

LEGISLATIVE BILL 1011

Approved by the Governor April 9, 1996

Introduced by Cudaback, 36

AN ACT relating to counties; to amend sections 2-954, 13-1303, 14-1803, 23-114.01, 23-153, 23-1112.01, 23-1210, 23-1223, 23-1724, 23-1820, 23-2505, 23-3311, 23-3503, 23-3535, 23-3589, 31-219, 33-116, 33-117, 39-869, 39-1643, 51-313, 51-314, 71-5005, 71-5006, 77-417, 79-426.05, 80-101, 81-531, and 83-337, Reissue Revised Statutes of Nebraska, and sections 2-953.02, 3-611, 23-1112, 32-233, 71-1524, and 71-1631, Revised Statutes Supplement, 1994; to change provisions relating to mileage reimbursement; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 2-953.02, Revised Statutes Supplement, 1994, is amended to read:

2-953.02. The members of the county weed district board shall be paid a per diem of not less than twelve dollars for each day actually and necessarily engaged in the performance of their official duties as members of such board and shall be allowed mileage reimbursement on the same basis as provided in section 23-1112 ~~81-1176~~. The chairperson of the county board may appoint one additional member from the county board to serve as an ex officio member of the county weed district board to provide coordination between such boards, except that the county board member or commissioner so appointed shall not be entitled to the expense reimbursement allowed county weed district board members. The ex officio member shall possess the same authority as other members, including the right to vote.

Sec. 2. Section 2-954, Reissue Revised Statutes of Nebraska, is amended to read:

2-954. (1)(a) The duty of enforcing and carrying out the Noxious Weed Control Act shall be vested in the director and the control authorities as designated in the act. The director shall determine what weeds are noxious for purposes of the act. A list of such noxious weeds shall be included in the rules and regulations adopted and promulgated by the director. The director shall prepare, publish, and revise as necessary a list of noxious weeds. The list shall be distributed to the public by the director, the Cooperative Extension Service, the control authorities, and any other body the director deems appropriate. The director shall, from time to time, adopt and promulgate rules and regulations on methods for control of noxious weeds and adopt and promulgate such rules and regulations as are necessary to carry out the act. Whenever special weed control problems exist in a county involving weeds not included in the rules and regulations, the control authority may petition the director to bring such weeds under the county control program. The petition shall contain the approval of the county board. Prior to petitioning the director, the control authority, in cooperation with the county board, shall hold a public hearing and take testimony upon the petition. Such hearing and the notice thereof shall be in the manner prescribed by the Administrative Procedure Act. A copy of the transcript of the public hearing shall accompany the petition filed with the director. The director may approve or disapprove the request. If approval is granted, the control authority may proceed under the forced control provisions of sections 2-953 to 2-955 and 2-958.

(b) The director shall (i) investigate the subject of noxious weeds, (ii) require information and reports from any control authority as to the presence of noxious weeds and other information relative to noxious weeds and the control thereof in localities where such control authority has jurisdiction, (iii) cooperate with control authorities in carrying out other laws administered by him or her, (iv) cooperate with agencies of federal and state governments and other persons in carrying out his or her duties under the Noxious Weed Control Act, (v) with the consent of the Governor, conduct investigations outside this state to protect the interest of the agricultural industry of this state from noxious weeds not generally distributed therein, (vi) with the consent of the federal agency involved, control noxious weeds on federal lands within this state, with reimbursement, when deemed by the director to be necessary to an effective weed control program, (vii) advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control thereof, (viii) call and attend meetings and conferences dealing with the subject of noxious weeds, (ix) disseminate

information and conduct educational campaigns with respect to control of noxious weeds, (x) procure materials and equipment and employ personnel necessary to carry out the director's duties and responsibilities, and (xi) perform such other acts as may be necessary or appropriate to the administration of the act.

(c) When the director determines that a control authority has substantively failed to carry out its duties and responsibilities as a control authority or has substantively failed to implement a county weed control program, he or she shall instruct the control authority regarding the measures necessary to fulfill such duties and responsibilities. The director shall establish a reasonable date by which the control authority shall fulfill such duties and responsibilities. If the control authority fails or refuses to comply with instructions by such date, the Attorney General shall file an action as provided by law against the control authority for such failure or refusal.

(2)(a) Each control authority shall carry out the duties and responsibilities vested in it under the act with respect to land under its jurisdiction in accordance with rules and regulations adopted and promulgated by the director. Such duties shall include the establishment of a coordinated program for control of noxious weeds within the county.

(b) A control authority may cooperate with any person in carrying out its duties and responsibilities under the act.

(3)(a) Each county board shall employ one or more weed control superintendents. Each such superintendent shall, as a condition precedent to employment, be certified in writing by the federal Environmental Protection Agency as a commercial applicator under the Federal Insecticide, Fungicide, and Rodenticide Act. Each superintendent shall be bonded for such sum as the county board shall prescribe. The same person may be a weed control superintendent for more than one county. Such employment may be for such tenure and at such rates of compensation and reimbursement for travel expenses as the county board may prescribe. Such superintendent shall be reimbursed for mileage at a rate equal to or greater than the rate provided in section 23-1112 ~~81-1176~~.

