

LEGISLATIVE BILL 395

Approved by the Governor May 8, 1979

Introduced by Landis, 46; Fowler, 27

AN ACT to amend section 39-642, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to require that a driver of a vehicle yield to a pedestrian as prescribed; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-642, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-642. (1) Except at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided, when traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way ~~to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto, by bringing his or her vehicle to a complete stop. when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.~~

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield stop.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(4) The Department of Roads and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic-control devices indicating such restrictions are in place.

Sec. 2. That original section 39-642, Reissue Revised Statutes of Nebraska, 1943, is repealed.

LEGISLATIVE BILL 396

Approved by the Governor April 30, 1979

Introduced by Landis, 46

AN ACT to amend sections 23-1703, 23-2801, 23-2802, 23-2803, 23-2805, and 23-2806, Reissue Revised Statutes of Nebraska, 1943, relating to county jails; to change population criteria applicable to certain county jails and correctional facilities; to provide duties of the county board; to provide for transfer of certain employees; to provide for rights of employees; and to repeal the original sections, and also sections 23-2807 and 23-2808, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-1703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1703. Except in counties having a population of one hundred fifty thousand or more inhabitants, the The sheriff shall have charge and custody of the jail, and the prisoners of the same, and is required to receive those lawfully committed and to keep them himself or herself, or by his or her deputy jailer, until discharged by law.

Sec. 2. That section 23-2801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2801. It has been the declared policy of the State of Nebraska in the exercise of its police powers to foster and promote local control of local affairs. Highest ranking in this hierarchy of local matters is the supervision of law enforcement. The state provides a system of law enforcement and local officers carry out the functions thereof on a day-to-day basis within such system. When shifting populations and modern day trends make particular divisions of responsibilities obsolete, it is incumbent on the Legislature to remedy such a situation when it arises on the county level. Because heavy concentrations of inhabitants in urban areas place too great a burden on the already heavy load of the office of sheriff and because modern day theories of criminal corrections in high population density areas are best balanced in a public forum of open ideas and debate, it is in the interest of the people of the State of

Nebraska that the Legislature establish a new structure of responsibility over the county jails and correctional facilities in all counties having more than three-hundred one hundred fifty thousand inhabitants. Such a structure would enable county boards to constitute themselves as county boards of corrections in order to supply such open ideas and debate, while the sheriffs of such counties would be released to pursue more fully their primary duties as law enforcement officers.

Sec. 3. That section 23-2802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2802. In each county having a population of three-hundred one hundred fifty thousand or more inhabitants, the county board shall also serve as the county board of corrections and shall have charge of the county jail and correctional facilities and of all persons by law confined therein in such jail or correctional facilities, ~~pursuant to sentence of any court. The sheriff shall have full charge of all persons prior to sentencing.~~ Such county board of corrections shall comply with any rule prescribed by the district judges pursuant to sections 47-101 to 47-104.

Sec. 4. That section 23-2803 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2803. The county board shall meet as the county board of corrections within sixty days after July ~~12, 1974~~ the effective date of this act and shall meet at least once every sixty days thereafter. Such board of corrections shall hear arguments and make recommendations for the maintenance, supervision, control, and direction of the county jail and correctional facilities.

Sec. 5. That section 23-2805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2805. To aid the county board of corrections in accomplishing the purposes of sections 23-1723 and 23-2801 to 23-2808, there is hereby established the division of corrections under the jurisdiction of the board. The administrative officer of the division shall be the director of corrections, who shall be qualified by education, training, and experience to perform the duties of such position. ~~The specific qualifications of the director of corrections shall be set forth in the rules of the sheriff's office merit commission. All other personnel shall be employed by the division under rules~~

~~and examination procedures which shall be established by the merit commission--any~~ Except in counties having more than one hundred fifty thousand and less than three hundred thousand inhabitants, any member of the classified service of the sheriff's office on ~~January--4, 1975~~ the effective date of this act may transfer into the division of corrections with no break in continuous service or benefits to which he or she might have been entitled on such date, and any person who has so transferred may retransfer to the sheriff's office on the same basis. No person shall make such transfer more than once.

Sec. 6. That section 23-2806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2806. No person in the employ of the office of the sheriff shall be reduced in rank or pay, suspended, removed, or deprived of any benefits accrued as of ~~January-4,--1975~~ the effective date of this act except as provided in the rules of the merit commission.

Sec. 7. The county board of corrections may, pursuant to the Interlocal Cooperation Act, contract with any governmental unit for the purposes of implementing and complying with this act.

Sec. 8. That original sections 23-1703, 23-2801, 23-2802, 23-2803, 23-2805, and 23-2806, Reissue Revised Statutes of Nebraska, 1943, and also sections 23-2807 and 23-2808, Reissue Revised Statutes of Nebraska, 1943, are repealed.