

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 865**

FINAL READING

Introduced by Crawford, 45.

Read first time January 05, 2018

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 14-137  
2 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404,  
3 Revised Statutes Cumulative Supplement, 2016, and section 17-614,  
4 Revised Statutes Supplement, 2017; to changes provisions relating to  
5 the passage of ordinances by cities and villages; to prohibit  
6 suspension of a reading requirement for certain ordinances as  
7 prescribed; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-137, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 14-137 The enacting clause of all ordinances in a city of the  
4 metropolitan class shall be as follows: Be it ordained by the city  
5 council of the city of ..... . All ordinances of the city shall be  
6 passed pursuant to such rules and regulations as the city council may  
7 prescribe. Upon ; ~~Provided, upon~~ the passage of all ordinances the yeas  
8 and nays shall be entered upon the record of the city council, and a  
9 majority of the votes of all the members of the city council shall be  
10 necessary to their passage. No ordinance shall be passed within a week  
11 after its introduction, except the general appropriation ordinances for  
12 salaries and wages. Ordinances of a general or permanent nature shall be  
13 read by title on three different days unless three-fourths of the city  
14 council vote to suspend this requirement, except that such requirement  
15 shall not be suspended for any ordinance for the annexation of territory  
16 or the redrawing of boundaries for city council election districts or  
17 wards.

18 Sec. 2. Section 15-404, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 15-404 All ordinances, resolutions, or orders for the appropriation  
21 or payment of money in a city of the primary class shall require for  
22 passage or adoption the concurrence of a majority of the members elected  
23 to the city council. Ordinances of a general or permanent nature shall be  
24 ~~fully and distinctly~~ read by title on three different days, unless the  
25 city council votes to suspend shall dispense with this requirement rule  
26 by a two-thirds vote of the members, except that such requirement shall  
27 not be suspended for any ordinance for the annexation of territory or the  
28 redrawing of boundaries for city council election districts or wards  
29 elected. No ordinance shall contain a subject which is not clearly  
30 expressed in its title. No ordinance or section thereof shall be revised  
31 or amended unless the new ordinance contains the entire ordinance or

1 section as revised or amended, and the ordinance or section so amended  
2 shall be repealed.

3 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 16-404 (1) All ordinances and resolutions or orders for the  
6 appropriation or payment of money in a city of the first class shall  
7 require for their passage or adoption the concurrence of a majority of  
8 all members elected to the city council. The mayor may vote on any such  
9 matter when his or her vote will provide the additional vote required to  
10 create a number of votes equal to a majority of the number of members  
11 elected to the city council, and the mayor shall, for the purpose of such  
12 vote, be deemed to be a member of the city council.

13 (2) Ordinances of a general or permanent nature in a city of the  
14 first class shall be read by title on three different days unless three-  
15 fourths of the city council members vote to suspend this requirement,  
16 except that in a city having a commission form of government such  
17 requirement may be suspended by a three-fifths majority vote. Regardless  
18 of the form of government, such requirement shall not be suspended for  
19 any ordinance for the annexation of territory or the redrawing of  
20 boundaries for city council election districts or wards. In case such  
21 requirement is suspended, the ordinances shall be read by title or number  
22 and then moved for final passage. Three-fourths of the city council  
23 members may require a reading of any such ordinance in full before  
24 enactment under either procedure set out in this section, except that in  
25 a city having a commission form of government, such reading may be  
26 required by a three-fifths majority vote.

27 (3) Ordinances in a city of the first class shall contain no subject  
28 which is not clearly expressed in the title, and, except as provided in  
29 section 19-915, no ordinance or section thereof shall be revised or  
30 amended unless the new ordinance contains the entire ordinance or section  
31 as revised or amended and the ordinance or section so amended is

1 repealed, except that:

2 (a) For an ordinance revising all the ordinances of the city, the  
3 only title necessary shall be An ordinance of the city of .....,  
4 revising all the ordinances of the city. Under such title all the  
5 ordinances may be revised in sections and chapters or otherwise, may be  
6 corrected, added to, and any part suppressed, and may be repealed with or  
7 without a saving clause as to the whole or any part without other title;  
8 and

9 (b) For an ordinance used solely to revise ordinances or code  
10 sections or to enact new ordinances or code sections in order to adopt  
11 statutory changes made by the Legislature which are specific and  
12 mandatory and bring the ordinances or code sections into conformance with  
13 state law, the title need only state that the ordinance revises those  
14 ordinances or code sections affected by or enacts ordinances or code  
15 sections generated by legislative changes. Under such title, all such  
16 ordinances or code sections may be revised, repealed, or enacted in  
17 sections and chapters or otherwise by a single ordinance without other  
18 title.

19 Sec. 4. Section 17-614, Revised Statutes Supplement, 2017, is  
20 amended to read:

21 17-614 (1) All ordinances and resolutions or orders for the  
22 appropriation or payment of money shall require for their passage or  
23 adoption the concurrence of a majority of all members elected to the city  
24 council in a city of the second class or village board of trustees. The  
25 mayor of a city of the second class may vote when his or her vote would  
26 provide the additional vote required to attain the number of votes equal  
27 to a majority of the number of members elected to the city council, and  
28 the mayor shall, for the purpose of such vote, be deemed to be a member  
29 of the city council. Ordinances of a general or permanent nature shall be  
30 read by title on three different days unless three-fourths of the city  
31 council or village board of trustees vote to suspend this requirement,

1 except that such requirement shall not be suspended for any ordinance for  
2 the annexation of territory or the redrawing of boundaries for city  
3 council or village board of trustees election districts or wards. In case  
4 such requirement is suspended, the ordinances shall be read by title and  
5 then moved for final passage. Three-fourths of the city council or  
6 village board of trustees may require a reading of any such ordinance in  
7 full before enactment under either procedure set out in this section.

8 (2) Ordinances shall contain no subject which is not clearly  
9 expressed in the title, and, except as provided in section 19-915, no  
10 ordinance or section of such ordinance shall be revised or amended unless  
11 the new ordinance contains the entire ordinance or section as revised or  
12 amended and the ordinance or section so amended is repealed, except that:

13 (a) For an ordinance revising all the ordinances of the city of the  
14 second class or village, the title need only state that the ordinance  
15 revises all the ordinances of the city or village. Under such title all  
16 the ordinances may be revised in sections and chapters or otherwise, may  
17 be corrected, added to, and any part suppressed, and may be repealed with  
18 or without a saving clause as to the whole or any part without other  
19 title; and

20 (b) For an ordinance used solely to revise ordinances or code  
21 sections or to enact new ordinances or code sections in order to adopt  
22 statutory changes made by the Legislature which are specific and  
23 mandatory and bring the ordinances or code sections into conformance with  
24 state law, the title need only state that the ordinance revises those  
25 ordinances or code sections affected by or enacts ordinances or code  
26 sections generated by legislative changes. Under such title, all such  
27 ordinances or code sections may be revised, repealed, or enacted in  
28 sections and chapters or otherwise by a single ordinance without other  
29 title.

30 Sec. 5. Original sections 14-137 and 15-404, Reissue Revised  
31 Statutes of Nebraska, section 16-404, Revised Statutes Cumulative

1 Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017,  
2 are repealed.