(b) Under the direction of the control authority, it shall be the duty of every weed control superintendent to examine all land under the jurisdiction of the control authority for the purpose of determining whether the Noxious Weed Control Act and the rules and regulations adopted and promulgated by the director have been complied with. The weed control superintendent shall: (i) Compile such data on infested areas and controlled areas and such other reports as the director or the control authority may require; (ii) consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and render assistance and direction for the most effective control; (iii) investigate or aid in the investigation and prosecution of any violation of the act; and (iv) perform such other duties as required by the control authority in the performance of its duties. Weed control superintendents shall cooperate and assist one another to the extent practicable and shall supervise the carrying out of the coordinated control program within the county.

(c) In cases involving counties in which municipalities have ordinances for weed control, the control authority may enter into agreements with municipal authorities for the enforcement of local weed ordinances and may follow collection procedures established by such ordinances. All money received shall be deposited in the weed control authority fund.

Sec. 3. Section 3-611, Revised Statutes Supplement, 1994, is amended to read:

3-611. In addition to the powers granted by sections 3-601 to 3-609, any county may create an airport authority. Such authority shall be managed and controlled by a board which shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such county for airport purposes. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the county for which such board is established. Each board shall consist of five members. The county board creating the authority shall appoint board members to serve until their successors elected pursuant to section 32-548 take office. Members of the board must be residents of the county for which the authority is created. Any vacancy on a board shall be filled by temporary appointment by the county board until a successor can be elected at the next general election. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for removal of such member may be brought, upon resolution by the county board, in the district court of the county in which the authority is located.

The members of the board shall not be entitled to compensation for

their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of sections 3-601 to 3-622 with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees 81-1176. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the county. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the county.

The board may enter into leases for nonaviation purposes for periods longer than the corporate existence of the board for a maximum period of twenty years. Such leases shall be subject to the approval of the county at the time the leases are entered into. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

The board may enter into leases for nonaviation purposes with the State of Nebraska or any political subdivision for land and land improvements. Such leases may be entered into for a maximum of forty years. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

Sec. 4. Section 13-1303, Reissue Revised Statutes of Nebraska, is amended to read:

13-1303. There is hereby created and established in each county a commission to be known and designated as (name of city) (name of county) public building commission, except that sections 13-1301 to 13-1312 shall not become operative in any county unless and until the governing body of the county by resolution shall activate the commission for such county. A copy of such resolution certified by the county clerk shall be filed with and recorded by the Secretary of State and also filed with the city clerk. Each such commission shall be a body politic and corporate and an instrumentality of the state.

Each commission shall be governed by a board of commissioners of five members, two of whom shall be appointed by the governing body of the county from among the members of such governing body, two of whom shall be appointed by the mayor of the city with the approval of the governing body of the city from among the members of such governing body, and the fifth of whom shall be appointed by the other four members. In the event the four members appointed by the county and the city cannot agree upon the fifth member, the Governor, upon request of such four members, the city, or the county, shall appoint the fifth member. The term of office of each member of the board, except for the initial members, shall be four years or until a successor is appointed and takes office. Any vacancy on the board shall be filled (1) by the governing body of the county if the person whose membership was vacated was appointed by the governing body of the county, (2) by the mayor of the city with the approval of the governing body of the city if the person whose membership was vacated was appointed by the mayor, and (3) by the remaining four members if the person whose membership was vacated was appointed by the members of the board. The members of the board shall not be entitled to compensation for their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by sections 13-1301 to 13-1312 with reimbursement for mileage to be made at the rate provided in section 23-1112 81-1176. A majority of the total number of members of the board shall constitute a quorum, and all action taken by the board shall be taken by a majority of such total number. The board may delegate to one or more of the members or to its officers, agents, and employees such powers and duties as it deems proper. Any member of the board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of a member of the board may be brought in the district court of the county upon resolution of the governing body of the city or the county.

The terms of office of the two persons initially appointed to the board by the governing body of the county shall be for one and four years, and

such governing body shall designate which person shall serve for one year and which person shall serve for four years. The terms of office of the two persons initially appointed to the board by the mayor with the approval of the governing body of the city shall be for two and three years, and such governing body shall designate which person shall serve for two years and which person shall serve for three years. The term of office of the person initially appointed by the other members of the board shall be for four years. Terms of office on the board shall expire on the same day of the year, and the governing body of the county in making the first appointments to the board shall designate such expiration date.

The commission and its corporate existence shall continue until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged and the governing bodies of the city and county jointly determine that the commission is no longer needed. Upon the commission's ceasing to exist all rights or properties of the commission shall pass to and be vested in the city and county.

Sec. 5. Section 14-1803, Reissue Revised Statutes of Nebraska, is amended to read:

14-1803. Any city of the metropolitan class may create by ordinance a transit authority to be managed and controlled by a board of five members which shall be appointed as provided in section 14-1813 and shall have full and exclusive jurisdiction and control over all facilities owned or acquired by such city for a public passenger transportation system. The governing body of such city, in the exercise of its discretion, shall find and determine in the ordinance creating such transit authority that its creation is expedient and necessary. The chairperson of such transit authority shall be paid as compensation for his or her services not more than six hundred dollars per month. Each other member of such transit authority shall be paid as compensation for his or her services not more than five hundred dollars per month. All salaries and compensation shall be obligations against and paid solely from the revenue of such transit authority. Members of such transit authority shall also be entitled to reimbursement for expenses paid or incurred in the performance of the duties imposed upon them by the Transit Authority Law with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees 81-1176. The board may delegate to one or more of the members or to officers, agents, and employees of the authority such powers and duties as it may deem proper. Any transit authority created pursuant to such law shall have and retain full and exclusive jurisdiction and control over all public passenger transportation systems in such city, excluding taxicabs and railroad systems, with the right and duty to charge and collect revenue for the operation and maintenance of such systems and for the benefit of the holders of any of its bonds or other liabilities. If such authority ceases to exist, its rights and properties shall pass to and vest in such city.

