

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 873

FINAL READING

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

Read first time January 05, 2018

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 8-205,
2 13-1302, 14-403.01, 15-1102, 16-115, 16-118, 16-316, 16-321.01,
3 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01,
4 16-674, 16-675, 16-808, 18-1720, 19-201, 19-402, 19-403, 19-404,
5 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419,
6 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601,
7 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610,
8 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618,
9 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701,
10 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709,
11 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907,
12 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914,
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19 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202,
20 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405,
21 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416,

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2 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701,
3 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909,
4 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306,
5 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313,
6 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319,
7 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326,
8 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035,
9 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636,
10 19-4638, 19-4701, 19-5001, 23-206, 23-339, 31-505, and 90-106,
11 Reissue Revised Statutes of Nebraska, sections 16-119, 16-238,
12 16-304, 16-305, 16-308, 16-309, 16-312, 16-313, 16-314, 16-317,
13 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326,
14 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501,
15 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621, 16-624,
16 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647,
17 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662,
18 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691,
19 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706,
20 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719,
21 16-720, 16-722, 16-723, 16-727, 16-728, 18-2705, 19-922, 19-2402,
22 19-2404, 19-2407, 19-2418, 19-2427, 19-4017, 19-4017.01, 19-4018,
23 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04,
24 19-4029.05, 19-4033, 19-4034, 19-4037, 19-5203, 19-5205, 19-5207,
25 77-2602, and 77-2701.04, Revised Statutes Cumulative Supplement,
26 2016, and sections 13-2705, 17-108.02, 17-121, 18-2709, 19-401,
27 19-415, 19-418, 19-602, 19-926, 19-1101, 19-1102, 19-1827, 19-3501,
28 19-4030, 19-4031, 32-538, 32-539, and 77-2701, Revised Statutes
29 Supplement, 2017; to change provisions relating to cities of
30 particular classes and villages; to correct and include city and
31 village references as prescribed; to eliminate obsolete provisions;

1 to repeal definitions; to provide for interlocal agreements between
2 cities and villages and counties as prescribed for the abatement,
3 removal, or prevention of nuisances; to change provisions relating
4 to how population thresholds for municipalities are determined as
5 prescribed; to redefine terms; to change references to cities,
6 villages, and governing bodies; to redefine economic development
7 program to include early childhood infrastructure development for
8 cities of the first and second class and villages under the Local
9 Option Municipal Economic Development Act; to expand the number of
10 municipalities that may elect to create a land bank, change
11 provisions relating to land bank board requirements, and change land
12 bank powers under the Nebraska Municipal Land Bank Act; to change
13 provisions relating to comprehensive plans for cities to provide for
14 an early childhood element as prescribed; to authorize short-term
15 rentals and an online hosting platform, sales tax collection
16 procedures, Tax Commissioner duties, and a report relating to such
17 rentals; to provide powers and duties for municipalities with
18 respect to short-term rentals; to eliminate a requirement relating
19 to use of the official state slogan and symbol on state letterhead
20 and envelopes as prescribed; to harmonize provisions; to provide a
21 duty for the Revisor of Statutes; to repeal the original sections;
22 and to outright repeal sections 19-101, 19-104, 19-407, and 19-924,
23 Reissue Revised Statutes of Nebraska, sections 90-552 and 90-553,
24 Revised Statutes Cumulative Supplement, 2016, and sections 19-102
25 and 19-103, Revised Statutes Supplement, 2017.

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

1 Section 1. Section 8-205, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 8-205 (1) No corporation, except a bank authorized by the Director
4 of Banking and Finance to operate a trust department, shall be authorized
5 to transact business as a trust company under the Nebraska Trust Company
6 Act on or after August 1, 2000, unless it has capital stock of at least
7 five hundred thousand dollars, all of which shall be fully paid up in
8 cash before the corporation is authorized to commence business.

9 (2)(a) Corporations, except a bank authorized to operate a trust
10 department, authorized to transact business as a trust company under the
11 act before August 1, 2000, shall, on or after such date, maintain a
12 capital stock of at least two hundred thousand dollars in cities of one
13 hundred thousand inhabitants or more, one hundred thousand dollars in
14 cities of fifty thousand and less than one hundred thousand inhabitants,
15 fifty thousand dollars in cities of more than ten thousand and less than
16 fifty thousand inhabitants, and twenty-five thousand dollars in cities
17 and villages having ten thousand inhabitants or less. The population of a
18 city for purposes of this subsection shall be the population as
19 determined by the most recent federal decennial census or the most recent
20 revised certified count by the United States Bureau of the Census.

21 (b) A corporation, except a bank authorized to operate a trust
22 department, authorized to transact business as a trust company under the
23 act before August 1, 2000, subject to the capital stock requirement of
24 subdivision (2)(a) of this section, which complies with the capital stock
25 requirement of subsection (1) of this section, shall be subject to the
26 capital stock requirement of subsection (1) of this section and shall
27 maintain a capital stock of at least the minimum amount required by
28 subsection (1) of this section.

29 (c) A corporation, except a bank authorized to operate a trust
30 department, authorized to transact business as a trust company under the
31 act before August 1, 2000, subject to the capital stock requirement of

1 subdivision (2)(a) of this section, which complies with the capital stock
2 requirement of a corporation located in a larger city pursuant to
3 subdivision (2)(a) of this section, shall be subject to the capital stock
4 requirement of such a corporation located in a larger city pursuant to
5 subdivision (2)(a) of this section and shall maintain a capital stock of
6 at least the minimum amount required for such a corporation located in a
7 larger city pursuant to subdivision (2)(a) of this section.

8 (d) A capital stock requirement once attained by a corporation
9 pursuant to either this subsection or subsection (1) of this section
10 shall not be reduced.

11 (3) If at any time the department determines that the capital stock
12 of a trust company is impaired, it may require the shareholders of the
13 trust company to make up the capital stock impairment.

14 Sec. 2. Section 13-1302, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-1302 For purposes of sections 13-1301 to 13-1312, unless the
17 context otherwise requires:

18 (1) Bonds means bonds issued by the commission pursuant to such
19 sections;

20 (2) City means a city of the metropolitan class as defined in
21 section 14-101 or a city of the primary class as defined in section
22 15-101, the population of which according to the most recent federal
23 census or the most recent revised certified count by the United States
24 Bureau of the Census was more than one-half in number of the total
25 population, according to such census or revised count, of the county in
26 which such city is located;

27 (3) Commission means a public building commission created by and
28 activated pursuant to sections 13-1301 to 13-1312;

29 (4) County means a county in which a city of the metropolitan class
30 or primary class is located;

31 (5) Governing body means the city council in the case of the city

1 and the county board of county commissioners in the case of the county;

2 (6) Other governmental units means a city, other than a city as
3 defined in this section, village, district, authority, public agency,
4 board, commission, or other public corporation, political subdivision, or
5 public instrumentality located in whole or in part in the county; and

6 (7) Project means any building, structure, or facility for public
7 purposes to be used jointly by the city and the county, including the
8 site thereof, all machinery, equipment, and apparatus of or pertaining
9 thereto, including fixtures and furnishings if agreed to by the city and
10 the county, and all other real or personal property necessary or
11 incidental thereto.

12 Sec. 3. Section 13-2705, Revised Statutes Supplement, 2017, is
13 amended to read:

14 13-2705 The department may conditionally approve grants of
15 assistance from the fund to eligible and competitive applicants within
16 the following limits:

17 (1) Except as provided in subdivision (2) of this section, a grant
18 request shall be in an amount meeting the following requirements:

19 (a) For a grant of assistance under section 13-2704.01, at least ten
20 thousand dollars but no more than:

21 (i) For a city of the primary class, one million five hundred
22 thousand dollars;

23 (ii) For a city with a population of at least ~~more than~~ forty
24 thousand but less than one hundred thousand inhabitants as determined by
25 the most recent federal decennial census or the most recent revised
26 certified count by the United States Bureau of the Census, seven hundred
27 fifty thousand dollars;

28 (iii) For a city with a population of at least ~~more than~~ twenty
29 thousand but less than forty thousand inhabitants as determined by the
30 most recent federal decennial census or the most recent revised certified
31 count by the United States Bureau of the Census, five hundred thousand

1 dollars;

2 (iv) For a city with a population of at least ~~more than~~ ten thousand
3 but less than twenty thousand inhabitants as determined by the most
4 recent federal decennial census or the most recent revised certified
5 count by the United States Bureau of the Census, four hundred thousand
6 dollars; and

7 (v) For a municipality with a population of less than ten thousand
8 inhabitants as determined by the most recent federal decennial census or
9 the most recent revised certified count by the United States Bureau of
10 the Census, two hundred fifty thousand dollars; and

11 (b) For a grant of assistance under section 13-2704.02, at least two
12 thousand dollars but no more than ten thousand dollars;

13 (2) Upon the balance of the fund reaching two million five hundred
14 thousand dollars, and until the balance of the fund falls below one
15 million dollars, a grant request shall be in an amount meeting the
16 following requirements:

17 (a) For a grant of assistance under section 13-2704.01, at least ten
18 thousand dollars but no more than:

19 (i) For a city of the primary class, two million two hundred fifty
20 thousand dollars;

21 (ii) For a city with a population of at least ~~more than~~ forty
22 thousand but less than one hundred thousand inhabitants as determined by
23 the most recent federal decennial census or the most recent revised
24 certified count by the United States Bureau of the Census, one million
25 one hundred twenty-five thousand dollars;

26 (iii) For a city with a population of at least ~~more than~~ twenty
27 thousand but less than forty thousand inhabitants as determined by the
28 most recent federal decennial census or the most recent revised certified
29 count by the United States Bureau of the Census, seven hundred fifty
30 thousand dollars;

31 (iv) For a city with a population of at least ~~more than~~ ten thousand

1 but less than twenty thousand inhabitants as determined by the most
2 recent federal decennial census or the most recent revised certified
3 count by the United States Bureau of the Census, six hundred thousand
4 dollars; and

5 (v) For a municipality with a population of less than ten thousand
6 inhabitants as determined by the most recent federal decennial census or
7 the most recent revised certified count by the United States Bureau of
8 the Census, three hundred seventy-five thousand dollars; and

9 (b) For a grant of assistance under section 13-2704.02, at least two
10 thousand dollars but no more than ten thousand dollars;

11 (3) Assistance from the fund shall not amount to more than fifty
12 percent of the cost of the project for which a grant is requested; and

13 (4) A municipality shall not be awarded more than one grant of
14 assistance under section 13-2704.01 and one grant of assistance under
15 section 13-2704.02 in any five-year period.

16 Sec. 4. Section 14-403.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-403.01 (1) When a city of the metropolitan class adopts a new
19 comprehensive plan or a full update to an existing comprehensive plan on
20 or after July 15, 2010, but not later than January 1, 2015, such plan or
21 update shall include, but not be limited to, an energy element which:
22 Assesses energy infrastructure and energy use by sector, including
23 residential, commercial, and industrial sectors; evaluates utilization of
24 renewable energy sources; and promotes energy conservation measures that
25 benefit the community.

26 (2) When a city of the metropolitan class adopts a new comprehensive
27 plan or a full update to an existing comprehensive plan on or after the
28 effective date of this act, but not later than January 1, 2022, such plan
29 or update shall include, but not be limited to, an early childhood
30 element which evaluates the supply of quality licensed early childhood
31 education programs for children under six years of age, evaluates the

1 availability and utilization of licensed child care capacity and quality
2 for children under age six years of age, and promotes early childhood
3 health and education measures that benefit the community. To meet the
4 requirements of this subsection, the city may (a) acquire publicly
5 available data and information from the State Department of Education,
6 the Department of Health and Human Services, the United States Bureau of
7 the Census, other federal, state, or local agencies, or any other
8 organization, (b) use a definition of quality found in existing programs,
9 including, but not limited to, the Step Up to Quality Child Care Act, the
10 Sixpence Early Learning Fund, the federal Head Start program or Early
11 Head Start program, or other early childhood education programs at a
12 school district, and (c) determine whether an early childhood education
13 program is accredited by a national association recognized by the
14 Department of Health and Human Services.

15 Sec. 5. Section 15-1102, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 15-1102 The general plan for the improvement and development of the
18 city of the primary class shall be known as the comprehensive plan. This
19 plan for governmental policies and action shall include the pattern and
20 intensity of land use, the provision of public facilities including
21 transportation and other governmental services, the effective development
22 and utilization of human and natural resources, the identification and
23 evaluation of area needs including housing, employment, education, and
24 health and the formulation of programs to meet such needs, surveys of
25 structures and sites determined to be of historic, cultural,
26 archaeological, or architectural significance or value, long-range
27 physical and fiscal plans for governmental policies and action, and
28 coordination of all related plans and activities of the state and local
29 governments and agencies concerned. The comprehensive plan, with the
30 accompanying maps, plats, charts, and descriptive and explanatory
31 materials, shall show the recommendations concerning the physical

1 development pattern of such city and of any land outside its boundaries
2 related thereto, taking into account the availability of and need for
3 conserving land and other irreplaceable natural resources, the
4 preservation of sites of historic, cultural, archaeological, and
5 architectural significance or value, the projected changes in size,
6 movement, and composition of population, the necessity for expanding
7 housing and employment opportunities, and the need for methods of
8 achieving modernization, simplification, and improvements in governmental
9 structures, systems, and procedures related to growth objectives. The
10 comprehensive plan shall, among other things, show:

11 (1) The general location, character, and extent of existing and
12 proposed streets and highways and railroad, air, and other transportation
13 routes and terminals;

14 (2) Existing and proposed public ways, parks, grounds, and open
15 spaces;

16 (3) The general location, character, and extent of schools, school
17 grounds, and other educational facilities and properties;

18 (4) The general location and extent of existing and proposed public
19 utility installations;

20 (5) The general location and extent of community development and
21 housing activities;

22 (6) The general location of existing and proposed public buildings,
23 structures, and facilities;~~and~~

24 (7) When a new comprehensive plan or a full update to an existing
25 comprehensive plan is developed on or after July 15, 2010, but not later
26 than January 1, 2015, an energy element which: Assesses energy
27 infrastructure and energy use by sector, including residential,
28 commercial, and industrial sectors; evaluates utilization of renewable
29 energy sources; and promotes energy conservation measures that benefit
30 the community; and -

31 (8) When a new comprehensive plan or a full update to an existing

1 comprehensive plan is developed on or after the effective date of this
2 act, but not later than January 1, 2022, such plan or update shall
3 include, but not be limited to, an early childhood element which
4 evaluates the supply of quality licensed early childhood education
5 programs for children under six years of age, evaluates the availability
6 and utilization of licensed child care capacity and quality for children
7 under age six years of age, and promotes early childhood health and
8 education measures that benefit the community. To meet the requirements
9 of this subdivision, the city may (a) acquire publicly available data and
10 information from the State Department of Education, the Department of
11 Health and Human Services, the United States Bureau of the Census, other
12 federal, state, or local agencies, or any other organization, (b) use a
13 definition of quality found in existing programs, including, but not
14 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
15 Learning Fund, the federal Head Start program or Early Head Start
16 program, or other early childhood education programs at a school
17 district, and (c) determine whether an early childhood education program
18 is accredited by a national association recognized by the Department of
19 Health and Human Services.

20 The comprehensive plan shall include a land-use plan showing the
21 proposed general distribution and general location of business and
22 industry, residential areas, utilities, and recreational, educational,
23 and other categories of public and private land uses. The land-use plan
24 shall also show the recommended standards of population density based
25 upon population estimates and providing for activities for which space
26 should be supplied within the area covered by the plan. The comprehensive
27 plan shall include and show proposals for acquisition, extension,
28 widening, narrowing, removal, vacation, abandonment, sale, and other
29 actions affecting public improvements.

30 Sec. 6. Section 16-115, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-115 The corporate name of each city of the first class shall be
2 the City of, and all process whatever affecting
3 any such city shall be served in the manner provided for service of a
4 summons in a civil action. The city shall procure and keep a seal with
5 such emblem and device as it may think proper. Such seal may be either an
6 engraved or ink stamp seal. It shall have included thereon the City
7 of, together with date of incorporation, which shall be
8 the seal of the city, and no other seal shall be used by the city. The
9 impression or representation of the seal by stamp shall be sufficient
10 sealing in all cases where sealing is required. An impression or
11 representation of such seal shall be filed in the office of the Secretary
12 of State, together with a resolution of the city council that the same
13 has been duly adopted and is the seal of such ~~said~~ city.

14 Sec. 7. Section 16-118, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-118 For purposes of sections 16-117 and 16-130, lands ~~lands~~,
17 lots, tracts, streets, or highways shall be deemed contiguous although a
18 stream, embankment, strip, or parcel of land not more than two hundred
19 feet wide lies between the same and the corporate limits.

20 Sec. 8. Section 16-119, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-119 Any extraterritorial zoning regulations, property use
23 regulations, or other laws, codes, rules, or regulations imposed upon any
24 annexed lands by a the city of the first class before such annexation
25 shall continue in full force and effect until otherwise changed.

