

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 347

Introduced by Mines, 18

Read first time January 12, 2007

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to bonds; to amend sections 11-104, 14-208,
2 14-551, 15-251, 15-307, 15-308, 15-317, 16-219, 16-304,
3 and 17-604, Reissue Revised Statutes of Nebraska, and
4 sections 16-318 and 17-541, Revised Statutes Cumulative
5 Supplement, 2006; to change provisions relating to the
6 giving of bonds by officials as prescribed; to provide
7 for the acceptance of evidence of equivalent insurance;
8 and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 11-104, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 11-104 (1) All official bonds of officers of cities,
4 towns, and villages shall be in all respects as required by
5 executed pursuant to section 11-103, except that they shall be made
6 payable to the city, town, or village in and for which the officers
7 giving the same such bonds shall be elected or appointed, in such
8 penalty as the city, town or council or board of trustees of the
9 village council or trustees may fix.

10 (2) In any city or village, in place of the individual
11 bonds required to be furnished by municipal officers, a schedule,
12 position, blanket bond or undertaking, or evidence of equivalent
13 insurance may be given by municipal officers, or a single
14 corporate surety fidelity, schedule, position, or blanket bond
15 or undertaking, or evidence of insurance coverage covering all
16 the officers, including officers required by law to furnish an
17 individual bond or undertaking, may be furnished. The municipality
18 may pay the premium for the bond or insurance coverage. The bond
19 or insurance coverage shall be, at a minimum, an aggregate of the
20 amounts fixed by law or by the person, council, or board authorized
21 by law to fix the amounts and with such terms and conditions as may
22 be required.

23 Sec. 2. Section 14-208, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 14-208 All members of the city council of a city of

1 the metropolitan class shall qualify and give bond or evidence of
2 equivalent insurance in the sum of five thousand dollars.

3 Sec. 3. Section 14-551, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 14-551 The county treasurer of the county in which the
6 ~~metropolitan~~ city of the metropolitan class is located shall be ex
7 officio city treasurer of such city. As such treasurer of the city,
8 he or she shall give bond or evidence of equivalent insurance in
9 such amount as may be required of him or her by the city council,
10 ~~in no event to be not less~~ than two hundred thousand dollars
11 conditioned for the faithful discharge of his or her duties as city
12 treasurer. Such bond shall be signed by at least one surety or
13 guaranty company, to be approved by the city council, and the cost
14 thereof shall be paid by the city. Such bond may be enlarged at any
15 time the city council may deem an enlargement or additional bond
16 is necessary. Additional bond shall be likewise signed by a surety
17 company to be approved by the city council, and costs thereof shall
18 be paid by the city.

19 Sec. 4. Section 15-251, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 15-251 A ~~primary~~ city of the primary class may require
22 all officers or employees elected or appointed to give bond or
23 evidence of equivalent insurance for the faithful performance of
24 their duties. No officer shall become surety upon the official bond
25 of another or upon any contractor's bond, license, or appeal bond

1 given to the city, or under any ordinance thereof. It shall be
2 optional with such officers to give a surety or guaranty company
3 bond.

4 Sec. 5. Section 15-307, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 15-307 All elective officers of the city, except
7 ~~councilmen~~, council members, shall give a good and sufficient bond
8 or evidence of equivalent insurance in an amount to be fixed by
9 ordinance, for the faithful performance of their duties. Each
10 ~~councilman~~ council member before entering upon the duties of his
11 or her office shall give a bond or evidence of equivalent insurance
12 in favor of the city in the sum of two thousand dollars. If a
13 bond is given, it shall be signed by a surety company or by
14 two or more good and sufficient sureties, who are residents of
15 such city, who shall justify that he or she is worth at least two
16 thousand dollars over and above his or her debts, liabilities, and
17 exemptions, conditioned for the faithful discharge of the duties
18 of the ~~councilmen~~ council members and conditioned further that if
19 the ~~said councilmen~~ shall council members vote for an expenditure
20 of money or the creation of any liability in excess of the amount
21 allowed by law, or shall vote for the transfer of any sum of money
22 from one fund to another where such transfer is not allowed by law,
23 such ~~councilman~~ council members and surety or sureties signing ~~said~~
24 the bonds shall be liable thereon.