Sec. 6. Section 23-114.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-114.01. (1) In order to avail itself of the powers conferred by section 23-114, the county board shall appoint a planning commission to be known as the county planning commission. The members of the commission shall be residents of the county to be planned and shall be appointed with due consideration to geographical and population factors. Since the primary focus of concern and control in county planning and land-use regulatory programs is the unincorporated area, a majority of the members of the commission shall be residents of unincorporated areas, except that this requirement shall not apply to joint planning commissions. Members of the commission shall hold no county or municipal office, except that a member may also be a member of a city, village, or other type of planning commission. The term of each member shall be three years, except that approximately one-third of the members of the first commission shall serve for terms of one year, one-third for terms of two years, and one-third for terms of three years. All members shall hold office until their successors are appointed. Members of the commission may be removed by a majority vote of the county board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause upon written charges being filed with the county board and after a public hearing has been held regarding such charges. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms by individuals appointed by the county board. Members of the commission shall be compensated for their actual and necessary expenses incurred in connection with their duties in an amount to be fixed by the county board. Reimbursement for mileage shall be made at the rate provided in section 23-1112 for county officers and employees 81-1176. Each county board may provide a per diem payment for members of the commission of not to exceed fifteen dollars for

each day that each such member attends meetings of the commission or is engaged in matters concerning the commission, but no member shall receive more than one thousand dollars in any one year. Such per diem payments shall be in addition to and separate from compensation for expenses.

(2) The commission: (a) Shall prepare and adopt as its policy statement a comprehensive development plan and such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning resolution; (b) shall consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens relating to the promulgation of implemental programs; (c) may delegate authority to any of the groups named in subdivision (b) of this subsection to conduct studies and make surveys for the commission; and (d) shall make preliminary reports on its findings and hold public hearings before submitting its final reports. The county board shall not hold its public meetings or take action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, or zoning until it has received the recommendations of the commission.

(3) The commission may, with the consent of the governing body, in its own name: Make and enter into contracts with public or private bodies; receive contributions, bequests, gifts, or grants of funds from public or private sources; expend the funds appropriated to it by the county board; employ agents and employees; and acquire, hold, and dispose of property. The commission may, on its own authority: Make arrangements consistent with its program; conduct or sponsor special studies or planning work for any public body or appropriate agency; receive grants, remuneration, or reimbursement for such studies or work; and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(4) In all counties in the state, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property if the county board of commissioners or supervisors has officially and generally authorized the commission to exercise such powers and has approved the standards and procedures the commission adopted for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the county zoning regulations as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the county board of commissioners or supervisors may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the county zoning regulations. The county board of commissioners or supervisors may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and which will promote the public interest.

Sec. 7. Section 23-153, Reissue Revised Statutes of Nebraska, is amended to read:

23-153. (1) The county board shall meet and hold sessions for the transaction of county business at the courthouse, or at the usual place of holding sessions of the district court, on the second Tuesday in January and at such other times as the board deems necessary and may adjourn from time to time.

(2) When traveling to and from any county board meeting, members of the county board may be reimbursed for mileage at the rate provided in section 23-1112 for county officers and employees 81-1176.

Sec. 8. Section 23-1112, Revised Statutes Supplement, 1994, is amended to read:

23-1112. (1) When it is necessary for any county officer or his or her deputy or assistants, except any county sheriff or his or her deputy, to travel on business of the county, he or she shall be allowed mileage at the rate of ~~twenty-seven and one-half cents per mile allowed by section 81-1176~~ for each mile actually and necessarily traveled by the most direct route if the trip or trips are made by automobile. ~~If~~ ~~but~~ if travel by rail or bus is economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation upon the presentation of his or her bill for the same accompanied by a proper voucher to the county board of his or her county in like manner as is provided for as to all other claims against the county.

(2) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

Sec. 9. Section 23-1112.01, Reissue Revised Statutes of Nebraska,

is amended to read:

23-1112.01. If a trip or trips included in an expense claim filed by any county officer or employee for mileage are made by personal automobile or otherwise, only one mileage claim shall be allowed at the rate established in section 23-~~1112~~ 81-1176, for each mile actually and necessarily traveled by the most direct route, regardless of the fact that one or more persons are transported in the motor vehicle. No charge for mileage shall be allowed when such mileage accrues while using any motor vehicle owned by the State of Nebraska or by a county.

Sec. 10. Section 23-1210, Reissue Revised Statutes of Nebraska, is amended to read:

23-1210. (1) The county attorney shall perform all of the duties enjoined by law upon the county coroner and the county attorney shall be the ex officio county coroner. The county attorney shall receive no additional fees for the performance of duties prescribed by statutes for county coroner but shall be reimbursed for all actual necessary expenses incurred by him or her in the performance of such duties with reimbursement for mileage to be made at the rate provided in section 23-~~1112~~ for county officers and employees 81-1176.