26 Sec. 9. Section 16-238, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-238 A city of the first class may make regulations to prevent the
29 introduction and spread of contagious, infectious, or malignant diseases
30 into the city. In cities with a commission form of government as provided
31 in the Municipal Commission Plan of Government Act Chapter 19, article 4,

1 and cities with a city manager plan of government as provided in Chapter
2 19, article 6, a board of health shall be created consisting of five
3 members: The mayor, who shall be chairperson, a physician, who shall be
4 medical adviser, the chief of police, who shall be secretary and
5 quarantine officer, and two other members. In all other cities, a board
6 of health shall be created consisting of five members: The mayor, who
7 shall be chairperson, a physician, who shall be medical adviser, the
8 chief of police, who shall be secretary and quarantine officer, the
9 president of the city council, and one other member. A majority of such
10 board shall constitute a quorum and shall enact rules and regulations,
11 having the force and effect of law, to safeguard the health of the people
12 of such city and prevent nuisances and unsanitary conditions, enforce the
13 same, and provide fines and punishments for the violation of such rules
14 and regulations.

15 Sec. 10. Section 16-304, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-304 Each city council member of a city of the first class, before
18 entering upon the duties of his or her office, shall be required to give
19 bond or evidence of equivalent insurance to the city. The bond shall be
20 with two or more good and sufficient sureties or some responsible surety
21 company. If by two sureties, they shall each justify that he or she is
22 worth at least two thousand dollars over and above all debts and
23 exemptions. Such bonds or evidence of equivalent insurance shall be in
24 the sum of one thousand dollars, shall be conditioned for the faithful
25 discharge of the duties of the city council member giving such bond or
26 insurance, and shall be further conditioned that if the city council
27 member shall vote for any expenditure or appropriation of money or
28 creation of any liability in excess of the amount allowed by law, such
29 city council member, and the sureties signing such bond, shall be liable
30 thereon. The bond shall be filed with the city clerk and approved by the
31 mayor, and upon the approval, the city may pay the premium for such bond.

1 Any liability sought to be incurred, or debt created in excess of the
2 amount limited or authorized by law, shall be taken and held by every
3 court of the state as the joint and several liability and obligation of
4 the city council member voting for and the mayor approving such
5 liability, obligation, or debt, and not the debt, liability, or
6 obligation of the city. Voting for or approving of such liability,
7 obligation, or debt shall be conclusive evidence of malfeasance in office
8 for which such city council member or mayor may be removed from office.

9 Sec. 11. Section 16-305, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-305 All officers and employees of ~~a~~ the city of the first class
12 shall receive such compensation as the mayor and city council may fix at
13 the time of their appointment or employment, subject to the limitations
14 set forth in this section. The city council may at its discretion by
15 ordinance combine and merge any elective or appointive office or
16 employment or any combination of duties of any such offices or
17 employments, except mayor and city council member, with any other
18 elective or appointive office or employment so that one or more of such
19 offices or employments or any combination of duties of any such offices
20 or employments may be held by the same officer or employee at the same
21 time. The city manager in a city under the city manager plan of
22 government as provided in the City Manager Plan of Government Act Chapter
23 ~~19, article 6,~~ may in his or her discretion combine and merge any
24 elective or appointive office or employment or any combination of duties
25 of any such offices or employments, except mayor and city council member,
26 with any other elective or appointive office or employment so that one or
27 more of such offices or employments or any combination of duties of any
28 such offices or employments may be held by the same officer or employee
29 at the same time. The offices or employments so merged and combined shall
30 always be construed to be separate, and the effect of the combination or
31 merger shall be limited to a consolidation of official duties only. The

1 salary or compensation of the officer or employee holding the merged and
2 combined offices or employments or offices and employments shall not be
3 in excess of the maximum amount provided by law for the salary or
4 compensation of the office, offices, employment, or employments so merged
5 and combined.

6 Sec. 12. Section 16-308, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 16-308 Each city of the first class shall have such departments and
9 appointed officers as shall be established by ordinance passed by the
10 city council, which shall include a city clerk, treasurer, engineer, and
11 attorney, and such officers as may otherwise be required by law. Except
12 as provided in the City Manager Plan of Government Act Chapter 19,
13 ~~article 6~~, the mayor may, with the approval of the city council, appoint
14 the necessary officers, as well as an administrator, who shall perform
15 such duties as prescribed by ordinance. Except as provided in the City
16 Manager Plan of Government Act Chapter 19, ~~article 6~~, the appointed
17 officers may be removed at any time by the mayor with approval of a
18 majority of the city council. The office of administrator may not be held
19 by the mayor. The appointed administrator may concurrently hold any other
20 appointive office provided for in this section and section 16-325.

21 Sec. 13. Section 16-309, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-309 All officers of a city of the first class appointed by the
24 mayor and confirmed by the city council shall hold the office to which
25 they may be appointed until the end of the mayor's term of office and
26 until their successors are appointed and qualified, unless sooner removed
27 or the ordinance creating the office is repealed, or as otherwise
28 provided by law.

29 Sec. 14. Section 16-312, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 16-312 The mayor of a city of the first class shall preside at all

1 the meetings of the city council and shall have the right to vote when
2 his or her vote will provide the additional vote required to create a
3 number of votes equal to a majority of the number of members elected to
4 the city council. He or she shall have the superintending control of all
5 the officers and affairs of the city and shall take care that the
6 ordinances of the city and the provisions of law relating to cities of
7 the first class are complied with. He or she may administer oaths and
8 shall sign the commissions and appointments of all the officers appointed
9 in the city.

10 Sec. 15. Section 16-313, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-313 The mayor of a city of the first class shall have the power
13 to approve or veto any ordinance passed by the city council and to
14 approve or veto any order, bylaw, resolution, award of or vote to enter
15 into any contract, or the allowance of any claim. If the mayor approves
16 the ordinance, order, bylaw, resolution, contract, or claim, he or she
17 shall sign it, and it shall become effective. If the mayor vetoes the
18 ordinance, order, bylaw, resolution, contract, or any item or items of
19 appropriations or claims, he or she shall return it to the city council
20 stating that the measure is vetoed. The mayor may issue the veto at the
21 meeting at which the measure passed or within seven calendar days after
22 the meeting. If the mayor issues the veto after the meeting, the mayor
23 shall notify the city clerk of the veto in writing. The city clerk shall
24 notify the city council in writing of the mayor's veto. Any ordinance,
25 order, bylaw, resolution, award of or vote to enter into any contract, or
26 the allowance of any claim vetoed by the mayor, may be passed over his or
27 her veto by a vote of two-thirds of all the members elected to the city
28 council, notwithstanding his or her veto. If the mayor neglects or
29 refuses to sign any ordinance, order, bylaw, resolution, award of or vote
30 to enter into any contract, or the allowance of any claim, but fails to
31 veto the measure within the time required by this section, the measure

1 shall become effective without his or her signature. The mayor may veto
2 any item or items of any appropriation bill or any claims bill, and
3 approve the remainder thereof, and the item or items so vetoed may be
4 passed by the city council over the veto as in other cases.

5 Sec. 16. Section 16-314, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-314 The mayor of a city of the first class shall, from time to
8 time, communicate to the city council such information and recommend such
9 measures as in his or her opinion may tend to the improvement of the
10 finances of the city, the police, health, comfort, and general prosperity
11 of the city, and may have such jurisdiction as may be invested in him or
12 her by ordinance over all places within the extraterritorial zoning
13 jurisdiction of the city, for the enforcement of health or quarantine
14 ordinances and the regulation thereof.

15 Sec. 17. Section 16-316, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-316 The mayor of a city of the first class shall have power after
18 conviction to remit fines and forfeitures, and to grant reprieves and
19 pardons for all offenses arising under the ordinances of the city.

20 Sec. 18. Section 16-317, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-317 The city clerk of a city of the first class shall have the
23 custody of all laws and ordinances and shall keep a correct journal of
24 the proceedings of the city council. After the period of time specified
25 by the State Records Administrator pursuant to the Records Management
26 Act, the city clerk may transfer such journal of the proceedings of the
27 city council to the State Archives of the Nebraska State Historical
28 Society for permanent preservation. He or she shall also perform such
29 other duties as may be required by the ordinances of the city.

30 Sec. 19. Section 16-318, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-318 (1) The city treasurer of a city of the first class shall be
2 required to give bond or evidence of equivalent insurance of not less
3 than twenty-five thousand dollars, or he or she may be required to give
4 bond in double the sum of money estimated by the city council at any time
5 to be in his or her hands belonging to the city. The city treasurer shall
6 be the custodian of all money belonging to the city. The city council
7 shall pay the actual premium of the bond or insurance coverage of such
8 treasurer.

9 (2) The city treasurer of a city of the first class shall keep a
10 separate account of each fund or appropriation and the debts and credits
11 belonging thereto. He or she shall give every person paying money into
12 the treasury a receipt therefor, specifying date of payment and on what
13 account paid. He or she shall also file copies of such receipts, except
14 tax receipts, with his or her monthly reports, and he or she shall at the
15 end of every month, and as often as may be requested, render an account
16 to the city council, under oath, showing the state of the treasury at the
17 date of such account, the amount of money remaining in each fund and the
18 amount paid therefrom, and the balance of money in the treasury. The city
19 treasurer shall also accompany such account with a statement of all
20 receipts and disbursements, together with all warrants redeemed and paid
21 by him or her, which warrants, with all vouchers held by him or her,
22 shall be filed with his or her account in the city clerk's office. He or
23 she shall produce and show all funds shown by such report to be on hand,
24 or satisfy the city council or its committee that he or she has such
25 funds in his or her custody or under his or her control. If the city
26 treasurer fails to render his or her account within twenty days after the
27 end of the month, or by a later date established by the city council, the
28 mayor with the consent of the city council may consider this failure as
29 cause to remove the city treasurer from office.

30 (3) The city treasurer of a city of the first class shall keep a
31 record of all outstanding bonds against the city, showing the number and

1 amount of each bond, for and to whom the bonds were issued, and the date
2 upon which any bond is purchased, paid, or canceled. He or she shall
3 accompany the annual statement submitted pursuant to section 19-1101 with
4 a description of the bonds issued and sold in that year and the terms of
5 sale, with every item of expense thereof.

6 (4) The city treasurer of a city of the first class may employ and
7 appoint a delinquent tax collector, who shall be allowed a percentage
8 upon his or her collections to be fixed by the city council, not to
9 exceed the fees allowed by law to the county treasurer for like services.
10 Upon taxes collected by such delinquent tax collector, the city treasurer
11 shall receive no fees.

12 (5) The city treasurer of a city of the first class shall prepare
13 all special assessment lists and shall collect all special assessments.

14 Sec. 20. Section 16-319, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-319 The city attorney of a city of the first class shall be the
17 legal advisor of the city council and other city officers. The city
18 attorney shall commence, prosecute, and defend all suits and actions
19 necessary to be commenced, prosecuted, or defended on behalf of the city,
20 or that may be ordered by the city council. He or she shall attend
21 meetings of the city council and give them his or her opinion upon any
22 matters submitted to him or her, either orally or in writing as may be
23 required. The mayor and city council shall have the right to pay the city
24 attorney additional compensation for legal services performed by him or
25 her for the city or to employ additional legal assistance and to pay for
26 such legal assistance out of the funds of the city. Whenever the mayor
27 and city council have by ordinance so authorized, the board of public
28 works shall have the right to pay the city attorney additional
29 compensation for legal services performed by him or her for it or to
30 employ additional legal assistance other than the city attorney and pay
31 such legal assistance out of funds disbursed under the orders of the

1 board of public works.

2 Sec. 21. Section 16-320, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-320 The city engineer of a city of the first class shall make a
5 record of the minutes of his or her surveys and of all work done for the
6 city, including sewers, extension of water systems and heating systems,
7 electric light and sewerage systems, and power plants, and accurately
8 make such plats, sections, profiles, and maps as may be necessary in the
9 prosecution of any public work, which shall be public records and belong
10 to the city and be turned over to his or her successor.

11 Sec. 22. Section 16-321, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-321 (1) The city engineer of a city of the first class shall,
14 when requested by the mayor or city council, make estimates of the cost
15 of labor and material which may be done or furnished by contract with the
16 city and make all surveys, estimates, and calculations necessary to be
17 made for the establishment of grades, the building of culverts, sewers,
18 electric light systems, waterworks, power plants, public heating systems,
19 bridges, curbing, and gutters, the improvement of streets, and the
20 erection and repair of buildings and shall perform such other duties as
21 the city council may require. When the city has appointed a board of
22 public works, and the mayor and city council have by ordinance so
23 authorized, such board may utilize its own engineering staff and may hire
24 consulting engineers for the design and installation of extensions and
25 improvements of the works under the jurisdiction of the board of public
26 works. Whenever the mayor and city council have authorized the same, the
27 board of public works may purchase material and employ labor for the
28 enlargement or improvement of the systems and works under the
29 jurisdiction of the board.

30 (2) Except as provided in section 18-412.01, no contract for
31 enlargement or general improvements, such as water extensions, sewers,

1 public heating systems, bridges, work on streets, or any other work or
2 improvement when the cost of such improvement is assessed to the
3 property, costing over thirty thousand dollars shall be made unless it is
4 first approved by the city council.

5 (3) Except as provided in section 18-412.01, before the city council
6 makes any contract in excess of thirty thousand dollars for enlargement
7 or general improvements, such as water extensions, sewers, public heating
8 systems, bridges, work on streets, or any other work or improvement when
9 the cost of such enlargement or improvement is assessed to the property,
10 an estimate of the cost shall be made by the city engineer and submitted
11 to the city council. In advertising for bids as provided in subsections
12 (4) and (6) of this section, the city council may publish the amount of
13 the estimate.

14 (4) Advertisements for bids shall be required for any contract
15 costing over thirty thousand dollars entered into (a) for enlargement or
16 general improvements, such as water extensions, sewers, public heating
17 systems, bridges, work on streets, or any other work or improvement when
18 the cost of such enlargement or improvement is assessed to the property,
19 or (b) for the purchase of equipment used in the construction of such
20 enlargement or general improvements.

21 (5) A municipal electric utility may enter into a contract for the
22 enlargement or improvement of the electric system or for the purchase of
23 equipment used for such enlargement or improvement without advertising
24 for bids if the price is: (a) Thirty thousand dollars or less; (b) sixty
25 thousand dollars or less and the municipal electric utility has gross
26 annual revenue from retail sales in excess of one million dollars; (c)
27 ninety thousand dollars or less and the municipal electric utility has
28 gross annual revenue from retail sales in excess of five million dollars;
29 or (d) one hundred twenty thousand dollars or less and the municipal
30 electric utility has gross annual revenue from retail sales in excess of
31 ten million dollars.

1 (6) The advertisement provided for in subsections (3) and (4) of
2 this section shall be published at least seven days prior to the bid
3 closing in a legal newspaper in or of general circulation in the city. In
4 case of a public emergency resulting from infectious or contagious
5 diseases, destructive windstorms, floods, snow, war, or an exigency or
6 pressing necessity or unforeseen need calling for immediate action or
7 remedy to prevent a serious loss of, or serious injury or damage to,
8 life, health, or property, estimates of costs and advertising for bids
9 may be waived in the emergency ordinance authorized by section 16-405
10 when adopted by a three-fourths vote of the city council and entered of
11 record.

12 (7) If, after advertising for bids as provided in subsections (3),
13 (4), and (6) of this section, the city council receives fewer than two
14 bids on a contract or if the bids received by the city council contain a
15 price which exceeds the estimated cost, the mayor and the city council
16 may negotiate a contract in an attempt to complete the proposed
17 enlargement or general improvements at a cost commensurate with the
18 estimate given.

19 (8) If the materials are of such a nature that, in the opinion of
20 the manufacturer and with the concurrence of the city council or board of
21 public works, no cost can be estimated until the materials have been
22 manufactured or assembled to the specific qualifications of the city, the
23 city council or board of public works may authorize the manufacture and
24 assemblage of such materials and may thereafter approve the estimated
25 cost expenditure when it is provided by the manufacturer.

26 Sec. 23. Section 16-321.01, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-321.01 Any municipal bidding procedure may be waived by the city
29 council or board of public works of a city of the first class (1) when
30 materials or equipment are purchased at the same price and from the same
31 seller as materials or equipment which have formerly been obtained

1 pursuant to the state bidding procedure in sections 81-145 to 81-162, (2)
2 when the contract is negotiated directly with a sheltered workshop
3 pursuant to section 48-1503, or (3) when required to comply with any
4 federal grant, loan, or program.

5 Sec. 24. Section 16-322, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-322 The mayor and city council of a city of the first class may,
8 whenever they deem it expedient, employ a special engineer to make or
9 assist in making any particular estimate or survey, and any estimate or
10 survey made by such special engineer shall have the same validity and
11 serve in all respects as though the same had been made by the city
12 engineer.

