

LEGISLATIVE BILL 40

Approved by the Governor February 20, 2003

Introduced by Thompson, 14

AN ACT relating to sheriffs; to amend section 23-1723.01, Reissue Revised Statutes of Nebraska; to change sheriff's office merit commission membership provisions as prescribed; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 23-1723.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1723.01. (1) In counties having a population of not less than twenty-five thousand inhabitants nor more than three hundred thousand inhabitants, the sheriff's office merit commission shall consist of three members, except that the membership of the commission may be increased to five members by unanimous vote of the three-member commission.

(2) If the commission consists of three members, one member shall be a duly elected county official, appointed by the board of county commissioners, one - One member shall be a deputy sheriff, elected by the deputy sheriffs, and one - 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. If the commission consists of five members, one member shall be a duly elected county official, appointed by the board of county commissioners, two members shall be deputy sheriffs, elected by the deputy sheriffs, and 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 officials nor employees of the county. The terms of office of members initially appointed or elected before March 20, 1982, shall expire on January 1 of the years 1978, 1979, and 1980, as designated by the board of county commissioners.

(3) The terms of office of members initially appointed or elected after March 20, 1982, shall expire on January 1 of the years 1983, 1984, and 1985, as designated by the board of county commissioners. Thereafter, the terms of the members of the commission shall be three years, except that in a county with a five-member commission, (a) the initial term of the additional deputy sheriff member shall be staggered so that his or her term shall coincide with the term of such county's deputy sheriff elected before the effective date of this act and (b) the initial term of the additional public representative member shall be staggered so that his or her term shall coincide with the term of such county's public representative member appointed before the effective date of this act. 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. 2. Original section 23-1723.01, Reissue Revised Statutes of Nebraska, is repealed.