(2) The county attorney may delegate to the county sheriff, deputy county sheriff, or any other peace officer that part of the coroner's duties as now prescribed by statute which relates to viewing dead bodies and serving papers, except that in cases when there may be occasion to serve papers upon the sheriff, the county attorney may delegate such duty to the county clerk.

Sec. 11. Section 23-1223, Reissue Revised Statutes of Nebraska, is amended to read:

23-1223. (1) In all cases when the county attorney has engaged in the courts of another county in any suit, application, or motion, either civil or criminal, in which the state or county is a party interested, which has been transferred by change of venue from his or her county to another county, he or she shall be allowed his or her reasonable and necessary traveling and hotel expenses while so engaged, in addition to his or her regular salary.

(2) The expenses referred to in subsection (1) of this section shall be paid to him or her upon the presentation of a bill for the same, accompanied by proper vouchers, to the county board of his or her county, in like manner as provided in all other cases of claims against the county. In computing reasonable and necessary traveling expenses, the county attorney shall be allowed mileage at the rate allowed by section 23-~~1112~~ 81-1176, but if travel by rail or bus is economical and practical and if mileage expense may be reduced thereby, he or she shall be allowed only the actual cost of rail or bus transportation.

Sec. 12. Section 23-1724, Reissue Revised Statutes of Nebraska, is amended to read:

23-1724. The members of the commission shall not receive a salary for their services but shall be reimbursed for such necessary expenses and mileage as may be incurred in the actual performance of their duties with reimbursement for mileage to be made at the rate provided in section 23-~~1112~~ for county officers and employees 81-1176.

Sec. 13. Section 23-1820, Reissue Revised Statutes of Nebraska, is amended to read:

23-1820. In each county there is hereby created the office of coroner's physician, who shall be appointed by the coroner of said the county and be removable by the coroner, at a salary or schedule of fees or both to be set by the county board and to be paid by the county. Such physician shall certify the cause of death in every case of death in such county not certified by an attending physician and shall perform or cause to be performed an autopsy when requested by the coroner. Such physician shall perform such other services in aid of the coroner as shall be requested by the coroner and shall be reimbursed for mileage at the rate provided in section 81-1176 23-~~1112~~ for county officers and employees for each mile actually and necessarily traveled by the most direct route, while in the performance of such physician's duties.

Sec. 14. Section 23-2505, Reissue Revised Statutes of Nebraska, is amended to read:

23-2505. The members of the commission shall not receive compensation for their services but shall be reimbursed for such necessary expenses and mileage as may be incurred in the performance of their duties with reimbursement for mileage to be made at the rate provided in section 23-~~1112~~ for county officers and employees 81-1176. The county board shall provide sufficient funds in order that such commission may function as set forth in sections 23-2501 to 23-2516.

Sec. 15. Section 23-3311, Reissue Revised Statutes of Nebraska, is

amended to read:

23-3311. When it is necessary for the county superintendent or a deputy to travel on business of the county, he or she shall be allowed mileage at the rate allowed by the provisions of section 23-1112 ~~81-1176~~ for each mile actually and necessarily traveled by the most direct route if the trip or trips are made by automobile, but if travel by rail or bus is economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation upon the presentation of the bill for the same accompanied by a proper voucher to the county board of his or her county in like manner as is provided for as to all other claims against the county.

Sec. 16. Section 23-3503, Reissue Revised Statutes of Nebraska, is amended to read:

23-3503. The salary of the members of the board of trustees of such facility or facilities as provided by section 23-3501 shall be fixed by an order of the county board of such county. The county board may establish a salary in an amount not less than one hundred dollars per year but not more than one hundred dollars per meeting of the board of trustees and not to exceed one thousand two hundred dollars per year. The members shall also be reimbursed for necessary mileage at the rate provided in section 23-1112 ~~81-1176~~ while on business of the facility or facilities.

Sec. 17. Section 23-3535, Reissue Revised Statutes of Nebraska, is amended to read:

23-3535. The board of directors shall meet on or before the second Monday after the completion of organization of the district and shall organize by the election of a chairperson, a vice-chairperson, and a secretary-treasurer. The members of such board shall serve without compensation, except that each shall be allowed his or her actual and necessary traveling and incidental expenses incurred in the performance of his or her official duties with reimbursement for mileage to be made at the rate provided in section 23-1112 ~~for county officers and employees 81-1176~~.

Sec. 18. Section 23-3589, Reissue Revised Statutes of Nebraska, is amended to read:

23-3589. Within thirty days after the county board shall have declared the authority a public corporation, the trustees so appointed by the county board shall meet and elect one of their number chairperson, one of their number vice-chairperson, and one of their number secretary of the authority. The trustees shall serve without compensation, except that each shall be allowed his or her actual and necessary traveling and incidental expenses incurred in the performance of his or her official duties with reimbursement for mileage to be made at the rate provided in section 23-1112 ~~for county officers and employees 81-1176~~. The board shall (1) adopt a seal, bearing the name of the authority, (2) keep a record of all of its proceedings which shall be open to inspection by all interested persons during regular business hours and under reasonable circumstances, and (3) establish the time and place of holding its regular meetings and the manner of calling special meetings and shall have the power from time to time to pass all necessary resolutions, orders, rules, and regulations for the necessary conduct of its business and to carry into effect the objects for which such authority was formed.