13 Sec. 25. Section 16-323, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 16-323 The chief of police of a city of the first class shall have
16 the immediate superintendence of the police. He or she and the police
17 officers shall have the power and the duty to arrest all offenders
18 against the laws of the state or of the city, by day or by night, in the
19 same manner as a county sheriff and to keep such offenders in the city
20 prison or other place to prevent their escape until a trial or
21 examination may be had before the proper officer. The chief of police and
22 police officers shall have the same power as the county sheriff in
23 relation to all criminal matters arising out of a violation of a city
24 ordinance and all process issued by the county court in connection with a
25 violation of a city ordinance.

26 Sec. 26. Section 16-324, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-324 The street commissioner of a city of the first class shall be
29 subject to the orders of the mayor and city council by resolution, have
30 general charge, direction, and control of all work in the streets,
31 sidewalks, culverts, and bridges of the city, except matters in charge of

1 the board of public works, and shall perform such other duties as the
2 city council may require.

3 Sec. 27. Section 16-326, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 16-326 The salary of any elective officer of a city of the first
6 class shall not be increased or diminished during the term for which he
7 or she was elected, except that when there are officers elected to the
8 city council, or to a board or commission having more than one member and
9 the terms of one or more members commence and end at different times, the
10 compensation of all members of such city council, board, or commission
11 may be increased or diminished at the beginning of the full term of any
12 member thereof. No person who shall have resigned or vacated any office
13 shall be eligible to the same during the time for which he or she was
14 elected when, during the same time, the salary has been increased.

15 Sec. 28. Section 16-327, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-327 The mayor or city council of a city of the first class shall
18 have power, when he, she, or it deems it necessary, to require any
19 officer of the city to exhibit his or her accounts or other papers and
20 make reports to the city council, in writing, touching any subject or
21 matter it may require pertaining to the office.

22 Sec. 29. Section 16-401, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 16-401 Regular meetings of the city council of a city of the first
25 class shall be held at such times as may be fixed by ordinance and
26 special meetings whenever called by the mayor or any four city council
27 members. A majority of all the members elected to the city council shall
28 constitute a quorum for the transaction of any business, except as
29 otherwise required by law, but a less number may adjourn, from time to
30 time, and compel the attendance of absent members. An affirmative vote of
31 not less than one-half of the elected members shall be required for the

1 transaction of any business.

2 Sec. 30. Section 16-402, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-402 The city council of a city of the first class shall elect one
5 of the city council members as president of the city council, and he or
6 she shall preside at all meetings of the city council in the absence of
7 the mayor. In the absence of the president, the city council members
8 shall elect one of their own body to occupy the place temporarily, who
9 shall be styled acting president of the city council. The president and
10 acting president, when occupying the place of mayor, shall have the same
11 privileges as other members of the city council, and all acts of the
12 president or acting president while so acting shall be as binding upon
13 the city council and upon the city as if done by the mayor.

14 Sec. 31. Section 16-403, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-403 All ordinances of a city of the first class shall be passed
17 pursuant to such rules and regulations as the city council may provide,
18 and all such ordinances may be proved by the certificate of the city
19 clerk under the seal of the city. When printed or published in book or
20 pamphlet form and purporting to be published by authority of the city,
21 such ordinances shall be read and received in evidence in all courts and
22 places without further proof. The passage, approval, and publication or
23 posting of such ordinance shall be sufficiently proved by a certificate
24 under the seal of the city from the city clerk showing that such
25 ordinance was passed and approved, and when and in what paper the same
26 was published, and when and by whom and where the same was posted. When
27 ordinances are published in book or pamphlet form, purporting to be
28 published by authority of the city council, the same need not be
29 otherwise published and such book or pamphlet shall be received as
30 evidence of the passage and legal publication of such ordinances, as of
31 the dates mentioned in such book or pamphlet, in all courts without

1 further proof.

2 Sec. 32. Section 16-404, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-404 (1) All ordinances and resolutions or orders for the
5 appropriation or payment of money in a city of the first class shall
6 require for their passage or adoption the concurrence of a majority of
7 all members elected to the city council. The mayor may vote on any such
8 matter when his or her vote will provide the additional vote required to
9 create a number of votes equal to a majority of the number of members
10 elected to the city council, and the mayor shall, for the purpose of such
11 vote, be deemed to be a member of the city council.

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

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

31 (a) For an ordinance revising all the ordinances of a the city of

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

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

17 Sec. 33. Section 16-405, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-405 The style of ordinances of a city of the first class shall
20 be: "Be it ordained by the mayor and city council of the city
21 of, " and all ordinances of a general nature shall,
22 within fifteen days after they are passed, be published in a legal
23 newspaper in or of general circulation within the city, or in pamphlet
24 form, to be distributed or sold, as may be provided by ordinance. Every
25 ordinance fixing a penalty or forfeiture for its violation shall, before
26 the ordinance takes effect, be published for at least one week in the
27 manner prescribed in this section. In cases of riots, infectious
28 diseases, or other impending danger, or any other emergency requiring its
29 immediate operation, such ordinance shall take effect upon the
30 proclamation of the mayor immediately upon its first publication as
31 provided in this section.

1 Sec. 34. Section 16-406, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-406 The city council of a city of the first class or any
4 committee of the members thereof shall have power to compel the
5 attendance of witnesses for the investigation of matters that may come
6 before them. The president or acting president of the city council, or
7 chairperson of such committee for the time being, may administer such
8 requisite oaths. Such city council or committee shall have the same
9 authority to compel the giving of testimony as is conferred on courts of
10 justice.

11 Sec. 35. Section 16-501, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-501 No contract shall be made by the city council in a city of
14 the first class or any committee or member thereof and no expense shall
15 be incurred by any of the officers or departments of the city, whether
16 the object of the expenditure shall have been ordered by the city council
17 or not, unless an appropriation shall have been previously made
18 concerning such expense, except as otherwise expressly provided by law.

19 Sec. 36. Section 16-502, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 16-502 No officer shall receive any pay or perquisites from a the
22 city of the first class other than his or her salary, as provided by
23 ordinance and the law relating to cities of the first class, and the city
24 council shall not pay or appropriate any money or any valuable thing to
25 any person not an officer for the performance of any act, service, or
26 duty, the doing or performance of which shall come within the proper
27 scope of the duties of any officer of such city, unless the money or
28 valuable thing is specifically appropriated and ordered by a vote of
29 three-fourths of all the members elected to the city council.

30 Sec. 37. Section 16-503, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-503 On the passage or adoption of every resolution or order to
2 enter into a contract, or accepting of work done under contract, by the
3 mayor or city council of a city of the first class, the yeas and nays
4 shall be called and entered upon the record. To pass or adopt any bylaw
5 or ordinance or any such resolution or order, a concurrence of a majority
6 of the whole number of the members elected to the city council shall be
7 required. The mayor may vote on any such matter when his or her vote will
8 provide the additional vote required to create a number of votes equal to
9 a majority of the number of members elected to the city council, and the
10 mayor shall, for the purpose of such vote, be deemed to be a member of
11 the city council. The requirements of a roll call or viva voce vote shall
12 be satisfied by a city which utilizes an electronic voting device which
13 allows the yeas and nays of each city council member to be readily seen
14 by the public.

15 Sec. 38. Section 16-606, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-606 The city council of a city of the first class may assess and
18 levy the whole expense and damage incurred in the creation of any street,
19 avenue, or alley upon the real property fronting upon the same and other
20 property nearby that may be benefited thereby in proportions according to
21 benefits. Such assessments and levy shall be made by resolution, at a
22 regular meeting of the city council, and notice of the time of such
23 meeting and that such assessments will be made thereat shall be published
24 in a legal newspaper in or of general circulation within the city ten
25 days before such meeting. Such special taxes shall be due and payable to
26 the city treasurer in thirty days after the assessment and levy. At the
27 time of the next certification to the county clerk for general revenue
28 purposes, such special assessment and levy, so far as not then paid,
29 shall be certified to the county clerk and be put upon the tax list and
30 be collected as other real estate taxes are collected, and paid over to
31 the city treasurer to reimburse the city. Such special taxes shall be a

1 lien on the property upon which assessed and levied from the assessment,
2 and shall bear interest at a rate not to exceed the rate of interest
3 specified in section 45-104.01, as such rate may from time to time be
4 adjusted by the Legislature, from the time due until paid. The
5 proceedings for widening streets shall be the same as ~~herein~~ provided for
6 creating new streets, and shall apply to the widening of streets, alleys,
7 and avenues.

8 Sec. 39. Section 16-609, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-609 The city council of a city of the first class shall have
11 power to open, control, name, rename, extend, widen, narrow, vacate,
12 grade, curb, gutter, park, and pave or otherwise to improve and control
13 and keep in good repair and condition, in any manner it may deem proper,
14 any street, avenue, or alley, or public park or square, or part of
15 either, within the limits of the city or within its extraterritorial
16 zoning jurisdiction, and it may grade partially or to the established
17 grade, or park or otherwise improve any width or part of any such street,
18 avenue, or alley. When the city vacates all or any portion of a street,
19 avenue, or alley, or public park or square, or part of either, the city
20 shall, within thirty days after the effective date of the vacation, file
21 a certified copy of the vacating ordinance with the register of deeds for
22 the county in which the vacated property is located to be indexed against
23 all affected lots.

24 Sec. 40. Section 16-610, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-610 The mayor and city council of a city of the first class shall
27 have the care, supervision, and control of all public highways, bridges,
28 streets, alleys, public squares, and commons, and shall cause the same to
29 be kept open and in repair and free from nuisances.

30 Sec. 41. Section 16-611, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-611 (1) Upon the vacation of any street or alley by a the city of
2 the first class, the title to such property shall vest in the owners of
3 the abutting property and become a part of such property, one-half on
4 each side thereof, unless the city reserves title in the ordinance
5 vacating such street or alley. If title is retained by the city, such
6 property may be sold, conveyed, exchanged, or leased upon such terms and
7 conditions as shall be deemed in the best interests of the city.

8 (2) When a portion of a street or alley is vacated only on one side
9 of the center thereof, the title to such property shall vest in the owner
10 of the abutting property and become part of such property unless the city
11 reserves title in the ordinance vacating a portion of such street or
12 alley. If title is retained by the city, such property may be sold,
13 conveyed, exchanged, or leased upon such terms and conditions as shall be
14 deemed in the best interests of the city.

15 (3) When the city vacates all or any portion of a street or alley,
16 the city shall, within thirty days after the effective date of the
17 vacation, file a certified copy of the vacating ordinance with the
18 register of deeds for the county in which the vacated property is located
19 to be indexed against all affected lots.

20 (4) The title to property vacated pursuant to this section shall be
21 subject to the following:

22 (a) There is reserved to the city the right to maintain, operate,
23 repair, and renew public utilities existing at the time title to the
24 property is vacated there; and

25 (b) There is reserved to the city, any public utilities, and any
26 cable television systems the right to maintain, repair, renew, and
27 operate water mains, gas mains, pole lines, conduits, electrical
28 transmission lines, sound and signal transmission lines, and other
29 similar services and equipment and appurtenances, including lateral
30 connections or branch lines, above, on, or below the surface of the
31 ground that are existing as valid easements at the time title to the

1 property is vacated for the purposes of serving the general public or the
2 abutting properties and to enter upon the premises to accomplish such
3 purposes at any and all reasonable times.

4 Sec. 42. Section 16-614, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-614 The mayor and city council of a city of the first class may
7 provide for regulating and requiring the numbering of houses along public
8 streets or avenues.

9 Sec. 43. Section 16-615, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-615 (1) The mayor and city council of a city of the first class
12 may establish the grade of any street, avenue, or alley in the city or
13 within a county industrial area as defined in section 13-1111 contiguous
14 to such city. When the grade of any street, avenue, or alley has been
15 established, the grade of all or any part shall not be changed unless the
16 city clerk has sent notice of the proposed change in grade to the owners
17 of the lots or land abutting upon the street, avenue, or alley or part of
18 a street, avenue, or alley where such change of grade is to be made. The
19 notice shall be sent to the addresses of the owners as they appear in the
20 office of the register of deeds upon the date of the mailing of the
21 notice. The notice shall be sent by regular United States mail, postage
22 prepaid, postmarked at least twenty-one days before the date upon which
23 the city council takes final action on approval of the ordinance
24 authorizing the change in grade. The notice shall inform the owner of the
25 nature of the proposed change, that final action by the city council is
26 pending, and of the location where additional information on the project
27 may be obtained. Following the adoption of an ordinance changing the
28 grade of all or any part of a street, avenue, or alley, no change in
29 grade shall be made until the damages to property owners which may be
30 caused by such change of grade are determined as provided in sections
31 76-704 to 76-724.

1 (2) For the purpose of paying the damages, if any, so awarded, the
2 mayor and city council may borrow money from any available fund in the
3 amount necessary, which amount, upon the collection of such amount by
4 special assessment, shall be transferred from such special fund to the
5 fund from which it has been borrowed. No street, avenue, or alley shall
6 be worked to such grade or change of grade until the damages so assessed
7 shall be tendered to such property owners or their agents. Before the
8 mayor and city council enter into any contract to grade any such street,
9 avenue, or alley, the damages, if any, sustained by the property owners,
10 shall be ascertained by condemnation proceedings. For the purpose of
11 paying the damages awarded and the costs of the condemnation proceedings,
12 the mayor and city council may levy a special assessment upon the lots
13 and lands abutting upon such street, avenue, or alley, or part thereof,
14 so graded, as adjudged by the mayor and city council to be especially
15 benefited in proportion to such benefits. Such assessment shall be
16 collected as other special assessments.

17 Sec. 44. Section 16-618, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-618 Any improvement district created pursuant to section 16-617
20 shall include only portions of different streets, or portions of alleys,
21 or portions of each, which abut or adjoin so that such district, when
22 created, makes up one continuous or extended street or more, except that
23 the district may include a cul de sac, any street, alley, or portion
24 thereof which is closed at one end or which connects with only one other
25 existing street, alley, or portion thereof. Any improvement district may
26 include portions of different streets, or portions of different alleys,
27 or portions of each, if they abut or connect with each other, or if the
28 several portions abut on pavement or gravel already laid, or any other of
29 improvements already laid.

30 Sec. 45. Section 16-621, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-621 In advertising for bids for paving, repaving, graveling, or
2 macadamizing, the mayor and city council of a city of the first class may
3 provide for bids on different materials and types of construction, and
4 shall in addition provide for asking bids on any material or materials
5 that may be suggested by petition of owners of the record title
6 representing twenty-five percent of the abutting property owners in an
7 improvement district, if such petition is filed with the city clerk
8 before advertisement for bids is ordered. On opening of bids for paving
9 or repaving in any such district, the mayor and city council shall
10 postpone action thereon for a period of not less than ten days. During
11 such period of postponement, the owners of the record title representing
12 a majority of the abutting property owners in a district may file with
13 the city clerk a petition for the use of a particular material for paving
14 for which a bid has been received, in which event a bid on that material
15 shall be accepted and the work shall be done with that material. The
16 regulations as to advertising for bids and opening of bids and postponing
17 of action thereon and the right of selection of materials shall not apply
18 in case of graveling. In case such owners fail to designate the material
19 they desire used in such paving or repaving, or macadamizing, in the
20 manner and within the time provided in this section, the mayor and city
21 council shall determine the material to be used. The mayor and city
22 council may reject all bids and readvertise if, in their judgment, the
23 public interest requires.

24 Sec. 46. Section 16-624, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 16-624 Whenever the owners of lots or lands abutting upon any
27 street, avenue, or alley within a the city of the first class,
28 representing three-fourths of the front footage thereon, so that an
29 improvement district when created will make up one continuous or extended
30 thoroughfare or more, shall petition the mayor and city council to make
31 improvement of such street, avenue, or alley without cost to the city,

1 and to assess the entire cost of any such improvements in any such
2 street, avenue, or alley, including intersections of streets or avenues
3 and spaces opposite alleys, against the private property within such
4 improvement district or districts, it shall be the duty of the mayor and
5 city council to create the proper improvement district or districts,
6 which shall be consecutively numbered, and to improve the same and to
7 proceed in the same manner and form as provided for in other improvement
8 districts. The mayor and city council shall have power to levy the entire
9 cost of such improvements of any such street, avenue, or alley, including
10 intersections of streets or avenues and spaces opposite alleys, against
11 the private property within such district, and to issue Street
12 Improvement Bonds of District No. to pay for such improvements in
13 the same manner and form as provided for in other improvement bonds. Such
14 bonds shall be issued to cover the entire cost of so improving such
15 streets or avenues, intersections of the same, and spaces opposite
16 alleys. If the assessments provided for, or any part thereof, shall fail,
17 or for any reason shall be invalid, the mayor and city council may make
18 other and further assessments upon such lots or lands as may be required
19 to collect from the same the cost of any improvements properly chargeable
20 thereto, as provided in this section. The mayor and city council shall
21 have the discretion to deny the formation of the proposed district when
22 the area to be improved has not previously been improved with a water
23 system, sewer system, and grading of streets. If the mayor and city
24 council should deny a requested improvement district formation, they
25 shall state their grounds for such denial in a written letter to
26 interested parties.

