

## LEGISLATIVE BILL 260

Approved by the Governor March 5, 1981

Introduced by Public Health and Welfare Committee,  
Cullan, 49th, Chmn.; Fenger, 45th; Wesely,  
26th; R. Peterson, 21st; Barrett, 39th;  
Higgins, 9th; R. Maresh, 32nd

AN ACT to amend section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.01, Revised Statutes Supplement, 1980, relating to counties; to provide for the election of a treasurer for the county hospital or health facility board of trustees; to provide duties; to grant certain powers to the board of trustees; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 23-343.01, Revised Statutes Supplement, 1980, be amended to read as follows:

23-343.01. (1) When a county with a population of ~~thirty-six~~ three thousand six hundred or more and less than two hundred thousand inhabitants or with an actual valuation of all taxable real and personal property, excluding intangible property, of twenty-eight million six hundred thousand dollars or more, shall establish such facility or facilities as provided by section 23-343, the county board of the county shall proceed at once to appoint a board of trustees. Such board shall consist of three or five members, as fixed by the county board. All members of such board shall be residents of said county. When such board is first established, one member shall be appointed for a term of two years, one for four years, and one for six years from the date they are appointed, if the county board provides for a three member board. Otherwise one additional member shall be appointed for four years and one for six years. When the board is changed to a five member board, the three members who are serving as such trustees at the time of a change from a three member to a five member board shall each complete his or her respective term of office. The two additional members shall be appointed by the county board, one for a term of four years and one for a term of six years. Thereafter, as their terms expire, members shall be appointed for a term of six years.

(2) Except in any county having a population of more than three hundred thousand inhabitants, not over one member of said board of trustees shall be from the

city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, a minimum of one member of the board of trustees shall be a resident of the county and shall reside outside the corporate limits of the city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, if only one member of the board of trustees resides outside the corporate limits of the city in which the facility or facilities are located and the residence of such member is annexed by such city, he or she shall be allowed to complete his or her term of office but shall not be eligible for reappointment. The said trustees shall, within ten days after their appointment, qualify by taking the oath of county officers and by furnishing a bond in an amount to be fixed by the county board. They shall organize as a board of trustees by the election of one of their number as chairperson, and one as secretary, and one as treasurer, except that in counties with two hundred thousand inhabitants or more, the ~~---The~~ county treasurer of the county in which such facility or facilities are located shall be the treasurer of the board of trustees. ~~He or she~~ The treasurer shall receive and pay out all the money under the control of said board as ordered by it, and shall report such expenditures and receipts to the county board on a monthly basis and as required by section 23-343.06. ~~but---shall---receive---no---compensation from such board.~~

(3) When a member or trustee is absent from three consecutive board meetings either regular or special without being excused by the remaining members of the board, his or her office shall become vacant, and a new member shall be appointed by the county board to fill the vacancy for the unexpired term of such member as provided by section 23-343.09. Such vacancy shall become effective when the county board shall find that there is such a vacancy or shall fill the same as provided in this subsection.

(4) In counties having a population of two hundred thousand inhabitants or more, the county board of such county having such facility or facilities, in lieu of appointing a board of trustees of such facility or facilities, may elect to serve as the board of trustees of such facility or facilities. If the county board makes such election, that county board shall assume all the duties and responsibilities of the board of trustees of such institution. Such election shall be evidenced by the adoption of a resolution by that county board.

Sec. 2. That section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.03. The board of trustees of such facility or facilities as provided by section 23-343, shall make, adopt, and file with the county board such by-laws, rules, and regulations for its guidance and for the government of such facility or facilities as may be deemed expedient for the economical and equitable conduct thereof. It shall have the exclusive control of the expenditures of all money collected to the credit of the fund for such facility or facilities. After the original construction of such facility or facilities, it shall have exclusive control over any and all improvements or additions thereto and equipment, including the authority to contract, subject to ratification by the county board, for any improvements or additions thereto and equipment therefor. No such improvement, addition thereto, or equipment therefor shall cost more than fifty per cent of the value of such original facility or facilities and equipment unless the same shall have been submitted to the voters of such county at a general election, or a special election called for such purpose, and approved by a vote of the majority of the electors voting on the proposition at such election. Such board of trustees shall also have exclusive control, supervision, care, and custody of the grounds, rooms, and buildings purchased or constructed, leased, or set apart for such purposes. The board of trustees shall have power to pay all current bills, claims, and salaries of all employees of such facility or facilities by an order upon its treasurer, signed by the superintendent of such facility or facilities and countersigned by the chairman chairperson and secretary of the board of trustees. The board of trustees shall have power to lease such facility or facilities and equipment therein to a charitable nonprofit organization, in which event the lessee shall be responsible for all costs of operation and management, but ~~Provided~~; no such facility or facilities or equipment therein shall be leased unless authorized by the voters of such county at a general election, or a special election called for such purpose, and approved by a majority vote of the electors voting on such proposition at any such election. The board of trustees shall also have the following powers: (1) To expend hospital operating funds for the reimbursement of the reasonable expenses of persons interviewed or retained for employment or medical staff appointment; and (2) all powers and authority granted to the boards of nonprofit corporations under Chapter 21, article 19, except to the extent that those powers are inconsistent with Chapter 23, article 3, or are specifically prohibited by law.

Sec. 3. That original section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.01, Revised Statutes Supplement, 1980, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.