Sec. 19. Section 31-219, Reissue Revised Statutes of Nebraska, is amended to read:

31-219. The appraisers shall receive the sum of three dollars per day for the time necessarily employed, together with necessary traveling expenses, with reimbursement for mileage to be made at the rate provided in section 23-1112 ~~for county officers and employees 81-1176~~, to be taxed as costs and to be paid from the money received from said special assessments as provided in section 31-211.

Sec. 20. Section 32-233, Revised Statutes Supplement, 1994, is amended to read:

32-233. Judges and clerks of election shall receive wages at the minimum rate set in section 48-1203 for each hour of service rendered, except that in precincts having a counting board, no member of the receiving board shall receive pay for more than fifteen hours of service. Each judge or clerk of election shall sign an affidavit stating the number of hours he or she worked. Each messenger appointed pursuant to section 32-232 shall receive five dollars plus mileage at the rate provided in section 23-1112 ~~81-1176~~.

Sec. 21. Section 33-116, Reissue Revised Statutes of Nebraska, is amended to read:

33-116. Each county surveyor shall be entitled to receive the following fees: (1) For all services rendered to the county or state, a daily rate as determined by the county board; and (2) for each mile actually and necessarily traveled in going to and from work, the rate allowed by the

provisions of section 23-1112 for county officers and employees 81-1176. All expense of necessary assistants in the performance of the above work, the fees of witnesses, and material used for perpetuation and reestablishing lost exterior section and quarter corners necessary for the survey shall be paid for by the county and the remainder of the cost of the survey shall be paid for by the parties for whom the work may be done. All necessary equipment, conveyance, and repairs to such equipment, required in the performance of the duties of the office, shall be furnished such surveyor at the expense of the county, except ~~7 PROVIDED~~, that in any county with a population of less than fifty thousand the county board may, in its discretion, allow the county surveyor a salary fixed pursuant to section 23-1114, payable monthly, by warrant drawn on the general fund of the county. All fees received by surveyors so receiving a salary may, with the authorization of the county board, be retained by the surveyor, but in the absence of such authorization all such fees shall be turned over to the county treasurer monthly for credit to the county general fund.

Sec. 22. Section 33-117, Reissue Revised Statutes of Nebraska, is amended to read:

33-117. (1) The several sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) to (s) of this subsection, serving a summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, other writ or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) making a return of each summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; (f) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112 81-1176, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order and return thereof, fifteen dollars; (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, fifteen dollars; (o) calling an inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at

what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) Commencing on and after January 1, 1988, all fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.

Sec. 23. Section 39-869, Reissue Revised Statutes of Nebraska, is amended to read:

39-869. (1) The bridge commission shall consist of not less than three nor more than five persons of well-known and successful business qualifications. The commissioners shall immediately enter upon their duties, and three of the commissioners shall hold office until the expiration of two, four, and six years, respectively, from the date or dates of their appointments. If more than three commissioners are appointed, the fourth commissioner shall hold office until the expiration of four years from the date of his or her appointment, and the fifth commissioner, if any, shall hold office until the expiration of six years from the date of his or her appointment. The term of each commissioner shall be designated by the governing body of the county. Except for the initial appointees, commissioners shall be appointed for terms of six years. Any person appointed to fill a vacancy shall serve only for the unexpired term. Before entering upon their duties, the commissioners shall take, subscribe, and file an oath of office as required by law.

(2) Such bridge commission shall elect a chairperson and vice-chairperson from its members and a secretary-treasurer who need not be a member of such commission. Each member of the commission shall serve without compensation but shall be paid his or her actual expenses while engaged in performing the duties of such office, with mileage to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176, and fees on a per diem basis which shall not exceed thirty-five dollars a day for each meeting attended on the specific call of the chairperson, except that they shall not be paid for more than three meetings per month. The commission shall fix the compensation of the secretary-treasurer in its discretion, but if the secretary-treasurer is a member of the commission, he or she shall receive compensation as secretary-treasurer and shall not receive his or her per diem compensation for attending meetings.

Sec. 24. Section 39-1643, Reissue Revised Statutes of Nebraska, is amended to read:

39-1643. The board on passing the resolution creating the district shall appoint an advisory committee of not less than three persons residing in the district to advise with the board on all matters affecting the road improvement in the district, financing the cost thereof, and the levy of special assessments. The board may from time to time replace any person who resigns or refuses to act or appoint additional members to the advisory committee. The members of the committees shall receive no compensation for their services, but may be reimbursed for expenses incurred by them in performing their duties, with reimbursement for mileage to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176, and the amount thereof shall be included in the cost of the improvement.

Sec. 25. Section 51-313, Reissue Revised Statutes of Nebraska, is amended to read:

51-313. The salary of each of the county librarians shall be paid by each of such counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the other county officers are paid. The county or regional librarian and his or her assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office, including mileage at the rate provided in section 23-1112 for county officers and employees 81-1176.

Sec. 26. Section 51-314, Reissue Revised Statutes of Nebraska, is amended to read:

51-314. The county or regional libraries of the state shall be under the general supervision of the director of the Nebraska Library Commission, who shall from time to time, either personally or by one of his or her assistants, visit the county or regional libraries and inquire into their condition. The actual and necessary expenses of such visits shall be paid out of the Nebraska Library Commission Cash Fund on the same basis as provided in

sections 81-1174 to 81-1177 for state employees. The director of the Nebraska Library Commission may call a convention of county or regional librarians, to assemble at such time and place as he or she shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the county or regional libraries as shall properly be brought before it. It is hereby made the duty of all the county or regional librarians to attend and take part in the proceedings of such convention. The actual and necessary expenses of the county or regional librarians attending the convention shall be paid out of the county or regional library fund with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees 81-1176.