27 Sec. 47. Section 16-626, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 16-626 In a city of the first class, for ~~For~~ all improvements of
30 the intersections and areas formed by the crossing of streets, avenues,
31 or alleys, and one-half of the streets adjacent to real estate owned by

1 the United States, the State of Nebraska, or the city, the assessment
2 shall be made upon all the taxable property of the city, and for the
3 payment of such improvements, the mayor and city council are hereby
4 authorized to issue improvement bonds of the city in such denominations
5 as they deem proper, to be called Intersection Improvement Bonds, payable
6 in not to exceed twenty years from date of the bonds and to bear interest
7 payable annually or semiannually. Such bonds shall not be issued in
8 excess of the cost of such improvements. For the purpose of making
9 partial payments as the work progresses in making the improvements of
10 streets, avenues, alleys, or intersections and areas formed by the
11 crossing of streets, avenues, or alleys, or one-half of the streets
12 adjacent to real estate owned by the United States, the State of
13 Nebraska, or the city, warrants may be issued by the mayor and city
14 council upon certificates of the engineer in charge showing the amount of
15 the work completed and materials necessarily purchased and delivered for
16 the orderly and proper continuation of the project, in a sum not
17 exceeding ninety-five percent of the cost thereof, and upon completion
18 and acceptance of the work issue a final warrant for the balance of the
19 amount due the contractor, which warrants shall be redeemed and paid upon
20 the sale of bonds authorized by law. The city shall pay to the contractor
21 interest at the rate of eight percent per annum on the amounts due on
22 partial and final payments beginning forty-five days after the
23 certification of the amounts due by the engineer in charge and approval
24 by the city council, and running until the date that the warrant is
25 tendered to the contractor. Nothing in this section shall be construed as
26 authorizing the mayor and city council to make improvements of any
27 intersections or areas formed by the crossing of streets, avenues, or
28 alleys, unless in connection with one or more blocks of any of aforesaid
29 kinds or forms of street improvement of which the improvement of such
30 intersection or areas shall form a part.

31 Sec. 48. Section 16-627, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 16-627 The cost and expense of improving, constructing, or repairing
3 streets, avenues, alleys, and sidewalks, at their intersections as
4 provided in section 16-626, may be included in the special tax levied for
5 the construction or improvement of any one street, avenue, alley, or
6 sidewalk, as may be deemed best by the city council.

7 Sec. 49. Section 16-629, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-629 In a city of the first class, curbing ~~Curbing~~ and guttering
10 shall not be required or ordered to be laid on any street, avenue, or
11 alley not ordered to be paved, repaved, graveled, or macadamized, except
12 on a petition of the owners of two-thirds of the front footage of
13 property abutting along the line of that portion of the street, avenue,
14 or alley which is to be curbed or guttered.

15 When such petition is presented, a curbing and guttering district
16 shall be formed, which district shall be governed by the provisions of
17 section 16-630. Any bonds issued on account of such district shall be
18 known as Bonds of Curbing and Guttering District No.

19 Sec. 50. Section 16-630, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 16-630 If curbing, or curbing and guttering, is done upon any
22 street, avenue, or alley in any improvement district in a city of the
23 first class in which paving or other such improvement has been ordered,
24 and the mayor and city council shall deem it expedient to do so, the
25 mayor and city council may, for the purpose of paying the cost of such
26 curbing, or curbing and guttering, cause to be issued bonds of the city,
27 to be called Curbing and Guttering Bonds of Improvement District
28 No., payable in not exceeding ten years from date, bearing
29 interest, payable annually or semiannually, with interest coupons
30 attached. In all cases the mayor and city council shall assess at one
31 time as a special assessment the total cost of such curbing, or curbing

1 and guttering, upon the property abutting or adjacent to the portion of
2 the street, avenue, or alley so improved, according to the special
3 benefits. Such special assessments shall become delinquent the same as
4 the special assessments for paving, repaving, graveling, or macadamizing
5 purposes, draw the same rate of interest, be subject to the same
6 penalties, and may be paid in the same manner, as special assessments for
7 such purpose. The special assessment shall constitute a sinking fund for
8 the payment of such bonds and interest, and the bonds shall not be sold
9 for less than their par value.

10 Sec. 51. Section 16-631, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-631 If an improvement district has been established in a city of
13 the first class, an improvement thereon constructed, and curbing, or
14 curbing and guttering, is therewith constructed and it becomes necessary
15 to issue and sell street improvement bonds to pay for the cost of
16 construction of the improvement and the curbing, or curbing and
17 guttering, the mayor and city council may, at their discretion, include
18 the cost of curbing, or curbing and guttering, with the cost of other
19 improvements in the improvement district, and issue bonds for the
20 combined cost of the improvement and curbing, or curbing and guttering,
21 in any of the districts, naming the bonds Street Improvement Bonds of
22 District No. The amount of money necessary for the payment of
23 such bonds shall be levied upon and collected from abutting and adjacent
24 property and property specially benefited as a special assessment.

25 Sec. 52. Section 16-632, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 16-632 In order to defray the costs and expenses of improvements in
28 any improvement district in a city of the first class, the mayor and city
29 council shall have power and authority to levy and collect special taxes
30 and assessments upon the lots and pieces of ground adjacent to or
31 abutting upon the street, avenue, alley, or sidewalk, thus in whole or in

1 part improved or repaired or which may be specially benefited by such
2 improvements. The provisions in this section shall not apply to ordinary
3 repairs of streets or alleys, and the cost of such repairs shall be paid
4 out of the road fund. The mayor and city council are authorized to draw
5 warrants against such fund not to exceed eighty-five percent of the
6 amount levied as soon as levy shall be made by the county board.

7 Sec. 53. Section 16-637, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 16-637 Any party feeling aggrieved by any special tax or assessment,
10 or proceeding for improvements in a city of the first class, may pay such
11 special taxes assessed and levied upon his, her, or its property, or such
12 installments thereof as may be due at any time before the special tax or
13 assessment shall become delinquent, under protest, and with notice in
14 writing to the city treasurer that he, she, or it intends to sue to
15 recover the special tax or assessment, which notice shall particularly
16 state the alleged grievance and the ground for the grievance. Such party
17 shall have the right to bring a civil action within sixty days to recover
18 so much of the special tax or assessment paid as he, she, or it shows to
19 be illegal, inequitable, and unjust, the costs to follow the judgment or
20 to be apportioned by the court, as may seem proper, which remedy shall be
21 exclusive. The city treasurer shall promptly report all such notices to
22 the city council for such action as may be proper. No court shall
23 entertain any complaint that the party was authorized to make and did not
24 make to the city council, sitting as a board of equalization, nor any
25 complaint not specified in such notice fully enough to advise the city of
26 the exact nature thereof, nor any complaint that does not go to the
27 groundwork, equity, and justness of such tax. The burden of proof to show
28 such tax or part thereof invalid, inequitable, and unjust shall rest upon
29 the party who brings the suit.

30 Sec. 54. Section 16-645, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-645 In a city of the first class, all cases of damages arising
2 from the creation or widening of new streets, avenues, or alleys, from
3 the appropriation of property for sewers, parks, parkways, public
4 squares, public heating plants, power plants, gas works, electric light
5 plants, waterworks, or market places, and from change of grade in
6 streets, avenues, or alleys, the damages sustained shall be ascertained
7 and determined as provided in sections 76-704 to 76-724, except as to
8 property specifically excluded by section 76-703 and as to which sections
9 19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is
10 applicable.

11 Sec. 55. Section 16-646, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-646 In every case of the levy of special taxes by a city of the
14 first class, the special taxes shall be a lien on the property on which
15 levied from date of levy and shall be due and payable to the city
16 treasurer thirty days after such levy when not otherwise provided. At the
17 time of the next certification for general revenue purposes to the county
18 clerk, if not previously paid, the special taxes, except paving,
19 repaving, graveling, macadamizing, and curbing or curbing and guttering
20 shall be certified to the county clerk, placed upon the tax list,
21 collected as other real estate taxes are collected, and paid over to the
22 city treasurer. Paving, repaving, graveling, macadamizing, and curbing,
23 or curbing and guttering taxes may be so certified and collected by the
24 county treasurer at the option of such city.

25 Sec. 56. Section 16-647, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 16-647 In every case of the levy of special taxes by a city of the
28 first class, it ~~It~~ shall be sufficient in any case to describe the lot or
29 piece of ground as it is platted and recorded although the lot or piece
30 of ground belongs to several persons. If any lot or piece of ground
31 belongs to different persons, the owner of any part thereof may pay his

1 or her portion of the tax on such lot or piece of ground, and his or her
2 proper share may be determined by the city treasurer.

3 Sec. 57. Section 16-648, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-648 All money received from special assessments by a city of the
6 first class may be applied to pay for the improvement for which assessed,
7 or applied to reimburse the fund of the city from which the cost of the
8 improvement may have been made.

9 Sec. 58. Section 16-649, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-649 All improvements of any streets, avenues, or alleys in a the
12 city of the first class for which, or any part thereof, a special tax
13 shall be levied, shall be done by contract with the lowest responsible
14 bidder to be determined by the city council.

15 Sec. 59. Section 16-650, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-650 When any improvement in a city of the first class is
18 completed according to contract, it shall be the duty of the city
19 engineer to carefully inspect the improvement and if the improvement is
20 found to be properly done, such engineer shall accept the improvement and
21 report his or her acceptance to the board of public works or mayor, who
22 shall report the same to the city council with recommendation that the
23 same be approved or disapproved. The city council may confirm or reject
24 such acceptance. When the ordinance levying the tax makes the same due as
25 the improvement is completed in front of or along any block or piece of
26 ground, the city engineer may accept the same in sections from time to
27 time, if found to be done according to the contract, reporting his or her
28 acceptance as in other cases.

29 Sec. 60. Section 16-651, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 16-651 Whenever the owners of lots and lands abutting upon any

1 street or alley, or part thereof, within a the city of the first class,
2 representing two-thirds of the feet front abutting upon such part of
3 street or alley desired to be graded, shall petition the city council to
4 grade such street or alley, or part thereof, without cost to the city,
5 the mayor and city council shall order the grading done and assess the
6 costs thereof against the property abutting upon such street or alley or
7 such part thereof so graded. For this purpose the mayor and city council
8 shall create suitable grading districts, which shall be consecutively
9 numbered.

10 Sec. 61. Section 16-652, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-652 The cost of grading the streets and alleys within a any
13 grading district in a city of the first class shall be assessed upon the
14 lots and lands specially benefited thereby in such district in proportion
15 to such benefits, to be determined by the mayor and city council under
16 section 16-615, as a special assessment. The special assessment for
17 grading purposes shall be levied at one time and shall become delinquent
18 as follows: One-fifth of the total amount shall become delinquent in
19 fifty days after such levy; one-fifth in one year; one-fifth in two
20 years; one-fifth in three years; and one-fifth in four years. Each of the
21 installments, except the first, shall draw interest at a rate not to
22 exceed the rate of interest specified in section 45-104.01, as such rate
23 may from time to time be adjusted by the Legislature, from the time of
24 the levy until the installment becomes delinquent. If the installment
25 becomes delinquent, interest at the rate specified in section 45-104.01,
26 as such rate may from time to time be adjusted by the Legislature, shall
27 be paid thereon, as in the case of other special assessments. The cost of
28 grading the intersections of streets and spaces opposite alleys in any
29 such district shall be paid by the city out of the general fund of such
30 city.

31 Sec. 62. Section 16-653, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 16-653 For the purpose of paying the costs of grading the streets
3 and alleys in a grading district in a city of the first class, exclusive
4 of the intersection of streets and spaces opposite alleys therein, the
5 mayor and city council shall have power, and may, by ordinance, cause to
6 be issued bonds of the city, to be called District Grading Bonds of
7 District No., payable in not exceeding five years from date and to
8 bear interest, payable annually or semiannually, with interest coupons
9 attached, and that as nearly as possible an equal amount of the bonds
10 shall be made to mature each year, and in such case shall also provide
11 that such special taxes and assessments shall constitute a sinking fund
12 for the payment of such bonds and interest. The entire cost of grading
13 any such street or alley properly chargeable to any lots or lands within
14 any such grading district, according to feet front thereof, may be paid
15 by the owner of such lots or lands within fifty days from the levy of
16 such special taxes or assessments. Upon payment, such lot or land shall
17 be exempt from any lien or charge therefor.

18 Sec. 63. Section 16-654, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 16-654 Whenever the owner of lots and lands abutting upon any street
21 or avenue, alley, or lane, or part thereof in a city of the first class,
22 representing three-fourths of the feet front abutting upon any such
23 street, avenue, alley, or lane, or part thereof, shall petition the mayor
24 and city council to grade the street, avenue, alley, or lane, including
25 the intersections of streets, avenues, or lanes and spaces opposite
26 alleys and lanes, without cost to the city, and to assess the entire cost
27 of grading such street, avenue, alley, or lane or part thereof, including
28 the intersections of streets, avenues, or lanes and spaces opposite
29 alleys or lanes, against the lots and lands abutting upon such street,
30 avenue, alley, or lane, or part thereof, so graded, thereupon the mayor
31 and city council shall create grading districts, make assessments, issue

1 bonds, and proceed in the same manner as in cases of grading provided in
2 sections 16-651 and 16-653. Bonds shall be issued to cover the entire
3 cost of grading both the streets, avenues, or alleys, and the
4 intersections of streets or avenues and spaces opposite alleys.

5 Sec. 64. Section 16-661, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-661 The mayor and city council of a city of the first class may
8 construct and repair, or cause and compel the construction and repair, of
9 sidewalks in such city of such material and in such manner as they may
10 deem necessary.

11 Sec. 65. Section 16-662, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-662 In case the owner or owners of any lot, lots, or lands
14 abutting on any street or avenue, or part thereof in a city of the first
15 class, shall fail to construct or repair any sidewalk in front of his,
16 her, or their lot, lots, or lands within the time and in the manner as
17 directed and requested by the mayor and city council, after having
18 received due notice to do so, they shall be liable for all damages or
19 injury occasioned by reason of the defective or dangerous condition of
20 any sidewalk, and the mayor and city council shall have power to cause
21 such sidewalk to be constructed or repaired and assess the cost thereof
22 against such property.

23 Sec. 66. Section 16-663, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-663 The mayor and city council of a city of the first class shall
26 have power to provide for keeping the sidewalks clean and free from
27 obstructions and accumulations of snow, ice, mud, and slush, and may
28 provide for the assessment and collection of taxes on real estate and for
29 the sale and conveyance thereof to pay expenses of keeping the sidewalks
30 adjacent to such real estate clean and free from obstructions and
31 accumulations of snow, ice, mud, and slush, and the mayor and city

1 council shall also have power to provide that the violation of the
2 ordinance relative thereto shall give rise to a cause of action for
3 damages in favor of any person who is injured by the failure or neglect
4 of the owner and occupant of the real estate to comply with the ordinance
5 in question.

6 Sec. 67. Section 16-664, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 16-664 The mayor and city council of a city of the first class may
9 provide for the laying of permanent sidewalks. Upon the petition of any
10 property owner who desires to build such a permanent sidewalk, the mayor
11 and city council may order the sidewalk to be built, the cost of the
12 sidewalk until paid shall be a perpetual lien upon the real estate along
13 which the property owner desires such sidewalk to be constructed, and the
14 city council may assess and levy the costs of the sidewalk against such
15 real estate as a special assessment. The total cost of the building of
16 the permanent sidewalk shall be levied at one time upon the property
17 along which such permanent sidewalk is to be built, and become delinquent
18 as follows: One-seventh of the total cost shall become delinquent in ten
19 days after such levy; one-seventh in one year; one-seventh in two years;
20 one-seventh in three years; one-seventh in four years; one-seventh in
21 five years; and one-seventh in six years. Each of such installments,
22 except the first, shall draw interest at a rate of not exceeding the rate
23 of interest specified in section 45-104.01, as such rate may from time to
24 time be adjusted by the Legislature, from the time of the levy, until the
25 installment becomes delinquent. If the installment becomes delinquent,
26 interest at the rate specified in section 45-104.01, as such rate may
27 from time to time be adjusted by the Legislature, shall be paid thereon
28 as in the case of other special assessments. The city council shall pay
29 for the building of such permanent sidewalk out of the general fund. The
30 mayor and city council may pass an ordinance to carry into effect this
31 section.

1 Sec. 68. Section 16-665, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-665 The mayor and city council of a city of the first class may
4 provide for the laying of permanent sidewalks and of temporary plank
5 sidewalks upon the natural surface of the ground without regard to the
6 grade, on streets not permanently improved, and provide for the
7 assessment of the cost therein on the property in front of which such
8 sidewalks shall be laid.