25 Sec. 6. Section 15-308, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 15-308 All appointive officers of the city before
3 entering upon their respective duties shall give a good and
4 sufficient bond or evidence of equivalent insurance in an amount to
5 be fixed by ordinance in favor of the city, conditioned upon the
6 faithful performance of their ~~duty~~ duties.

7 Sec. 7. Section 15-317, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 15-317 The treasurer shall be required to give a bond
10 or evidence of equivalent insurance of not less than one hundred
11 ~~and~~ fifty thousand dollars or he or she may be required to give
12 a bond or evidence of equivalent insurance double the sum of
13 money estimated by the council to be at any time in his or her
14 hands belonging to the city and school districts, and he or she
15 shall be the custodian of all money belonging to the city and all
16 securities belonging or to be held by the city. He or she shall
17 keep a separate account of each fund or appropriation and debits
18 and credits belonging thereto. He or she shall give every person
19 paying money into the treasury a receipt therefor, specifying the
20 date of payment and on what account paid, and he or she shall also
21 file copies of receipts with his or her monthly report. He or she
22 shall monthly and as often as required render to the city council
23 an account under oath showing the state of the treasury at that
24 date, the amount of money remaining in each fund, the amount paid
25 therefrom, and the balance of money in the treasury. He or she

1 shall also accompany such accounts with a statement of all receipts
2 and disbursements, together with all warrants redeemed and paid by
3 him or her, which warrants, together with any and all vouchers held
4 by him or her, shall be filed ~~therewith~~ in the clerk's office, and
5 if he or she neglects or fails for thirty days from the end of any
6 month to enter such accounts, his or her office may by resolution
7 of the mayor and council be declared vacant, and the mayor with the
8 concurrence of the council shall fill the vacancy by appointment
9 until the next election of the city officers. The treasurer may
10 employ and appoint a deputy and an assistant or assistants as
11 determined by ordinance. The treasurer shall be liable upon his or
12 her official bond for the acts of such appointees.

13 Sec. 8. Section 16-219, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 16-219 A city of the first class by ordinance may require
16 all officers or servants, elected or appointed, to give bond and
17 security or evidence of equivalent insurance for the faithful
18 performance of their duties. No officer shall become surety upon
19 the official bond of another, or upon any contractor's bond,
20 license, or appeal bond given to the city, or under any ordinance
21 thereof, or from conviction in the county court for violation of
22 any ordinance of such city.

23 Sec. 9. Section 16-304, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 16-304 Each council member, before entering upon the

1 duties of his or her office, shall be required to give bond or
2 evidence of equivalent insurance to the city. The bond shall be 7
3 with two or more good and sufficient sureties or some responsible
4 surety company. If 7 ~~if~~ by two sureties, they shall each justify
5 that he or she is worth 7 at least 7 two thousand dollars over
6 and above all debts and exemptions. Such bonds or evidence of
7 equivalent insurance shall be in the sum of one thousand dollars 7
8 and shall be conditioned for the faithful discharge of the duties
9 of the council member giving ~~the same~~ such bond or insurance, and
10 shall be further conditioned that if the ~~said~~ council member shall
11 vote for any expenditure or appropriation of money or creation of
12 any liability in excess of the amount allowed by law, such council
13 member, and the sureties signing ~~said~~ such bond, shall be liable
14 thereon. ~~Said~~ The bond shall be filed with the city clerk and
15 approved by the mayor, and upon the approval, the city may pay
16 the premium for such bond. Any liability sought to be incurred, or
17 debt created in excess of the amount limited or authorized by law,
18 shall be taken and held by every court of the state as the joint
19 and several liability and obligation of the council member voting
20 for and the mayor approving ~~the same~~ such liability, obligation,
21 or debt, and not the debt, liability, or obligation of the city.
22 Voting for or approving of such liability, obligation, or debt
23 shall be conclusive evidence of malfeasance in office for which
24 such council member or mayor may be removed from office.