Sec. 27. Section 71-1524, Revised Statutes Supplement, 1994, is amended to read:

71-1524. (1) Except in the case of a joint housing authority, when it is determined by the governing body of any city or village by resolution as set forth in section 71-1523, in exercise of its discretion, that it is expedient to create a housing authority, the mayor of such city or chairperson of the board of trustees of such village shall appoint five persons who shall be residents of the area of operation of the authority and who shall constitute the housing authority and such persons shall be called the commissioners. The governing body of any city or village in which a housing authority has been or may be created by such governing body may appoint one of its members to serve as one of the five members of such housing authority for such term as the governing body may determine. In case the governing body of a county adopts a resolution as provided for in section 71-1523, such body shall appoint five persons as commissioners of the authority created for the county. In the case of cities of the metropolitan class at least one commissioner shall be a member of a racial minority. When any city of the first or second class or village has within its boundaries or within three miles thereof a military installation and is subject to the provisions of Public Law 475 enacted by the Eighty-first Congress of the United States and the city or village desires to take same over as a housing project, the mayor and council of any such city or chairperson of the board of trustees of such village may be constituted ex officio commissioners of the authority. When commissioners are appointed or reappointed by a mayor of a city or a chairperson of a board of trustees of a village, such appointments or reappointments shall be referred to the city council or board of trustees of such city or village for confirmation or denial by such governing body within five days and such governing body shall have thirty days after such referral to confirm or deny any such appointment or reappointment. In the event of the failure of such governing body to act on the appointment within thirty days, the appointment shall be deemed to have been confirmed.

(2) Except in the case of a joint housing authority or when the mayor and city council of the city or the chairperson and board of trustees of a village are constituted ex officio commissioners of the housing authority, the commissioners who are first appointed as provided in subsection (1) of this section shall be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed for terms of five years, except that all vacancies shall be filled for the unexpired terms. Tenancy in a housing authority shall not preclude the appointment of any person to serve as a commissioner and may be a requirement for one of the commissioners. A tenant commissioner may be appointed in the same manner as designated in this section, except that a tenant commissioner may be appointed from those nominated by the tenants. A tenant may be considered nominated when a petition signed by not less than twenty-five adult tenants of the housing authority or by not less than twenty-five percent of the adult tenants of the housing authority, whichever number is less, is filed with the mayor of such city or the chairperson of the board of trustees. Such nominations shall be considered as recommendations to the mayor or chairperson. No person shall serve as a commissioner unless he or she resides within the area of operation of that housing authority. No person shall serve as a commissioner of a county housing authority unless he or she resides within the county, and not more than three members of a county housing authority shall be residents of a single incorporated community within the county.

(3) A commissioner of a housing authority shall hold office until his or her successor has been appointed and has qualified, except that if a commissioner moves out of the area of operation of the authority, if in the case of a county housing authority a commissioner moves out of the county, or if a tenant commissioner ceases to be a tenant of the authority, then the term of such commissioner shall automatically terminate and a successor shall be appointed to fill such vacancy in the manner provided in this section. A

certificate of the appointment or reappointment of any commissioner shall be filed with the clerk, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services, but he or she shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties with mileage to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176.

(4) The powers of each housing authority shall be vested in the commissioners of the authority in office from time to time. A majority of commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present, unless in any case the bylaws of the authority require a larger number.

(5) The commissioners of an authority shall elect a chairperson and vice-chairperson from among the commissioners and shall have power to employ an executive director who shall serve as ex officio secretary of the authority. The authority may also employ legal counsel, or in the case of a city of the first or second class, a village, or a county, it may call upon the chief law officer of such city, village, or county, for such legal services as the authority may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. An authority may delegate to either one or more of its agents or employees such powers and duties as it deems proper.

(6) When the governing bodies of two or more cities, villages, or counties or any combination thereof determine, by resolution pursuant to section 71-1523, that it is expedient to create and participate in a joint housing authority, the governing bodies shall appoint persons who shall be residents of the area of operations of the authority to constitute the joint housing authority and such persons shall be called commissioners. The commissioners shall be appointed as follows: (a) When two political subdivisions constitute the participating members in the joint authority, each shall appoint two persons to act as commissioners and such commissioners shall elect a fifth person to act as a commissioner; (b) when three political subdivisions constitute the participating members in such joint authority, each shall appoint one person to act as a commissioner and such commissioners shall elect a fourth and fifth person to act as commissioners; (c) when four political subdivisions constitute the participating members in such joint authority, each shall appoint one person to act as commissioner and such commissioners shall elect a fifth person to act as a commissioner; and (d) when five or more political subdivisions constitute the participating members in the joint authority, each shall appoint one person to act as commissioner.

Each commissioner shall serve a term of five years from the date of his or her appointment. All vacancies shall be filled for the unexpired term by the entity originally appointing such commissioner. Tenancy in a project established by a joint housing authority shall not preclude the appointment of any person to serve as a commissioner of such joint housing authority. After a joint housing authority has been created, additional political subdivisions may elect to participate as members of such joint housing authority after compliance with section 71-1523 if the majority of existing commissioners in such joint housing authority and all participating political subdivisions by their respective governing bodies consent to such additional member. Joint housing authorities having twelve or more commissioners may, by resolution, establish an executive committee of at least five but no more than seven commissioners. The committee shall have such powers over the management and operation of such joint housing authority as the commissioners of such joint housing authority shall specify and shall declare in the resolution. No person shall serve as a commissioner unless he or she resides within the area of operation of the joint housing authority.