9 Sec. 69. Section 16-671.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-671.01 For the purpose of making partial payments as the work
12 progresses, warrants may be issued by the mayor and city council of a
13 city of the first class upon certificates of the engineer in charge
14 showing the amount of work completed and materials necessarily purchased
15 and delivered for the orderly and proper continuation of the project in a
16 total amount not to exceed ninety-five percent of the cost thereof and
17 upon the completion and acceptance of the work issue a final warrant for
18 the balance of the amount due the contractor. The city shall pay to the
19 contractor interest at the rate of eight percent per annum on the amounts
20 due on partial and final payments beginning forty-five days after the
21 certification of the amounts due by the engineer in charge and approval
22 of the governing body, and running until the date that the warrant is
23 tendered to the contractor. The warrants shall be redeemed and paid out
24 of the proceeds received from the special assessments levied under the
25 provisions of section 16-669, or out of the proceeds of the bonds or
26 warrants issued under the provisions of sections 16-670 and 16-671. The
27 warrants shall draw such interest as shall be provided in the warrants
28 from the date of registration until paid.

29 Sec. 70. Section 16-672, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 16-672 Special assessments may be levied by the mayor and city

1 council of a city of the first class for the purpose of paying the cost
2 of constructing sewers, drainage, or water systems or mains within the
3 city. Such assessment shall be levied on the real estate lying and being
4 within the sewerage, drainage, or water service district in which such
5 improvements may be situated to the extent of benefits to such property
6 by reason of such improvement. The benefits to such property shall be
7 determined by the city council sitting as a board of equalization, after
8 notice to property owners is provided as in other cases of special
9 assessment. If the city council, sitting as such board of equalization,
10 shall find such benefits to be equal and uniform, such levy may be
11 according to the front foot of the lots or real estate within such
12 sewerage district, according to such other rule as the city council
13 sitting as such board of equalization may adopt for the distribution or
14 adjustment of such cost upon the lots or real estate in such district
15 benefited by such improvement. All assessments made for sewerage,
16 drainage, or water purposes shall be collected as special assessments and
17 shall be subject to the same penalty as other special assessments. If
18 sewers, drainage, or water systems or mains are constructed and any
19 assessments to cover the costs thereof shall be declared void, or doubts
20 exist as to the validity of such assessment, the mayor and city council,
21 for the purpose of paying the cost of such improvement, may make a
22 reassessment of such costs on lots and real estate lying and being within
23 the district in which such improvements may be situated, to the extent of
24 the benefits to such property by reason of such improvements. Such
25 reassessment shall be made substantially in the manner provided for
26 making original special assessments as provided in this section. Any sums
27 which may have been paid toward such improvement upon any lots or real
28 estate included in such assessment shall be applied under the direction
29 of the city council to the credit of the persons and property on account
30 of which the sums were paid. If the credits exceed the sum reassessed
31 against such persons and property, the city council shall cause such

1 excess, with lawful interest, to be refunded to the party who made
2 payment thereof. The sums so reassessed and not paid under a prior
3 special assessment shall be collected and enforced in the same manner and
4 be subject to the same penalty as other special assessments.

5 Sec. 71. Section 16-672.07, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-672.07 The hearing on the proposed assessments as provided in
8 section 16-672.06 shall be held by the mayor and city council sitting as
9 a board of adjustment and equalization, at the time and place specified
10 in such notice which shall not be less than twenty days nor more than
11 thirty days after the date of the first publication, unless adjourned.
12 Such session may be adjourned, with provisions for proper notice of such
13 adjournment. At such meeting, the proposed assessment shall be adjusted
14 and equalized with reference to benefits resulting from the improvement
15 and shall not exceed such benefits. If any special assessment is payable
16 in installments, each installment shall draw interest payable annually or
17 semiannually from the date of levy until due. Any delinquent installments
18 shall draw interest at the rate specified in section 45-104.01, as such
19 rate may from time to time be adjusted by the Legislature, from the date
20 of delinquency until paid.

21 Sec. 72. Section 16-674, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-674 The mayor and city council of a city of the first class shall
24 have power to purchase or provide for, establish, construct, extend,
25 enlarge, maintain, operate, and regulate for the city any such
26 waterworks, gas works, power plant, including an electrical distribution
27 facility, electric or other light works, or heating plant, or to condemn
28 and appropriate, for the use of the city, waterworks, gas works, power
29 plant, including an electrical distribution facility, electric or other
30 light works, or heating plant. The procedure to condemn property shall be
31 exercised in the manner set forth in sections 76-704 to 76-724, except as

1 to property specifically excluded by section 76-703 and as to which
2 sections 19-701 to 19-707 or the Municipal Natural Gas System
3 Condemnation Act is applicable. For purposes of this section, an
4 electrical distribution facility shall be located within the retail
5 service area of such city as approved by and on file with the Nebraska
6 Power Review Board, pursuant to Chapter 70, article 10.

7 Sec. 73. Section 16-675, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-675 The mayor and city council of a city of the first class may
10 levy a tax, not exceeding seven cents on each one hundred dollars upon
11 the taxable value of all the taxable property in such city, for the
12 purpose of paying the cost of lighting the streets, lanes, alleys, and
13 other public places or property of the city, for the purpose of
14 furnishing water, heat, or power for the city, or for the purpose of
15 buying, establishing, extending, or maintaining such waterworks, gas,
16 electric, or other light works, or heating or power plant, not exceeding
17 three and five-tenths cents on each one hundred dollars upon the taxable
18 value of all the taxable property in such city for any one of the
19 respective purposes.

20 Sec. 74. Section 16-679, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-679 The mayor and city council of a city of the first class shall
23 have power (1) to require every individual or private corporation
24 operating such works or plants, subject to reasonable rules and
25 regulations, to furnish any person applying therefor, along the line of
26 its pipes, mains, wires, or other conduits, with gas, water, power,
27 light, or heat, and to supply such city with water for fire protection,
28 and with gas, water, power, light, or heat, for other necessary public or
29 private purposes, (2) to regulate and fix the rents or rates of water,
30 power, gas, electric light, or heat, and (3) to regulate and fix the
31 charges for water meters, power meters, gas meters, electric light, or

1 heat meters, or other device or means necessary for determining the
2 consumption of water, power, gas, electric light, or heat. These powers
3 shall not be abridged by ordinance, resolution, or contract.

4 Sec. 75. Section 16-680, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-680 The mayor and city council of a city of the first class shall
7 have power to borrow money and pledge the property and credit of the city
8 upon its negotiable bonds or otherwise in an amount not exceeding in the
9 aggregate four hundred thousand dollars for the purpose of constructing
10 or aiding in the construction of a system of sewerage. The city may
11 borrow money and pledge the property and credit of the city upon its
12 negotiable bonds or otherwise in any amount, not exceeding in the
13 aggregate seven hundred fifty thousand dollars, for the purpose of
14 constructing culverts and drains for the purpose of deepening, widening,
15 straightening, walling, filling, covering, altering, or changing the
16 channel of any watercourse or any natural or artificial surface waterway
17 or any creek, branch, ravine, ditch, draw, basin, or part thereof flowing
18 or extending through or being within the limits of the city and for the
19 purpose of constructing artificial channels or covered drains sufficient
20 to carry the water theretofore flowing in such watercourse and divert it
21 from the natural channel and conduct the water through such artificial
22 channel or covered drain and fill the old channel. The city may borrow
23 money and pledge the property and credit of the city upon its negotiable
24 bonds or otherwise in an amount not exceeding in the aggregate two
25 hundred fifty thousand dollars for the purpose of constructing,
26 maintaining, and operating a system of waterworks for the city. No such
27 bonds shall be issued by the city council until the question of issuing
28 the bonds has been submitted to the electors of the city at an election
29 called and held for that purpose, notice of which shall be given by
30 publication in a legal newspaper in or of general circulation in the city
31 at least thirty days before the date of the election, and a majority of

1 the electors voting upon the proposition have voted in favor of issuing
2 such bonds. When any such bonds have been issued by the city, the city
3 may levy annually upon all taxable property of the city such tax as may
4 be necessary for a sinking fund for the payment of the accruing interest
5 upon the bonds and the principal thereof at maturity. The city may
6 provide for the office of sewer commissioner or water commissioner and
7 prescribe the duties and powers of such offices.

8 Sec. 76. Section 16-691, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-691 The mayor and city council of a city of the first class may
11 by ordinance confer upon the board of public works the active direction
12 and supervision of the city's system of waterworks, power plant, or
13 sewerage, heating, or lighting plant and the erection and construction of
14 such system or plant. The board may provide that such duties be performed
15 by such employee or employees as it may direct. The city council shall
16 approve the budget of each proprietary function as provided in the
17 Municipal Proprietary Function Act. The board shall make reports to the
18 mayor and city council as often as the mayor and city council may
19 require. In like manner the mayor and city council may confer upon such
20 board the active direction and supervision of the system of streets and
21 alleys.

22 The mayor and city council may, by ordinance, authorize and empower
23 the board of public works to employ necessary laborers and clerks, to
24 purchase material for the operation and maintenance of the systems, and
25 to draw its orders on the several funds in the hands of the city
26 treasurer to the credit of the various systems in payment of salaries,
27 labor, and material. The mayor and city council shall establish the
28 dollar amount for all extensions and projects above which the board of
29 public works must obtain the approval of the mayor and city council
30 before expending funds. The mayor and city council may, by ordinance,
31 authorize and empower the board of public works to cooperate and

1 participate in a plan of insurance designed and intended for the benefit
2 of the employees of any public utility operated by the city. For that
3 purpose the board of public works may make contributions to pay premiums
4 or dues under such plan, authorize deductions from salaries of employees,
5 and take such other steps as may be necessary to effectuate such plan of
6 insurance. All orders for the disbursement of funds shall be signed by
7 the chairperson and secretary of the board or by any two members of the
8 board who have previously been designated for that purpose by a
9 resolution duly adopted by such board and shall be paid by the city
10 treasurer, except that payroll checks only may be signed by any one
11 member of the board who has previously been designated for that purpose
12 by a resolution duly adopted by the board. Facsimile signatures of board
13 members may be used to sign such orders and checks.

14 Sec. 77. Section 16-691.01, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-691.01 Any surplus funds remaining in the hands of the city
17 treasurer of a city of the first class, to the credit of such various
18 funds, may be invested by the board of public works, with the approval of
19 the mayor and city council, in accordance with the provisions of sections
20 16-712, 16-713, and 16-715, in interest-bearing securities of the State
21 of Nebraska or any political subdivision thereof, in certificates of
22 deposit of banks which are members of the Federal Deposit Insurance
23 Corporation, or in interest-bearing securities of the United States upon
24 an order for that purpose drawn by the board of public works upon the
25 city treasurer. Such securities may be purchased, sold, or hypothecated
26 by the board of public works with the approval of the mayor and city
27 council, at their fair market value, and the interest earned by such
28 securities shall be credited to the account of the utility from which the
29 funds paid for the securities were originally drawn. In cities which have
30 not conferred upon any board of public works the active direction and
31 supervision of the city's system of waterworks, power plant, sewerage,

1 and heating or lighting plant, the powers and duties conferred upon the
2 board of public works as to the purchase, sale, and hypothecation of such
3 securities shall be exercised by the city treasurer. Securities so
4 purchased shall be held by the city treasurer who shall provide adequate
5 bond for their safekeeping. When sold, the treasurer shall deliver such
6 securities to the purchaser and collect the sale price.

7 Sec. 78. Section 16-692, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 16-692 No member of the city council or the mayor of a city of the
10 first class shall be eligible to the office of water commissioner during
11 the term for which he or she shall be elected.

12 Sec. 79. Section 16-693, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-693 When any bonds shall have been issued by a the city of the
15 first class for the purpose of constructing or aiding in the construction
16 of a system of waterworks, power plant, sewerage, heating, lighting, or
17 drainage, there shall thereafter be levied annually upon all taxable
18 property of such city a tax not exceeding seven cents on each one hundred
19 dollars for every twenty thousand dollars of bonds so issued, which shall
20 be known as the waterworks tax, power tax, sewerage tax, heat tax, light
21 tax, or drainage tax, as the case may be, and shall be payable only in
22 money. The proceeds of such tax, together with all income received by the
23 city from the payment and collection of water, power, heat, or light,
24 rent, taxes, and rates of assessments, shall first be applied to the
25 payment of the current expenses of waterworks, power plant, heating, or
26 lighting, to improvements, extensions, and additions thereto, and
27 interest on money borrowed and bonds issued for their construction. The
28 surplus, if any, shall be retained for a sinking fund for the payment of
29 such loan or bonds at maturity.

30 Sec. 80. Section 16-697, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-697 (1) For the purpose of (a) providing funds for amusements and
2 recreation, (b) providing funds for laying out, purchasing, improving,
3 and beautifying parks and public grounds, and (c) providing for the
4 payment of the salaries and wages of employees of the board of park
5 commissioners or the board of park and recreation commissioners, the
6 mayor and city council of a city of the first class shall, each year at
7 the time of making the levy for general city purposes, make a levy upon
8 the taxable value of all the taxable property in such city. Such levy
9 shall be collected and paid into the city treasury and shall constitute
10 the park fund or park and recreation fund as the case may be.

11 (2) All accounts against the park fund or park and recreation fund
12 of such city, provided for by subsection (1) of this section, for
13 salaries and wages of the employees and all other expenses of such parks
14 or recreational facilities shall be audited and allowed by the park or
15 park and recreation commissioners. All warrants thereon shall be drawn
16 only by the chairperson of the commissioners. Warrants so drawn shall be
17 paid by the city treasurer out of such fund.

18 (3) The park or park and recreation commissioners of such city, as
19 the case may be, shall enter into any contracts of any nature involving
20 an expenditure in accordance with the policies of the city council.

21 (4) The chairperson of the board of park or park and recreation
22 commissioners shall, on January 1 and July 1 of each year, file with the
23 city clerk an itemized statement of all the expenditures of the board.

24 Sec. 81. Section 16-699, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 16-699 No charge or assessment of any kind shall be made or levied
27 on any vehicle or on the owner of any vehicle bringing produce or
28 provisions to any market place in a the city of the first class, or
29 standing in or occupying a place in any of the market places of the city,
30 or in the street contiguous to such market places on market days. The
31 mayor and city council shall have full power to prescribe the kind and

1 description of articles which may be sold and the stand or place to be
2 occupied by the vendors and may authorize the immediate seizure and
3 arrest and removal from the markets of any person violating the
4 regulations as established by ordinance, together with any article of
5 produce in his or her possession, and the immediate seizure and
6 destruction of tainted or unsound meat, provisions, or other articles of
7 food.

8 Sec. 82. Section 16-6,100, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-6,100 The mayor and city council of a city of the first class
11 shall have the power to borrow money and pledge the property and credit
12 of the city upon its negotiable bonds or otherwise for the purpose of
13 acquiring, by purchasing or constructing, including site acquisition, or
14 aiding in the acquiring of a city hall, jail, auditorium, buildings for
15 the fire department, and other public buildings, including the
16 acquisition of buildings authorized to be acquired by Chapter 72, article
17 14, and including acquisition of buildings to be leased in whole or in
18 part by the city to any other political or governmental subdivision of
19 the State of Nebraska authorized by law to lease such buildings. No such
20 bonds shall be issued until after the same have been authorized by a
21 majority vote of the electors of the city voting on the proposition of
22 their issuance at an election called for the submission of such
23 proposition and of which election notice of the time and place thereof
24 shall have been given by publication in a legal newspaper in or of
25 general circulation in the city three successive weeks prior thereto. If
26 the building to be acquired is to be used by the State of Nebraska or its
27 agency or agencies under a lease authorized by Chapter 72, article 14, or
28 the building is to be leased by any other political or governmental
29 subdivision of the State of Nebraska or other governmental agencies and
30 if the combined area of the building to be leased by the state or its
31 agency or agencies and the political or governmental subdivision of the

1 State of Nebraska is more than fifty percent of the area of the building
2 and if the cost of acquisition does not exceed two million dollars, no
3 such vote of the electors will be required.

4 Sec. 83. Section 16-702, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-702 (1) Subject to the limits in section 77-3442, the mayor and
7 city council of a city of the first class shall have power to levy and
8 collect taxes for all municipal purposes on the taxable property within
9 the corporate limits of the city. All city taxes, except special
10 assessments otherwise provided for, shall become due on the first day of
11 December of each year.

12 (2) At the time provided for by law, the city council shall cause to
13 be certified to the county clerk the amount of tax to be levied for
14 purposes of the adopted budget statement on the taxable property within
15 the city for the year then ensuing, as shown by the assessment roll for
16 such year, including all special assessments and taxes assessed as
17 provided by law. The county clerk shall place the same on the proper tax
18 list to be collected in the manner provided by law for the collection of
19 county taxes in the county where such city is situated.

20 (3) In all sales for delinquent taxes for municipal purposes, if
21 there are other delinquent taxes due from the same person or lien on the
22 same property, the sales shall be for all the delinquent taxes. Such
23 sales and all sales made under and by virtue of this section or the
24 provisions of law referred to in this section shall be of the same
25 validity and, in all respects, shall be deemed and treated as though such
26 sale had been made for the delinquent county taxes exclusively.