25 Sec. 10. Section 16-318, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 16-318 The treasurer shall be required to give bond or
3 evidence of equivalent insurance of ~~in~~ not less than twenty-five
4 thousand dollars, or he or she may be required to give bond in
5 double the sum of money estimated by the council at any time to
6 be in his or her hands belonging to the city and school district,
7 and he or she shall be the custodian of all money belonging to
8 the corporation. The city council shall pay the actual premium of
9 the bond or insurance coverage of such treasurer. The treasurer
10 shall keep a separate account of each fund or appropriation and
11 the debts and credits belonging thereto. He or she shall give
12 every person paying money into the treasury a receipt therefor,
13 specifying date of payment and on what account paid. He or she
14 shall also file copies of such receipts, except tax receipts, with
15 his or her monthly reports, and he or she shall at the end of
16 every month, and as often as may be requested, render an account
17 to the city council, under oath, showing the state of the treasury
18 at the date of such account, the amount of money remaining in each
19 fund and the amount paid therefrom, and the balance of money in
20 the treasury. He or she shall also accompany such account with
21 a statement of all receipts and disbursements, together with all
22 warrants redeemed and paid by him or her, which warrants, with all
23 vouchers held by him or her, shall be filed with his or her account
24 in the clerk's office. He or she shall produce and show all funds
25 shown by such report to be on hand, or satisfy the council or its

1 committee that he or she has such funds in his or her custody or
2 under his or her control. If the treasurer fails to render his
3 or her account within twenty days after the end of the month, or
4 by a later date established by the council, the mayor with the
5 consent of the council may consider this failure as cause to remove
6 the treasurer from office. The treasurer may employ and appoint
7 a delinquent tax collector, who shall be allowed a percent upon
8 his or her collections to be fixed by the council not to exceed
9 the fees allowed by law to the county treasurer for like services,
10 and upon taxes collected by such delinquent tax collector the city
11 treasurer shall receive no fees. The city treasurer shall prepare
12 all paving and curbing tax lists and shall collect all paving and
13 curbing taxes.

14 Sec. 11. Section 17-541, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 17-541 As soon as a system of waterworks or mains
17 or portion or extension of any system of waterworks or water
18 supply has been established by any city or village, the mayor
19 of such city or the chairperson of the board of trustees of
20 such village shall nominate and by and with the advice and
21 consent of the city council or board of trustees, as the case
22 may be, shall appoint any competent person who shall be known
23 as the water commissioner of such city or village and whose term
24 of office shall be for one fiscal year or until his or her
25 successor is appointed and qualified. Annually at the first regular

1 meeting of the city council or board of trustees in December,
2 the water commissioner shall be appointed as provided in this
3 section. The water commissioner may at any time, for sufficient
4 cause, be removed by a two-thirds vote of the city council or
5 board of trustees. Any vacancy occurring in the office of water
6 commissioner by death, resignation, removal from office, or removal
7 from the city or village may be filled in the manner provided in
8 this section for the appointment of such commissioner. The water
9 commissioner shall, before he or she enters upon the discharge of
10 his or her duties, execute a bond or provide evidence of equivalent
11 insurance to such city or village in a sum to be fixed by the
12 mayor and council or the board of trustees, but not less than five
13 thousand dollars, conditioned upon the faithful discharge of his
14 or her duties, and such bond shall be signed by two or more good
15 and sufficient sureties, to be approved by the mayor and council
16 or board of trustees or executed by a corporate surety. The water
17 commissioner, subject to the supervision of the mayor and council
18 or board of trustees, shall have the general management and control
19 of the system of waterworks or mains or portion or extension of
20 any system of waterworks or water supply in the city or village.
21 In a city or village where no board of public works exists, and
22 such municipality has other public utilities than its waterworks
23 system, the mayor and council or the board of trustees, as the
24 case may be, shall by ordinance designate the water commissioner
25 as public works commissioner with authority to manage not only the

1 system of waterworks but also other public utilities, and all of
2 the provisions of this section applying to the water commissioner
3 shall apply to the public works commissioner.

4 Sec. 12. Section 17-604, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 17-604 The city or village may enact ordinances or bylaws
7 to regulate and prescribe the powers, duties, and compensation of
8 officers not herein provided for, and to require from all officers
9 and servants, elected or appointed, bonds and security or evidence
10 of equivalent insurance for the faithful performance of their ~~duty.~~
11 duties. The city or village may pay the premium for such bonds or
12 insurance coverage.

13 Sec. 13. Original sections 11-104, 14-208, 14-551,
14 15-251, 15-307, 15-308, 15-317, 16-219, 16-304, and 17-604, Reissue
15 Revised Statutes of Nebraska, and sections 16-318 and 17-541,
16 Revised Statutes Cumulative Supplement, 2006, are repealed.