Sec. 28. Section 71-1631, Revised Statutes Supplement, 1994, is amended to read:

71-1631. The board of health of each county, district, or city-county health department organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power set forth in this section. The board may elect such other officers as it may deem necessary and may adopt and promulgate such rules and regulations for its own guidance and for the government of such health department as may be necessary, not inconsistent with sections 71-1626 to 71-1636. The board of health shall, with the approval of the county board and

the municipality, whenever a city is a party in such a city-county health department:

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

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

(3) Hold meetings quarterly each year;

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

(5) Provide suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties, with mileage to be computed at the rate provided in section ~~23-1112~~ 81-1176;

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

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

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

(9) In counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district, except that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class and shall not be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his or her written approval attached thereto, and (c) filed in the office of the county clerk of such county;

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

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

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

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

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

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

Sec. 29. Section 71-5005, Reissue Revised Statutes of Nebraska, is amended to read:

71-5005. The members of the regional governing board shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in attending meetings or in the discharge of any duty assigned to them by the board with mileage to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176.

Sec. 30. Section 71-5006, Reissue Revised Statutes of Nebraska, is amended to read:

71-5006. The governing board shall (1) organize and supervise the comprehensive mental health, drug abuse, and alcoholism programs, services, and facilities under its jurisdiction, (2) cause such services to be provided to the people, (3) name and appoint a program director to serve as the chief executive officer of the program, (4) report annually to the director regarding the expenditure of funds and the evaluation of services rendered during the preceding year, (5) submit annually to the director a proposed budget and plan of the services to be offered the community, (6) establish the amount of funds to be requested of each county, (7) appoint an advisory committee which is representative of all counties in the region and which shall include one or more members of the governing board, one or more mental health professionals, one or more mental health employee representatives, one or more representatives of mental health organizations or associations, and a majority of consumers who do not receive more than one-tenth of their income from the provision of mental health care, and (8) consult with the appointed advisory committee on the planning, organization, contracting, provision, evaluation, and fiscal analysis of the mental health services in the region.

The advisory committee shall meet on a quarterly basis, and the members shall be reimbursed for actual and necessary expenses incurred in carrying out their duties, with mileage to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176. The advisory committee shall file an annual report with its governing board on the quality and quantity of mental health services available to children and youth in the region and the service gaps that exist within the region. Such committee shall prioritize and recommend to the governing board the types of programs needed to fill identified service gaps.

Sec. 31. Section 77-417, Reissue Revised Statutes of Nebraska, is amended to read:

77-417. The necessary expenses for travel, meals, and lodging incurred in attending any course of training provided for in sections 77-415 to 77-420 shall be paid from the county general fund. This shall include the necessary expenses for travel, board, and lodging of newly elected assessors or county clerks who are ex officio county assessors in attending any course of training under sections 77-415 to 77-420 prior to commencement of their term of office. Mileage reimbursements shall be computed at the rate provided in section 23-1112 for county officers and employees 81-1176. All other costs of conducting courses of training under sections 77-415 to 77-420 shall be paid by the State of Nebraska.

Sec. 32. Section 79-426.05, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.05. There is hereby established in each county in the state a committee for the reorganization of school districts to be known as the county committee. Each county committee shall be composed of not less than seven nor more than twelve members. The county committee of the county in which the schoolhouse or the administrative office of a joint school district lying in two or more counties is located shall be designated to have within its jurisdiction the territory of such joint school district for the purpose of organizing school districts.

All of the members of the school boards and boards of education within the county and joint school districts under the jurisdiction of a county committee shall, at a meeting called for such purpose by the county superintendent of schools within one hundred twenty days from July 9, 1988, and each four years thereafter, determine by a majority vote of those present the number of members of the county committee within the limits prescribed in this section, except that no more than six members of the board of education of a Class III school district shall be entitled to vote at the meeting. One member of the county committee shall be the county superintendent of schools, who shall serve as a nonvoting member of the committee, and each class of school district within the county shall have one member on the committee. The remaining members shall be elected from any Class I school district not associated with a Class VI school district and any Class II, III, IV, V, or VI school district within the county so that the total committee membership is as nearly as possible in the proportion that the total school census for children from birth through twenty years of age in each class of school district within the county bears to the total school census for children from birth through

twenty years of age in all school districts within the county. The school boards or boards of education representing each class of school district within the county and joint school districts under the jurisdiction of such county shall vote as separate units to select their representatives for the county committee. The members so elected shall serve four-year terms.

No member of a county committee shall continue to serve thereon if he or she ceases to be a resident of the county, the joint school district under the jurisdiction of that county committee, or the school district from which he or she was elected. At the expiration of their terms, successors to members of the county committee shall be elected for terms of four years in the same manner as the initial election. A vacancy in the membership of the county committee shall be filled for the unexpired term by a representative of the same class of school district as the previous member and shall be chosen by the remaining members of the county committee. Members of the county committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, with mileage reimbursements to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176, the reimbursement to be allowed and paid from funds appropriated by the county board.