27 (4) The maximum amount of tax which may be certified, assessed, and
28 collected for purposes of the adopted budget statement shall not require
29 a tax levy in excess of eighty-seven and five-tenths cents on each one
30 hundred dollars upon the taxable value of the taxable property within
31 such city. Any special assessments, special taxes, amounts assessed as

1 taxes, and such sums as may be authorized by law to be levied for the
2 payment of outstanding bonds and debts may be made by the city council in
3 addition to the levy of eighty-seven and five-tenths cents on each one
4 hundred dollars upon the taxable value of the taxable property within
5 such city. The city council may certify a further amount of tax to be
6 levied which shall not require a tax levy in excess of seven cents on
7 each one hundred dollars upon the taxable value of the taxable property
8 within such city for the purpose of establishing the sinking fund or
9 sinking funds authorized by sections 19-1301 to 19-1304, and in addition
10 thereto, when required by section 18-501, a further levy of ten and five-
11 tenths cents on each one hundred dollars upon the taxable value of the
12 taxable property within such city may be imposed.

13 (5) Nothing in this section shall be construed to authorize an
14 increase in the amounts of levies for any specific municipal purpose or
15 purposes elsewhere limited by law, whether limited in specific sums or by
16 tax levies.

17 Sec. 84. Section 16-706, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-706 The mayor and city council of a city of the first class shall
20 not have power to appropriate, issue, or draw any order or warrant on the
21 city treasurer for money, unless the order or warrant has been
22 appropriated or ordered by ordinance or the claim for the payment of
23 which such order or warrant is issued has been allowed according to
24 sections 16-726 to 16-729, and a fund has been provided in the adopted
25 budget statement out of which such claim is payable. Any transfer or
26 diversion of the money or credits from any of the funds to another fund
27 or to a purpose other and different from that for which proposed, except
28 as provided in section 16-721, shall render any city council member
29 voting therefor or any officer of the city participating therein guilty
30 of a misdemeanor, and any person shall, upon conviction thereof, be fined
31 twenty-five dollars for each offense, together with costs of prosecution.

1 Should any judgment be obtained against the city, the mayor and finance
2 committee, with the sanction of the city council, may borrow a sufficient
3 amount to pay the judgments, for a period of time not to extend beyond
4 the close of the next fiscal year, which sum and interest thereon shall,
5 in like manner, be added to the amount authorized to be raised in the
6 general tax levy of the next year and embraced therein.

7 Sec. 85. Section 16-707, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 16-707 The mayor and city council of a city of the first class shall
10 meet as a board of equalization each year at such times as they shall
11 determine to be necessary, giving notice of any such sitting at least ten
12 days prior thereto by publication in a legal newspaper in or of general
13 circulation in the city. When so assembled they shall have power to
14 equalize all special assessments, not ~~herein~~ otherwise provided for, and
15 to supply any omissions in the assessments and at such meeting the
16 assessments shall be finally levied by them. A majority of all the
17 members elected to the city council shall constitute a quorum for the
18 transaction of any business properly brought before them, but a less
19 number may adjourn from time to time and compel the attendance of absent
20 members. When sitting as a board of equalization on special taxes, the
21 city council may adopt such reasonable rules as to the manner of
22 presenting complaints and applying for remedies and relief as shall seem
23 just. It shall not invalidate or prejudice the proceedings of the board
24 that a majority of the members thereof do not, after organization by a
25 majority, continue present during the advertised hours of sitting so long
26 as the city clerk or some member of the board shall be present to receive
27 complaints and applications and give information. No final action shall
28 be taken by the board except by a majority of all the members elected to
29 the city council comprising the same, and in open session. All the
30 special taxes ~~herein~~ authorized shall be levied and assessed on all lots,
31 parts of lots, lands, and real estate to the extent of the special

1 benefit to such lots, parts of lots, lands, and real estate, by reason of
2 such improvement, such benefits to be determined by the city council
3 sitting as a board of equalization, or as otherwise ~~herein~~ provided,
4 after publication and notice to property owners herein provided. In cases
5 where the city council sitting as a board of equalization shall find such
6 benefits to be equal and uniform, such assessments may be according to
7 the feet frontage and may be prorated and scaled back from the line of
8 such improvement according to such rules as the board of equalization may
9 consider fair and equitable and all such assessments and findings of
10 benefits shall not be subject to review in any equitable or legal action
11 except for fraud, injustice, or mistake.

12 Sec. 86. Section 16-712, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-712 The city treasurer of a city of the first class shall
15 deposit, and at all times keep on deposit, for safekeeping, in banks,
16 capital stock financial institutions, or qualifying mutual financial
17 institutions of approved and responsible standing, all money collected,
18 received, or held by him or her as city treasurer. Such deposits shall be
19 subject to all regulations imposed by law or adopted by the city council
20 for the receiving and holding thereof. The fact that a stockholder,
21 director, or other officer of such bank, capital stock financial
22 institution, or qualifying mutual financial institution shall also be
23 serving as mayor, as a member of the city council, as a member of a board
24 of public works, or as any other officer of such city shall not
25 disqualify such bank, capital stock financial institution, or qualifying
26 mutual financial institution from acting as a depository for such city
27 funds. Section 77-2366 shall apply to deposits in capital stock financial
28 institutions. Section 77-2365.01 shall apply to deposits in qualifying
29 mutual financial institutions.

30 Sec. 87. Section 16-713, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-713 The city treasurer of a city of the first class may, upon
2 resolution of the mayor and city council authorizing the action, purchase
3 certificates of deposit from and make time deposits in banks, capital
4 stock financial institutions, or qualifying mutual financial institutions
5 selected as depositories of city funds under the provisions of sections
6 16-712, 16-714, and 16-715. The certificates of deposit purchased and
7 time deposits made shall bear interest and shall be secured as set forth
8 in sections 16-714 and 16-715, except that the penal sum of such bond or
9 the sum of such security shall be reduced in the amount of the time
10 deposit or certificate of deposit insured or guaranteed by the Federal
11 Deposit Insurance Corporation. Section 77-2366 shall apply to deposits in
12 capital stock financial institutions. Section 77-2365.01 shall apply to
13 deposits in qualifying mutual financial institutions.

14 Sec. 88. Section 16-714, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-714 For the security of the fund so deposited, the city treasurer
17 of a city of the first class shall require each depository to give bond
18 for the safekeeping and payment of such deposits and the accretions
19 thereof, which bond shall run to the city and be approved by the mayor.
20 Such bond shall be conditioned that such a depository shall, at the end
21 of every quarter, render to the city treasurer a statement in duplicate,
22 showing the several daily balances, the amount of money of the city held
23 by it during the quarter, the amount of the accretion thereto, and how
24 credited. The bond shall also be conditioned that the depository shall
25 generally do and perform whatever may be required by the provisions of
26 sections 16-712 to 16-715 and faithfully discharge the trust reposed in
27 such depository. Such bond shall be as nearly as practicable in the form
28 provided in section 77-2304. No person in any way connected with any
29 depository as an officer or stockholder shall be accepted as a surety on
30 any bond given by the depository of which he or she is an officer or
31 stockholder. Such bond shall be deposited with the city clerk. Section

1 77-2366 shall apply to deposits in capital stock financial institutions.
2 Section 77-2365.01 shall apply to deposits in qualifying mutual financial
3 institutions.

4 Sec. 89. Section 16-716, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-716 The city treasurer of a city of the first class shall not
7 have on deposit in any bank, capital stock financial institution, or
8 qualifying mutual financial institution at any time more than the amount
9 insured or guaranteed by the Federal Deposit Insurance Corporation plus
10 the maximum amount of the bond given by the bank, capital stock financial
11 institution, or qualifying mutual financial institution if the bank,
12 capital stock financial institution, or qualifying mutual financial
13 institution gives a surety bond, nor in any bank, capital stock financial
14 institution, or qualifying mutual financial institution giving a personal
15 bond, more than the amount insured or guaranteed by the Federal Deposit
16 Insurance Corporation plus one-half of the amount of the bond of such
17 bank, capital stock financial institution, or qualifying mutual financial
18 institution, and the amount so on deposit any time with any such bank,
19 capital stock financial institution, or qualifying mutual financial
20 institution shall not in either case exceed the amount insured or
21 guaranteed by the Federal Deposit Insurance Corporation plus the paid-up
22 capital stock and surplus of such bank, capital stock financial
23 institution, or qualifying mutual financial institution.

24 The city treasurer shall not be liable for any loss sustained by
25 reason of the failure of any such bonded depository whose bond has been
26 duly approved by the mayor as provided in section 16-714 or which has, in
27 lieu of a surety bond, given security as provided in section 16-715.

28 Sec. 90. Section 16-717, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 16-717 The city treasurer of a city of the first class shall receive
31 all money belonging to the city, and the city clerk and city treasurer

1 shall keep their books and accounts in such a manner as the mayor and
2 city council shall prescribe. The city treasurer shall keep a daily cash
3 book, which shall be footed and balanced daily, and such books and
4 accounts shall always be subject to inspection of the mayor, members of
5 the city council, and such other persons as they may designate.

6 Sec. 91. Section 16-718, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 16-718 Upon allowance of a claim by the city council of a city of
9 the first class, the order for the payment thereof shall specify the
10 particular fund out of which it is payable as specified in the adopted
11 budget statement, and no order or warrant shall be drawn in excess of
12 eighty-five percent of the current levy for the purpose for which it is
13 drawn unless there shall be sufficient money in the treasury to the
14 credit of the proper fund for its payment, and no claim shall be audited
15 or allowed except an order or warrant for the payment thereof may legally
16 be drawn. All warrants drawn upon the treasury must be signed by the
17 mayor and countersigned by the city clerk and shall state the particular
18 fund to which the same is chargeable, the person to whom payable, and for
19 what particular object. No money shall be otherwise paid than upon such
20 warrant so drawn. Such warrants may be delivered immediately when so
21 drawn.

22 Sec. 92. Section 16-719, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 16-719 The city treasurer of a city of the first class shall keep
25 all money in his or her hands belonging to the city separate and distinct
26 from his or her own money. He or she is expressly prohibited from using,
27 either directly or indirectly, the city money or warrants in his or her
28 custody and keeping for his or her own use and benefit or that of any
29 other person. Any violation of this section shall subject him or her to
30 immediate removal from office by the city council, and the council may
31 declare such office vacant. The mayor shall appoint a successor, who

1 shall be confirmed by the city council, to hold office for the remainder
2 of the term.

3 Sec. 93. Section 16-720, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 16-720 The city treasurer of a city of the first class shall report
6 to the mayor and city council annually, and more often if required, at
7 such times as may be prescribed by ordinance, giving a full and detailed
8 account of the receipts and expenditures during the preceding fiscal
9 year, and the state of the treasury. He or she shall also keep a register
10 of all warrants redeemed and paid during the year, describing such
11 warrants, their date, amount, number, time of payment, the fund from
12 which paid, and the person to whom paid. All such warrants shall be
13 examined by the finance committee at the time of making such annual
14 report.

15 Sec. 94. Section 16-722, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-722 The mayor and city council of a city of the first class shall
18 cause to be published semiannually a statement of the receipts of the
19 city and an itemized account of the expenditures of the city.

20 Sec. 95. Section 16-723, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-723 All taxes levied for the purpose of raising money to pay the
23 interest or to create a sinking fund for the payment of the principal of
24 any funded or bonded debt of a the city of the first class shall be
25 payable in money only. Except as otherwise expressly provided, no money
26 so obtained shall be used for any other purpose than the payment of the
27 interest or debt for the payment of which it shall have been raised. Such
28 sinking fund may, under the direction of the mayor and city council, be
29 invested in any of the unmatured bonds issued by the city, if provided
30 they can be procured by the city treasurer at such rate or premium as
31 shall be prescribed by ordinance. Any due or overdue bond or coupon shall

1 be a sufficient warrant or order for the payment of the same by the city
2 treasurer out of any fund especially created for that purpose without any
3 further order or allowance by the mayor or city council.

4 Sec. 96. Section 16-727, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-727 When the claim of any person against a the city of the first
7 class, except a tort claim as defined in section 13-903, is disallowed in
8 whole or in part by the city council, such person may appeal from the
9 decision of the city council to the district court of the same county by
10 causing a written notice to be served on the city clerk within twenty
11 days after making such decision and executing a bond to such city, with
12 good and sufficient sureties to be approved by the city clerk,
13 conditioned for the faithful prosecution of such appeal and the payment
14 of all costs that may be adjudged against the appellant.

15 Sec. 97. Section 16-728, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-728 Any taxpayer may appeal from the allowance of any claim
18 against a the city of the first class, except a tort claim as defined in
19 section 13-903, by serving a written notice upon the city clerk within
20 ten days from such allowance and giving bond as provided in section
21 16-727. When the city council, by ordinance, provides for the publication
22 of the list of the claims allowed, giving the amounts allowed and the
23 names of the persons to whom allowed, in a legal newspaper in or of
24 general circulation in such city, such appeal may be taken by a taxpayer
25 by serving a notice thereof within such time after such publication as
26 may be fixed by such ordinance, and giving bond for such appeal within
27 ten days after such allowance.

28 Sec. 98. Section 16-808, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-808 Property now used or hereafter acquired for offstreet motor
31 vehicle parking by a private operator within a city of the first class

1 shall not be subject to condemnation.

2 Sec. 99. Section 17-108.02, Revised Statutes Supplement, 2017, is
3 amended to read:

4 17-108.02 (1) All officers and employees of a city of the second
5 class shall receive such compensation as the mayor and city council may
6 fix at the time of their appointment or employment subject to the
7 limitations set forth in this section.

8 (2) The city council may at its discretion by ordinance combine and
9 merge any elective or appointive office or employment or any combination
10 of duties of any such offices or employments, except mayor and city
11 council member, with any other elective or appointive office or
12 employment so that one or more of such offices or employments or any
13 combination of duties of any such offices or employments may be held by
14 the same officer or employee at the same time.

15 (3) The city manager in a city of the second class under the city
16 manager plan of government as provided in the City Manager Plan of
17 Government Act Chapter 19, article 6, may in his or her discretion
18 combine and merge any elective or appointive office or employment or any
19 combination of duties of any such offices or employments, except mayor
20 and city council member, with any other elective or appointive office or
21 employment so that one or more of such offices or employments or any
22 combination of duties of any such offices or employments may be held by
23 the same officer or employee at the same time.

24 (4) The offices or employments merged and combined under subsection
25 (2) or (3) of this section shall always be construed to be separate, and
26 the effect of the combination or merger shall be limited to a
27 consolidation of official duties only. The salary or compensation of the
28 officer or employee holding the merged and combined offices or
29 employments or offices and employments shall not be in excess of the
30 maximum amount provided by law for the salary or compensation of the
31 office, offices, employment, or employments so merged and combined.

1 (5) For purposes of this section, volunteer firefighters and
2 ambulance drivers shall not be considered officers.

3 Sec. 100. Section 17-121, Revised Statutes Supplement, 2017, is
4 amended to read:

5 17-121 (1) A city of the second class shall have the power to make
6 regulations to prevent the introduction and spread of contagious,
7 infectious, or malignant diseases into the city, to make quarantine laws
8 for that purpose, and to enforce such regulations.

9 (2) In cities of the second class with a commission form of
10 government as provided in the Municipal Commission Plan of Government Act
11 ~~Chapter 19, article 4~~, and cities of the second class with a city manager
12 plan of government as provided in the City Manager Plan of Government Act
13 ~~Chapter 19, article 6~~, a board of health shall be created consisting of
14 five members: The mayor, who shall be chairperson, and four other
15 members. One member shall be a physician or health care provider, if one
16 can be found who is willing to serve. Such physician or health care
17 provider, if appointed, shall be the board's medical advisor. If the city
18 manager has appointed a chief of police, the chief of police shall serve
19 on the board as secretary and quarantine officer.

20 (3) In all other cities of the second class, a board of health shall
21 be created consisting of four members: The mayor, who shall be
22 chairperson, the president of the city council, and two other members.
23 One member shall be a physician or health care provider, if one can be
24 found who is willing to serve. Such physician or health care provider, if
25 appointed, shall be the board's medical advisor. If the mayor has
26 appointed a chief of police, the chief of police shall serve on the board
27 as secretary and quarantine officer.

28 (4) A majority of the board of health shall constitute a quorum and
29 shall enact rules and regulations, which shall have the force and effect
30 of law, to safeguard the health of the people of such city, may enforce
31 them, and may provide fines and punishments for the violation of such

1 rules and regulations. The board of health shall have power to and shall
2 make all necessary rules and regulations relating to matters of
3 sanitation of such city, including the removal of dead animals, the
4 sanitary condition of the streets, alleys, vacant grounds, stockyards,
5 wells, cisterns, privies, waterclosets, cesspools, and all buildings and
6 places not specified where filth, nuisances, or offensive matter is kept
7 or is liable to or does accumulate. The board of health may regulate,
8 suppress, and prevent the occurrence of nuisances and enforce all laws of
9 the state and ordinances of the city relating to nuisances or to matters
10 of sanitation of such city. The board of health shall also have control
11 of hospitals, dispensaries, places for treatment of sick, and related
12 matters under such restrictions and provisions as may be provided by
13 ordinance of such city.

