

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1095

Introduced by McDonnell, 5.

Read first time January 21, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to counties; to amend section 23-104, Reissue
2 Revised Statutes of Nebraska, and section 23-187, Revised Statutes
3 Cumulative Supplement, 2018; to authorize counties containing a city
4 of the metropolitan class to establish juvenile justice programs and
5 services; to require a report; to provide for ordinances; to
6 harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 23-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-104 (1) Each county shall have power to:

4 (a) Purchase ~~(1) To purchase~~ and hold the real and personal estate
5 necessary for the use of the county;

6 (b) Purchase ~~(2) to purchase~~, lease, lease with option to buy,
7 acquire by gift or devise, and hold for the benefit of the county real
8 estate sold by virtue of judicial proceedings in which the county is
9 plaintiff or is interested;

10 (c) Hold ~~(3) to hold~~ all real estate conveyed by general warranty
11 deed to trustees in which the county is the beneficiary, whether the real
12 estate is situated in the county so interested or in some other county or
13 counties of the state;

14 (d) Sell ~~(4) to sell~~, convey, exchange, or lease any real or
15 personal estate owned by the county in such manner and upon such terms
16 and conditions as may be deemed in the best interest of the county;

17 (e) Enter ~~(5) to enter~~ into compacts with other counties to exercise
18 and carry out powers possessed by or conferred by law upon each county
19 separately; and

20 (f) Make ~~(6) to make~~ all contracts and to do all other acts in
21 relation to the property and concerns of the county necessary to the
22 exercise of its corporate powers, except that no lease agreement for the
23 rental of equipment shall be entered into if the consideration for all
24 lease agreements for the fiscal year exceeds one-tenth of one percent of
25 the total taxable value of the taxable property of the county.

26 (2)(a) Any county in which a city of the metropolitan class is
27 located may establish programs and services relating to juvenile:

28 (i) Intake alternatives;

29 (ii) Investigation and assessment;

30 (iii) Case management and supervision; and

31 (iv) Placement and reentry.

1 (b) On or before January 1, 2021, and on or before each January 1
2 thereafter, the county board of a county establishing programs or
3 services under this subsection shall electronically submit to the
4 Legislature an annual report on the juveniles served and the disposition
5 of such juveniles. The report shall redact all personal identifying
6 information and provide aggregate, not individual, data.

7 Sec. 2. Section 23-187, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 23-187 (1) In addition to the powers granted by section 23-104, a
10 county may, in the manner specified by sections 23-187 to 23-193,
11 regulate the following subjects by ordinance:

12 (a) Parking of motor vehicles on public roads, highways, and rights-
13 of-way as it pertains to snow removal for and access by emergency
14 vehicles to areas within the county;

15 (b) Motor vehicles as defined in section 60-339 that are abandoned
16 on public or private property;

17 (c) Low-speed vehicles as described and operated pursuant to section
18 60-6,380;

19 (d) Golf car vehicles as described and operated pursuant to section
20 60-6,381;

21 (e) Graffiti on public or private property;

22 (f) False alarms from electronic security systems that result in
23 requests for emergency response from law enforcement or other emergency
24 responders;

25 (g) Violation of the public peace and good order of the county by
26 disorderly conduct, lewd or lascivious behavior, or public nudity;

27 (h) Peddlers, hawkers, or solicitors operating for commercial
28 purposes. If a county adopts an ordinance under this subdivision, the
29 ordinance shall provide for registration of any such peddler, hawker, or
30 solicitor without any fee and allow the operation or conduct of any
31 registered peddler, hawker, or solicitor in all areas of the county where

1 the county has jurisdiction and where a city or village has not otherwise
2 regulated such operation or conduct;~~and~~

3 (i) Operation of vehicles on any highway or restrictions on the
4 weight of vehicles pursuant to section 60-681; ~~and~~ -

5 (j) In a county in which a city of the metropolitan class is
6 located, juvenile programs and services established under section 23-104.

7 (2) For the enforcement of any ordinance authorized by this section,
8 a county may impose fines, forfeitures, or penalties and provide for the
9 recovery, collection, and enforcement of such fines, forfeitures, or
10 penalties. A county may also authorize such other measures for the
11 enforcement of ordinances as may be necessary and proper. A fine enacted
12 pursuant to this section shall not exceed five hundred dollars for each
13 offense.

14 Sec. 3. Original section 23-104, Reissue Revised Statutes of
15 Nebraska, and section 23-187, Revised Statutes Cumulative Supplement,
16 2018, are repealed.