The county committee may employ professional and clerical help, and the cost of these services shall be paid from funds appropriated by the county board. It shall be the duty of the county superintendents of each of the several counties to submit to their respective county boards a recommended sum to be appropriated for school district reorganization purposes.

Sec. 33. Section 80-101, Reissue Revised Statutes of Nebraska, is amended to read:

80-101. (1) Each county board shall appoint a county veterans service committee of five members, such choice to be made from a list of eligible veterans recommended by the recognized veterans organizations within the county. Such list shall contain not less than three names for each appointment to be made.

(2) The terms of office of the members of the county veterans service committee initially appointed shall expire on June 30 of the years 1948, 1949, 1950, 1951, and 1952, as designated by the county board in making the respective appointments. As the terms of members expire, the county board shall, during the month of June of each year, appoint or reappoint a member of the committee for a term of five years to succeed the member whose term expires. Each member shall serve until the appointment and qualification of a successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(3) The members of the county veterans service committee shall organize by the appointment of one of their number as chairperson and one as secretary-treasurer. The secretary-treasurer may be the county veterans service officer. The county veterans service officer shall not be a member of the committee. The members of the committee shall qualify by taking the usual oath of office and shall each give bond, if required by the local county board, in an amount determined by the local county board for the faithful performance of the duties of his or her office. The premiums for such bonds shall be paid by the county. Members of the committee shall be entitled to the necessary and actual expenses involved in the performance of their official duties, with mileage reimbursements to be computed at the rate provided in section 23-1112 for county officers and employees 81-1176, which shall be paid out of the county general fund.

Sec. 34. Section 81-531, Reissue Revised Statutes of Nebraska, is amended to read:

81-531. (1) There shall be paid to the chiefs of fire departments and mayors of cities who do not receive to exceed fifty dollars annually as compensation for their services as such chiefs or mayors, to chairmen chairpersons of the village boards, to the township clerks of every organized township, and to county commissioners in counties not under township organization, who are required by section 81-506 to report fires to the State Fire Marshal, the sum of one dollar for each fire reported to the satisfaction of the State Fire Marshal, and, in addition thereto, mileage at the rate allowed by the provisions of section 23-1112 81-1176 for each mile traveled from the officers' domicile to and from the place of fire when such mileage is compulsory to investigate the cause of fire by county commissioners or sheriffs but not by fire chiefs. This allowance shall be paid by the State Fire Marshal at the close of each fiscal year out of any funds provided for the use of the office of the State Fire Marshal.

(2) All chiefs of fire departments who receive a stated salary and devote their entire time to the duties of their respective fire departments, and those mayors of cities who receive a stated salary exceeding fifty dollars

as such officers, shall be precluded from receiving any extra allowance for the report mentioned in subsection (1) of this section.

Sec. 35. Section 83-337, Reissue Revised Statutes of Nebraska, is amended to read:

83-337. (1) The members of the mental health board shall be allowed compensation at an hourly rate to be determined by the district judge, and in no event shall the amount allowed be less than fifty dollars for each hearing. They shall also be allowed their necessary and actual expenses, not including charges for board, and if mileage be included in their expenses, it shall be computed in accordance with the provisions of section 23-1112 for county officers and employees.

(2) The examining mental health professionals shall be entitled to compensation at a fair and reasonable rate to be determined by the district judge for time spent by them in connection with physical or mental examinations at the request of the mental health board and mileage at the rate provided in section 23-1112 ~~for county officers and employees 81-1176.~~

(3) The sheriff shall be allowed, for conveying a patient to a treatment hospital for the mentally ill and returning, mileage at the rate provided in section 33-117 for county sheriffs and deputy county sheriffs for each mile actually and necessarily traveled and for other service the sheriff shall receive the same fees as for like services in other cases.

(4) Witnesses shall be entitled to the same fees as witnesses in the district court and mileage as provided in section 23-1112 ~~for county officers and employees 81-1176.~~

(5) All compensation and expenses provided for in this section shall be allowed and paid out of the county treasury by the county board. Whenever the mental health board issues its warrant for the admission of a person to a facility, or orders the return of a patient, and funds to pay the expenses thereof are needed in advance, it shall estimate the probable expense of conveying the patient to the facility, including the necessary assistance. The clerk shall certify the estimate, and the county clerk shall issue an order on the treasurer of the county in favor of the sheriff or person entrusted with the execution of the warrant.

(6) The sheriff or person executing the warrant shall include in his or her return a statement of the expenses incurred, including the excess or deficiency, if any, of any amount advanced for such expenses, as authorized by subsection (5) of this section. Any excess shall be paid to the county treasurer, taking his or her receipts therefor, and any deficiency shall be obtained by filing a claim with the county board therefor. If no funds are advanced, the expenses shall be certified on the warrant and paid when it is returned.

Sec. 36. Original sections 2-954, 13-1303, 14-1803, 23-114.01, 23-153, 23-1112.01, 23-1210, 23-1223, 23-1724, 23-1820, 23-2505, 23-3311, 23-3503, 23-3535, 23-3589, 31-219, 33-116, 33-117, 39-869, 39-1643, 51-313, 51-314, 71-5005, 71-5006, 77-417, 79-426.05, 80-101, 81-531, and 83-337, Reissue Revised Statutes of Nebraska, and sections 2-953.02, 3-611, 23-1112, 32-233, 71-1524, and 71-1631, Revised Statutes Supplement, 1994, are repealed.