14 Sec. 101. Section 18-1720, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 18-1720 (1) All cities and villages in this state are hereby
17 granted power and authority by ordinance to define, regulate, suppress
18 and prevent nuisances, and to declare what shall constitute a nuisance,
19 and to abate and remove the same. Every city and village is authorized to
20 exercise such power and authority within its zoning jurisdiction.

21 (2) Any city or village may enter into an interlocal agreement
22 pursuant to the Interlocal Cooperation Act with a county in which the
23 extraterritorial zoning jurisdiction of the city or village is located to
24 provide for joint and cooperative action to abate, remove, or prevent
25 nuisances within such extraterritorial zoning jurisdiction. The governing
26 body of such city or village and the county board of such county shall
27 first approve such interlocal agreement by ordinance or resolution.

28 Sec. 102. Section 18-2705, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 18-2705 (1) Economic development program means any project or
31 program utilizing funds derived from local sources of revenue for the

1 purpose of providing direct or indirect financial assistance to a
2 qualifying business or the payment of related costs and expenses or both,
3 without regard to whether that business is identified at the time the
4 project or program is initiated or is to be determined by specified means
5 at some time in the future.

6 (2) An economic development program may include, but shall not be
7 limited to, the following activities: Direct loans or grants to
8 qualifying businesses for fixed assets or working capital or both; loan
9 guarantees for qualifying businesses; grants for public works
10 improvements which are essential to the location or expansion of, or the
11 provision of new services by, a qualifying business; grants or loans to
12 qualifying businesses for job training; the purchase of real estate,
13 options for such purchases, and the renewal or extension of such options;
14 grants or loans to qualifying businesses to provide relocation incentives
15 for new residents; the issuance of bonds as provided for in the Local
16 Option Municipal Economic Development Act; and payments for salaries and
17 support of city staff to implement the economic development program or
18 the contracting of such to an outside entity.

19 (3) For cities of the first class, cities of the ~~and~~ second class,
20 and villages, an economic development program may also include grants or
21 loans for the construction or rehabilitation for sale or lease of housing
22 for persons of low or moderate income.

23 (4) For cities of the first class, cities of the ~~and~~ second class,
24 and villages, an economic development program may also include grants,
25 loans, or funds for rural infrastructure development as defined in
26 section 66-2102.

27 (5) For cities of the first class, cities of the ~~and~~ second class,
28 and villages, an economic development program may also include grants or
29 loans for the construction or rehabilitation for sale or lease of housing
30 as part of a workforce housing plan.

31 (6) For cities of the first class, cities of the second class, and

1 villages, an economic development program may also include grants, loans,
2 or funds for early childhood infrastructure development. For purposes of
3 this subsection:

4 (a) Early childhood infrastructure development means planning,
5 financing, developing, acquiring, constructing, owning, operating,
6 evaluating, or maintaining an early childhood education program of
7 recognized quality or entering into any agreement with an existing early
8 childhood education program of known quality to address early childhood
9 education shortages that impair the ability of the city to attract new
10 businesses or that impair the ability of existing businesses to recruit
11 new employees; and

12 (b) Quality means meeting or exceeding a step three quality rating
13 based on quality rating criteria as provided under the Step Up to Quality
14 Child Care Act.

15 (7) (6) An economic development program may be conducted jointly by
16 two or more cities after the approval of the program by the voters of
17 each participating city.

18 Sec. 103. Section 18-2709, Revised Statutes Supplement, 2017, is
19 amended to read:

20 18-2709 (1) Qualifying business means any corporation, partnership,
21 limited liability company, or sole proprietorship which derives its
22 principal source of income from any of the following: The manufacture of
23 articles of commerce; the conduct of research and development; the
24 processing, storage, transport, or sale of goods or commodities which are
25 sold or traded in interstate commerce; the sale of services in interstate
26 commerce; headquarters facilities relating to eligible activities as
27 listed in this section; telecommunications activities, including services
28 providing advanced telecommunications capability; tourism-related
29 activities; or the production of films, including feature, independent,
30 and documentary films, commercials, and television programs.

31 (2) Qualifying business also means:

1 (a) In cities of the first class, cities of the ~~and~~ second class,
2 and villages, a business that derives its principal source of income from
3 the construction or rehabilitation of housing;

4 **(b) In cities of the first class, cities of the second class, and**
5 **villages, a business that derives its principal source of income from**
6 **quality early childhood care and education programs. For purposes of this**
7 **subdivision, quality means meeting or exceeding a step three quality**
8 **rating based on quality rating criteria as provided under the Step Up to**
9 **Quality Child Care Act;**

10 (c) ~~(b)~~ A business that derives its principal source of income from
11 retail trade, except that no more than forty percent of the total revenue
12 generated pursuant to the Local Option Municipal Economic Development Act
13 for an economic development program in any twelve-month period and no
14 more than twenty percent of the total revenue generated pursuant to the
15 act for an economic development program in any five-year period,
16 commencing from the date of municipal approval of an economic development
17 program, shall be used by the city for or devoted to the use of retail
18 trade businesses. For purposes of this subdivision, retail trade means a
19 business which is principally engaged in the sale of goods or commodities
20 to ultimate consumers for their own use or consumption and not for
21 resale; and

22 (d) ~~(c)~~ In cities with a population of two thousand five hundred
23 inhabitants or less as determined by the most recent federal decennial
24 census or the most recent revised certified count by the United States
25 Bureau of the Census, a business shall be a qualifying business even
26 though it derives its principal source of income from activities other
27 than those set out in this section.

28 (3) If a business which would otherwise be a qualifying business
29 employs people and carries on activities in more than one city in
30 Nebraska or will do so at any time during the first year following its
31 application for participation in an economic development program, it

1 shall be a qualifying business only if, in each such city, it maintains
2 employment for the first two years following the date on which such
3 business begins operations in the city as a participant in its economic
4 development program at a level not less than its average employment in
5 such city over the twelve-month period preceding participation.

6 (4) A qualifying business need not be located within the territorial
7 boundaries of the city from which it is or will be receiving financial
8 assistance.

9 (5) Qualifying business does not include a political subdivision, a
10 state agency, or any other governmental entity, except as allowed for
11 cities of the first class, cities of the ~~and~~ second class, and villages
12 for rural infrastructure development as provided for in subsection (4) of
13 section 18-2705.

14 Sec. 104. (1) For purposes of this section:

15 (a) Municipality means a city or village; and

16 (b) Short-term rental means a residential property, including a
17 single-family dwelling or a unit in a condominium, cooperative, or time-
18 share, that is rented wholly or partly for a fee for a period not longer
19 than thirty consecutive days.

20 (2) A municipality shall not adopt or enforce an ordinance or other
21 regulation that expressly or effectively prohibits the use of a property
22 as a short-term rental.

23 (3) A municipality may adopt or enforce an ordinance or other
24 regulation that specifically regulates property used as a short-term
25 rental only if the municipality demonstrates that the primary purpose of
26 the ordinance or other regulation is to protect the public's health and
27 safety. An ordinance or other regulation authorized by this subsection
28 includes:

29 (a) Requirements addressing:

30 (i) Fire and building codes;

31 (ii) Health and sanitation;

1 (iii) Traffic control; and

2 (iv) Solid or hazardous waste and pollution control; and

3 (b) Requirements regarding the designation of an emergency contact
4 for the property.

5 (4) A municipality may adopt or enforce an ordinance or other
6 regulation that imposes a sales tax or an occupation tax on short-term
7 rentals if the tax is otherwise permitted by applicable law.

8 (5) A municipality may adopt or enforce an ordinance or other
9 regulation that limits or prohibits the use of a short-term rental only
10 if the law limits or prohibits the use of a short-term rental for the
11 purpose of:

12 (a) Housing sex offenders;

13 (b) Operating a structured sober living home or similar enterprise;

14 (c) Selling illegal drugs;

15 (d) Selling alcohol or another activity that requires a permit or
16 license under the Nebraska Liquor Control Act; or

17 (e) Operating a sexually oriented business.

18 (6) A municipality shall apply an ordinance or other regulation
19 regulating land use to a short-term rental in the same manner as another
20 similar property. An ordinance or other regulation described by this
21 subsection includes:

22 (a) Residential use and other zoning matters;

23 (b) Noise and other nuisances; and

24 (c) Property maintenance.

25 (7) This section shall not be construed to affect regulations of a
26 private entity, including a homeowners association organized under the
27 Condominium Property Act or the Nebraska Condominium Act.

28 Sec. 105. Section 19-201, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-201 The mayor and city council in any city of the metropolitan
31 class or city of the first class shall have power to license and regulate

1 the keeping of toll bridges within or terminating within the city, for
2 the passage of persons and property over any river passing wholly or in
3 part within or running by and adjoining the corporate limits of any such
4 city, to fix and determine the rates of toll over any such bridge, or
5 over the part thereof within the city, and to authorize the owner or
6 owners of any such bridge to charge and collect the rates of toll so
7 fixed and determined from all persons passing over or using the same.

8 Sec. 106. Section 19-401, Revised Statutes Supplement, 2017, is
9 amended to read:

10 19-401 Sections 19-401 to 19-433 shall be known and may be cited as
11 the Municipal Commission Plan of Government Act.

12 Any city in this state having not less than two thousand inhabitants
13 as determined by the most recent federal decennial census or the most
14 recent revised certified count by the United States Bureau of the Census
15 may adopt the commission plan form of government and be governed
16 thereunder ~~by proceeding~~ as provided in the act sections 19-401 to
17 19-433.

18 Sec. 107. Section 19-402, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-402 If a petition to adopt the commission plan of government is
21 filed with the city clerk of any city meeting the requirements of section
22 19-401, signed by registered voters equal in number to at least twenty-
23 five percent of the votes cast for all candidates for mayor at the last
24 preceding general city election, the mayor of the city shall, by
25 ~~appropriate proclamation and notice~~ within twenty days after such filing,
26 call and proclaim a special election to be held upon a date fixed in such
27 ~~proclamation and notice~~, which date shall not be less than fifteen nor
28 more than sixty days after the date and issuance of such proclamation.
29 After the filing of any petition provided for in this section, no signer
30 of such petition thereon shall be permitted to withdraw his or her name
31 from such petition therefrom. At such special election the proposition of

1 adopting the commission plan of government ~~provisions of sections 19-401~~
2 ~~to 19-433~~ shall be submitted to the registered voters of the city, and
3 such proposition shall be stated as follows: Shall the city of (name of
4 city) adopt the ~~provisions of (naming the charter of the published law~~
5 ~~containing such sections) called the~~ commission plan of city government?
6 The special election shall be held and conducted, the vote canvassed, and
7 the result declared in the same manner as provided for the holding and
8 conducting of the general city election in any such city. All officers
9 charged with any duty respecting the calling, holding, and conducting of
10 such general city election shall perform such duties for and at such
11 special election.

12 Sec. 108. Section 19-403, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-403 If the proposition of adopting the commission plan of
15 government is not adopted at the any such special election under section
16 19-402 by a majority vote, the question of adopting it shall not be again
17 submitted in ~~any~~ such city within two years thereafter.

18 Sec. 109. Section 19-404, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-404 If the proposition under section 19-402 is adopted for the
21 commission plan of ~~city~~ government at least sixty days prior to the next
22 general city election in the city, then at the next general city election
23 provided by law in such city, city council members shall be elected as
24 provided in section 32-539. If the proposition is not adopted at least
25 sixty days prior to the date of holding the next general city election in
26 such city, then such city shall continue to be governed under its
27 existing laws until city council members are elected as provided in
28 section 32-539 at the next general city election thereafter occurring in
29 any such city.

30 Sec. 110. Section 19-405, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-405 (1) Any person desiring to become a candidate for the office
2 of city council member under the commission plan of government ~~provided~~
3 ~~for in section 19-404~~ shall file a candidate filing form as provided in
4 sections 32-606 and 32-607 and pay the filing fee as provided in section
5 32-608.

6 (2) Candidates for city council under the commission plan of
7 government shall be nominated at large either at the statewide primary
8 election or by filing a candidate filing form if there are not more than
9 two candidates who have filed for each position or if the city council
10 waives the requirement for a primary election.

11 (3) The city council may waive the requirement for a primary
12 election by adopting an ordinance prior to January 5 of the year in which
13 the primary election would have been held. If the city council waives the
14 requirement for a primary election, all candidates filing candidate
15 filing forms by August 1 prior to the date of the general election as
16 provided in subsection (2) of section 32-606 shall be declared nominated.
17 If the city council does not waive the requirement for a primary election
18 and if there are not more than two candidates filed for each position to
19 be filled, all candidates filing candidate filing forms by the deadline
20 prescribed in subsection (1) of section 32-606 shall be declared
21 nominated as provided in subsection (1) of section 32-811 and their names
22 shall not appear on the primary election ballot.

23 Sec. 111. Section 19-409, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-409 (1) In a city under the commission plan of government, the
26 ~~The~~ two candidates for city council member receiving the highest number
27 of votes at the primary election shall be placed upon the official ballot
28 for such position at the statewide general election. If no candidates
29 appeared on the primary election ballot or if the city council waived the
30 primary election under section 19-405, all persons filing pursuant to
31 section 19-405 shall be the only candidates whose names shall be placed

1 upon the official ballot for such position at the statewide general
2 election.

3 ~~(2) If excise members are to be elected, the six candidates~~
4 ~~receiving the highest number of votes for excise members at the primary~~
5 ~~election or all candidates, if there are less than six on the primary~~
6 ~~election ballot or if no primary election is held, shall be the only~~
7 ~~candidates whose names shall be placed upon the official ballot for~~
8 ~~excise members at the statewide general election in any such city.~~

9 (2) ~~(3)~~ Terms for city council members under the commission plan of
10 government shall begin on the date of the first regular meeting of the
11 city council in December following the statewide general election. The
12 ~~terms of council members holding office on August 28, 1999, shall be~~
13 ~~extended to the first regular meeting of the council in December~~
14 ~~following the statewide general election.~~ The changes made to this
15 section by Laws 1999, LB 250, shall not change the staggering of the
16 terms of city council members in cities that have adopted the commission
17 plan of government prior to January 1, 1999.

18 Sec. 112. Section 19-411, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-411 The city council members in a city under the commission plan
21 of government ~~and excise members~~ shall qualify and give bond in the
22 manner and amount provided by the existing laws governing the city in
23 which they are elected. If any vacancy occurs in the office of city
24 council member, the vacancy shall be filled as provided in section
25 32-568. ~~If any vacancy occurs in the office of excise members, the~~
26 ~~remaining members of the excise board shall appoint a person to fill such~~
27 ~~vacancy for the remainder of the term.~~ The terms of office of all other
28 elective or appointive officers in force within or for any such city
29 shall cease as soon as the city council selects or appoints their
30 successors and such successors qualify and give bond as by law provided
31 or as soon as such city council by resolution declares the terms of any

1 such elective or appointive officers at an end or abolishes or
2 discontinues any of such offices.

3 Sec. 113. Section 19-412, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-412 (1) The officers and employees of a the city under the
6 commission plan of government shall receive such compensation as the
7 mayor and city council shall fix by ordinance.

8 (2) The salary emoluments of any elective officer in a city under
9 the commission plan of government shall not be increased or diminished
10 during the term for which he or she was elected, except that when there
11 are officers elected to a city council, board, or commission having more
12 than one member and the terms of one or more members commence and end at
13 different times, the compensation of all members of such city council,
14 board, or commission may be increased or diminished at the beginning of
15 the full term of any member thereof. No person who has resigned or
16 vacated any office shall be eligible to be elected or appointed to such
17 office ~~the same~~ during the time for which he or she was elected when,
18 during the same time, the salary has emoluments ~~have~~ been increased.

19 (3) The salary or compensation of all other officers or employees of
20 a city under the commission plan of government ~~the city~~ shall be
21 determined when they are appointed or elected by the city council, board,
22 or commission and shall be payable at such times or for such periods as
23 the city council, board, or commission shall determine.

