

LEGISLATIVE BILL 940

Approved by the Governor March 11, 2024

Introduced by Dorn, 30; Brandt, 32.

A BILL FOR AN ACT relating to county government; to amend sections 23-103, 23-104, 23-104.01, and 23-104.03, Reissue Revised Statutes of Nebraska; to change the powers of a county relating to agreements as prescribed; to change and provide authority for a county to provide certain protective services; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-103, Reissue Revised Statutes of Nebraska, is amended to read:

23-103 ~~(1)~~ The powers of the county as a body corporate or politic, shall be exercised by a county board in the following manner, ~~to wit:~~

~~(a)~~ In counties under township organization, by the board of supervisors, ~~which shall be composed of the town and such other supervisors as are or may be elected pursuant to law; and~~

~~(b)~~ In ~~in~~ counties not under township organization, by the board of county commissioners.

~~(2)~~ In exercising the powers of the county, the board of supervisors or the board of county commissioners, ~~as the case may be,~~ may enter into agreements ~~compacts~~ with the respective board or boards of another county or counties to exercise and carry out jointly any power or powers possessed by or conferred by law upon each board separately.

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

23-104 Each county shall have power to:

~~(1)~~ Purchase ~~to purchase~~ and hold the real and personal estate necessary for the use of the county;

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

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

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

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

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

Sec. 3. Section 23-104.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-104.01 Any agreement ~~Compacts~~ between counties for the joint exercise of powers shall ~~may be made only upon compliance with the following conditions and subject to the following limitations:~~

~~(1)(a)~~ Be in writing and ~~(1)~~ ~~The terms of the obligation imposed by the compact shall be reduced to writing, shall be required to be signed by a majority of the board of supervisors or county commissioners of each county that is a party to the agreement; and~~

~~(b)~~ After being signed pursuant to subdivision (1)(a) of this section, thereto, and after being so signed, shall be filed and recorded in the office of the county clerk of each county that is a party to the agreement thereto;

~~(2)~~ Specify the ~~The powers that may be exercised and the obligations of that may be incurred by each party under the agreement. Such powers shall:~~ compact shall be definitely set forth and specified therein;

~~(a)~~ Be limited to powers ~~(3)~~ ~~The powers that may be contracted to be exercised under the compact shall only be those imposed by law upon a the county that is a party to the agreement or as such or upon its board of supervisors or county commissioners; and~~

~~(b)~~ Not ~~shall not extend to or include powers specifically conferred upon and required to be carried out by other elected officers of a the county that is a party to the agreement;~~

~~(3)~~ Specify the allocation and payment of expenses ~~(4)~~ ~~The share of the expense to be paid by each county under the agreement in carrying out the compact shall be allocated and set forth in the compact and provision made for the payment thereof;~~

~~(4)~~ Provide for the following to ~~(5)~~ ~~Final action upon the allowance and payment of any claims and obligations against each county shall be reserved to~~

and remain a function of the board of supervisors or county commissioners of each county that is a party to the agreement; ~~compact~~;

(a) Final action upon the allowance and payment of any claims and obligations against each county; and

(b) ~~(6)~~ The levy and collection of taxes to pay the claims and obligations under the agreement allowed shall be reserved to and remain a function of each county that is a party to the contract; and

(5) Be ~~(7)~~ The compact shall be subject to the Interlocal Cooperation Act.

Sec. 4. Section 23-104.03, Reissue Revised Statutes of Nebraska, is amended to read:

23-104.03 Each county shall have the authority to:

(1) Plan to plan, initiate, fund, maintain, administer, and evaluate facilities, programs, and services that advocate for or meet the rehabilitation, treatment, care, training, educational, residential, diagnostic, evaluation, community supervision, and protective service needs of the following individuals domiciled in the county:

(a) Any person who is dependent, aged, blind, disabled, ill, or infirm;

(b) Any person persons, persons with a mental disorder; ~~τ~~

(c) Any person and persons with an intellectual disability; or domiciled in the county,

(d) Any person who is a survivor of domestic violence or sexual assault;

(2) Purchase to purchase outright by installment contract or by mortgage with the power to borrow funds in connection with such contract or mortgage, hold, sell, and lease for a period of more than one year real estate necessary for use of the county to plan, initiate, fund, maintain, administer, and evaluate such facilities, programs, and services; ~~τ~~

(3) Lease to lease personal property necessary for such facilities, programs, and services. Any ~~τ~~ and such lease may provide for installment payments that which extend over a period of more than one year, notwithstanding the provisions of section 23-132 or 23-916; ~~τ~~

(4) Enter to enter into agreements compacts with other counties, state agencies, other political subdivisions, and private nonprofit organizations agencies to exercise and carry out the powers to plan, initiate, fund, maintain, administer, and evaluate such facilities, programs, and services. Any agreement with any public agency pursuant to this subdivision is subject to the Interlocal Cooperation Act; ~~τ~~ and

(5) Contract to contract for such services from public or private entities that agencies, either public or private, which provide such services on a vendor basis. Compacts with other public agencies pursuant to subdivision (4) of this section shall be subject to the Interlocal Cooperation Act.

Sec. 5. Original sections 23-103, 23-104, 23-104.01, and 23-104.03, Reissue Revised Statutes of Nebraska, are repealed.