualifications for election or appointment set out in this section.

Sec. 3. That original section 23-1723, Reissue Revised Statutes of Nebraska, 1943, is repealed.