24 Sec. 114. Section 19-413, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-413 The city council in a city under the commission plan of
27 government ~~herein provided for, upon taking office,~~ shall have, possess,
28 and exercise, by itself or through such methods as it may provide, all
29 executive or legislative or judicial powers and duties previously
30 ~~theretofore~~ held, possessed, or exercised under the then existing laws
31 governing ~~any~~ such city, by the mayor, ~~or~~ mayor and city council, ~~or~~

1 water commissioners, ~~or~~ water board, ~~or~~ water and light commissioner, ~~or~~
2 board of fire and police commissioners, ~~or~~ park commissioners, ~~or~~ park
3 board. ~~The or excise board, or members thereof, or fire warden; and the~~
4 powers, duties, and office of such ~~fire warden and of all such boards and~~
5 the members thereof shall ~~then and thereupon~~ cease and terminate, ~~;~~ and
6 the powers and duties and officers of all other boards created by statute
7 for the government of any such city shall also ~~thereupon~~ cease and
8 terminate. ~~Nothing ; Provided, however, nothing herein contained in this~~
9 section shall be so construed as to interfere with the powers, duties,
10 authority, and privileges that have been, are, or may be hereafter
11 conferred and imposed upon the water board in cities of the metropolitan
12 class cities as prescribed by law ~~or shall affect the power of city~~
13 ~~school or school district officers,~~ nor of any office or officer named in
14 the state Constitution of Nebraska exercising office, powers, ~~or~~
15 functions within any such city. Such city council, upon taking office,
16 shall have and may exercise all executive or legislative or judicial
17 powers possessed or exercised by any other officer or board theretofore
18 provided by law for or within any such city, except officers named in the
19 state Constitution of Nebraska ; ~~Provided, however, the excise board~~
20 ~~herein provided for, upon taking office, shall possess and exercise by~~
21 ~~itself all of the duties and powers theretofore possessed or exercised by~~
22 ~~the excise board under the existing laws governing any such city except~~
23 ~~the appointment, removal and control of the police force, which power~~
24 ~~shall be vested in the council.~~

25 Sec. 115. Section 19-415, Revised Statutes Supplement, 2017, is
26 amended to read:

27 19-415 In cities of the metropolitan class under the commission plan
28 of government, the city council shall consist of the mayor who shall be
29 superintendent of the department of public affairs, one city council
30 member to be superintendent of the department of accounts and finances,
31 one city council member to be superintendent of the department of police,

1 sanitation, and public safety, one city council member to be
2 superintendent of the department of fire protection and water supply, one
3 city council member to be superintendent of the department of street
4 cleaning and maintenance, one city council member to be superintendent of
5 the department of public improvements, and one city council member to be
6 superintendent of parks and public property.

7 In cities under the commission plan of government containing at
8 least forty thousand and less than three hundred thousand inhabitants as
9 determined by the most recent federal decennial census or the most recent
10 revised certified count by the United States Bureau of the Census, the
11 city council shall consist of the mayor who shall be superintendent of
12 the department of public affairs, one city council member to be
13 superintendent of the department of accounts and finances, one city
14 council member to be superintendent of the department of public safety,
15 one city council member to be superintendent of the department of streets
16 and public improvements, and one city council member to be superintendent
17 of the department of parks and public property.

18 In cities under the commission plan of government containing at
19 least two thousand and less than forty thousand inhabitants as determined
20 by the most recent federal decennial census or the most recent revised
21 certified count by the United States Bureau of the Census, the city
22 council shall consist of the mayor who shall be commissioner of the
23 department of public affairs and public safety, one city council member
24 to be commissioner of the department of streets, public improvements and
25 public property, one city council member to be commissioner of the
26 department of public accounts and finances, one city council member to be
27 commissioner of the department of public works, and one city council
28 member to be commissioner of the department of parks and recreation.

29 In all of such cities, the commissioner of the department of
30 accounts and finances shall be vice president of the city council and
31 shall, in the absence or inability of the mayor to serve, perform the

1 duties of the mayor. In case of vacancy in the office of mayor by death
2 or otherwise, the vacancy shall be filled as provided in section 32-568.

3 Sec. 116. Section 19-416, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-416 The city council in a city under the commission plan of
6 government shall, at its first meeting, or as soon as possible
7 thereafter, elect as many of the city officers provided for by the laws
8 or ordinances governing any such city as may, in the judgment of the city
9 council, be essential and necessary to the economical but efficient and
10 proper conduct of the government of the city and shall at the same time
11 fix the salaries of the officers so elected either by providing that such
12 salaries shall remain the same as previously fixed by the laws or
13 ordinances for such officers or may then raise or lower the existing
14 salaries of any such officers. The city ; ~~and the~~ council may modify the
15 powers or duties of any such officers, as provided by the laws or
16 ordinances, or may completely define and fix such powers or duties, anew.
17 Any such officers or any assistant or employee elected or appointed by
18 the city council may be removed by the city council at any time, except
19 that ; ~~Provided, however,~~ in cities of the metropolitan class no member
20 or officer of the fire department ~~or department of fire protection and~~
21 ~~water supply~~ shall be discharged for political reasons, nor shall any a
22 person be employed in ~~or taken into either of~~ such department departments
23 for political reasons. Before any such officer or employee can be
24 discharged, charges must be filed against him or her before the city
25 council and a hearing had thereon, and an opportunity given such officer
26 or employee to defend against such charges. This ; ~~but this~~ provision
27 shall not be construed to prevent peremptory suspension of such officer
28 or employee ~~member~~ by the city council in case of misconduct, ~~or~~ neglect
29 of duty, or disobedience of orders. Whenever any such suspension is made,
30 charges shall be at once filed by the city council with the officer
31 having charge of the records of the city council and a trial had thereon

1 at the second meeting of the city council after such charges are filed.
2 For the purpose of hearing such charges the city council shall have power
3 to enforce attendance of witnesses and ~~τ~~ the production of books and
4 papers~~τ~~ and to administer oaths to witnesses in the same manner and with
5 like effect and under the same penalty, as in the case of magistrates
6 exercising civil and criminal jurisdiction under the statutes of the
7 State of Nebraska.

8 Sec. 117. Section 19-417, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-417 The city council in a city under the commission plan of
11 government shall have power to discontinue any employment or abolish any
12 office at any time, when, in the judgment of the city council, such
13 employment or office is no longer necessary. The city council shall have
14 power, at any time and at any meeting, to create any office or board it
15 deems necessary, including the office of city manager, and fix salaries.
16 The city council ~~;~~ ~~and it~~ may create a board of three or more members
17 composed of other officers of the city~~τ~~ and confer upon such board any
18 power not required to be exercised by the city council itself. The city
19 council ~~It~~ may require such officers to serve upon any such board and
20 perform the services required of it with or without any additional pay
21 for such additional service.

22 Sec. 118. Section 19-418, Revised Statutes Supplement, 2017, is
23 amended to read:

24 19-418 In cities under the commission plan of government, the ~~The~~
25 regular meetings of the city council in cities of the metropolitan class
26 shall be held at least once in each week and upon such day and hour as
27 the city council may designate. In all other cities under the commission
28 plan of government having a population of two thousand or more as
29 determined by the most recent federal decennial census or the most recent
30 revised certified count by the United States Bureau of the Census, the
31 regular meetings of the city council shall be held at such intervals and

1 upon such day and hour as the city council may by ordinance or resolution
2 designate, Special ; ~~and special~~ meetings of the city council in any of
3 such cities may be called, from time to time, by the mayor or two city
4 council members, giving notice in such manner as may be fixed or defined
5 by law or ordinance in any of such cities or as shall be fixed by
6 ordinance or resolution by such city council. A majority of such city
7 council shall constitute a quorum for the transaction of any business,
8 but it shall require a majority vote of the city council in any such city
9 to pass any measure or transact any business.

10 Sec. 119. Section 19-419, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-419 The mayor and city council members in a city under the
13 commission plan of government shall maintain offices at the city hall, ;
14 and the mayor shall regularly , ~~in a general way,~~ constantly investigate
15 all public affairs concerning the interest of the city and investigate
16 and ascertain, ~~in a general way,~~ the efficiency and manner in which all
17 departments of the city government are being conducted. The ; ~~and the~~
18 mayor shall recommend to the city council all such matters as in his or
19 her judgment should receive the investigation, consideration, or action
20 of the city council ~~that body~~.

21 Sec. 120. Section 19-421, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-421 All petitions provided for in the Municipal Commission Plan
24 of Government Act ~~sections 19-401 to 19-433~~ shall be subject to and meet
25 the requirements of sections 32-628 to 32-630. Upon the filing of a
26 petition ~~or supplementary petition~~, a city, upon passage of a resolution
27 by the city council, and the county clerk or election commissioner of the
28 county in which such city is located may by mutual agreement provide that
29 the county clerk or election commissioner shall ascertain whether the
30 petition ~~or supplementary petition~~ is signed by the requisite number of
31 legal voters. The city shall reimburse the county for any costs incurred

1 by the county clerk or election commissioner.

2 Sec. 121. Section 19-422, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-422 All general state laws governing cities described in section
5 19-401 shall, according to the classification of such city ~~class within~~
6 ~~which it is embraced~~, apply to and govern any city under the commission
7 plan of government ~~adopting sections 19-401 to 19-433 and electing~~
8 ~~officers thereunder so far, and only so far,~~ as such laws are applicable
9 and not inconsistent with the provisions, intents, and purposes of the
10 Municipal Commission Plan of Government Act ~~said sections~~.

11 Sec. 122. Section 19-423, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-423 If at the beginning of the term of office of the first city
14 council elected under sections 19-401 to 19-409 the appropriations or
15 distribution of the expenditures of the city government for the current
16 fiscal year have been made, the city council shall have power, by
17 ordinance, to revise, repeal, or change such distribution or to make
18 additional appropriation, within the limit of the total taxes levied for
19 such year.

20 Sec. 123. Section 19-432, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-432 Any city which shall have operated for more than four years
23 under the commission plan of government ~~provisions of sections 19-401 to~~
24 ~~19-433~~ may abandon organization thereunder, and accept the provisions of
25 the general law of the state then applicable to cities of its population,
26 by proceeding as follows: Upon a petition, signed by such number of the
27 qualified electors of ~~any~~ such city as equals at least twenty-five
28 percent of the highest vote cast for any of the city council members
29 elected at the last preceding general or regular election in ~~any~~ such
30 city, being filed with and found sufficient by the city clerk ~~or clerk of~~
31 ~~such council~~, a special election shall be called in ~~any~~ such city, at

1 which special election the following proposition only shall be submitted:
2 Shall the city of (name of city) abandon its organization under the
3 commission plan of government ~~Chapter 19, article 4,~~ and become a city
4 under the general laws of the state governing cities of like population?
5 If a majority of the votes cast at any such special election are in favor
6 of such proposition, the officers elected at the next succeeding general
7 city election in any such city shall be those then prescribed by the
8 general laws of the state for cities of like population, and upon the
9 qualification of such officers, according to the terms of such general
10 state law, such city shall become a city governed by and under such
11 general state law. If ; ~~Provided,~~ if such special election is not held
12 and the result thereof declared at least sixty days before the election
13 date in any such city, then such city shall continue to be governed under
14 the commission plan of government ~~provisions of said sections~~ until the
15 second general city election occurring after the date of such special
16 election, and at such general city election the officers provided by such
17 general state law for the government of any such city shall be elected,
18 and, upon their qualification, the terms of office of the city council
19 members elected under the commission plan of government ~~provisions of~~
20 ~~this article~~ shall cease and terminate.

21 Sec. 124. Section 19-433, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-433 (1) Within ten days after the date of filing the petition
24 asking for a special election on the issue of discontinuing the
25 commission plan of government, the city clerk shall examine it and, with
26 the assistance of the election commissioner or county clerk, ascertain
27 whether the petition is signed by the requisite number of registered
28 voters. If necessary, the city council shall allow the city clerk extra
29 help for the purpose of examining the petition. No new signatures may be
30 added after the initial filing of the petition. If the petition contains
31 the requisite number of signatures, the city clerk shall promptly submit

1 the petition to the city council.

2 (2) Upon receipt of the petition, the city council shall promptly
3 order and fix a date for holding the special election, which date shall
4 not be less than thirty nor more than sixty days from the date of the
5 city clerk's certificate to the city council showing the petition
6 sufficient. The special election shall be conducted in the same manner as
7 provided for the election of city council members under the Municipal
8 Commission Plan of Government Act sections 19-401 to 19-433.

9 Sec. 125. Section 19-502, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-502 The city clerk shall not begin the publication of any
12 proposed charter or amendments, as required by the Constitution of
13 Nebraska constitution, in less than thirty days from the time of the
14 completion of the work of the said charter convention, ~~;~~ and the work of
15 the said charter convention shall be deemed completed whenever its
16 certified copy of charter or amendments shall be delivered to the city
17 clerk, together with twenty-five correct copies thereof. Such said copies
18 shall when filed be open to the inspection of any elector of such said
19 city.

20 Sec. 126. Section 19-503, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-503 Whenever any petition, as ~~above~~ provided in section 19-501,
23 shall be filed with the city clerk and shall contain the required number
24 of ~~bona fide electoral~~ signatures of qualified electors, asking for the
25 submission of additional or alternative articles or sections in the
26 complete form in which such articles or sections are to read as amended,
27 such articles or sections ~~they~~ shall be deemed to be proposed for
28 adoption by the qualified electors of the said city with the same force
29 and effect as if proposed by the charter said convention, and the article
30 or section which receives the majority of all the votes cast for and
31 against such said additional or alternative articles or sections shall be

1 declared adopted, and certified to the Secretary of State, a copy
2 deposited in the archives of the city, and shall become the charter or
3 part thereof, of such said city.

4 Sec. 127. Section 19-601, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-601 (1) Sections 19-601 to 19-648 shall be known and may be
7 cited as the City Manager Plan of Government Act.

8 (2) For purposes of the act, city means ~~The term city as used in~~
9 ~~sections 19-601 to 19-648 includes~~ any city having a population of one
10 thousand or more and less than two hundred thousand.

11 Sec. 128. Section 19-602, Revised Statutes Supplement, 2017, is
12 amended to read:

13 19-602 For the purposes of the City Manager Plan of Government Act
14 ~~sections 19-601 to 19-648~~, the population of a city shall be the number
15 of inhabitants as determined by the most recent federal decennial census
16 or the most recent revised certified count by the United States Bureau of
17 the Census.

18 Sec. 129. Section 19-603, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-603 In any city which adopts the city manager plan of government
21 as provided in the City Manager Plan of Government Act, the ~~The~~ charter
22 and all general laws governing such any city shall continue in full force
23 and effect, except that if insofar as any provisions of such charter or
24 laws thereof are inconsistent with the act ~~sections 19-601 to 19-648~~, the
25 same shall be superseded ~~in any city upon the taking effect of sections~~
26 ~~19-601 to 19-648 therein~~.

27 Sec. 130. Section 19-604, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-604 All valid ordinances, resolutions, orders, or other
30 regulations of a city which adopts the city manager plan of government,
31 or any authorized body or official of such city thereof, existing at the

1 ~~time the city manager plan becomes sections 19-601 to 19-648 become~~
2 ~~applicable in to the city, and not inconsistent with the City Manager~~
3 ~~Plan of Government Act their provisions,~~ shall continue in full force and
4 effect until amended, repealed, or otherwise superseded.

5 Sec. 131. Section 19-605, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-605 Whenever the electors of any city, equal in number to twenty
8 percent of those who voted at the last regular city election, shall file
9 a petition with the city clerk, asking that the question of organizing
10 the city under the city manager plan of government ~~provided in sections~~
11 ~~19-601 to 19-648~~ be submitted to the electors of such city, the city
12 ~~thereof,~~ said clerk shall within one week certify that fact to the city
13 ~~council of the city,~~ and the city council shall, within thirty days,
14 adopt a resolution to provide for submitting such question at a special
15 election to be held not less than thirty days after the adoption of the
16 resolution except as provided in this section. Any such election shall be
17 conducted in accordance with the Election Act ~~general election laws of~~
18 ~~the state~~ except as otherwise provided in the City Manager Plan of
19 Government Act ~~sections 19-601 to 19-648~~. If such petition is filed not
20 more than one hundred eighty days nor less than seventy days prior to the
21 regular municipal statewide primary or statewide general election, the
22 city council shall adopt a resolution to provide for submitting such
23 question at the next such election.

24 Sec. 132. Section 19-606, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-606 The proposition to adopt or to abandon the city manager plan
27 of government ~~provided in sections 19-601 to 19-648,~~ shall not be
28 submitted to the electors of any city later than sixty days before a
29 regular municipal election. If, in any city, a sufficient petition is
30 filed requiring that the question of adopting the commission plan of city
31 government, or the question of choosing a convention to frame a city

1 charter, be submitted to the electors of such city thereof, or if an
2 ordinance providing for the election of ~~such~~ a charter convention is
3 passed by the city council, the proposition to adopt the city manager
4 plan of government ~~provided in sections 19-601 to 19-648~~ shall not be
5 submitted in such ~~that~~ city so long as the question of adopting the
6 commission ~~such~~ plan of government, or of choosing a charter ~~such~~
7 convention, or adopting a charter framed by such convention ~~it~~, is
8 pending.

9 Sec. 133. Section 19-607, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-607 In submitting the question of adopting the city manager plan
12 of government, ~~provided in sections 19-601 to 19-648~~ the city council
13 shall cause to be printed on the ballots the following question: Shall
14 the city manager plan of government as provided in the City Manager Plan
15 of Government Act ~~(giving the legal designation of sections 19-601 to~~
16 ~~19-648 as published)~~ be adopted? Immediately following such question
17 there shall be printed on the ballots the following propositions in the
18 order here set forth: For the adoption of the city manager plan of
19 government and Against the adoption of the city manager plan of
20 government. Immediately to the left of each proposition shall be placed
21 an oval or a square in which the electors may vote by making a cross (X)
22 or other clear, intelligible mark.

23 Sec. 134. Section 19-608, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-608 If the city manager plan of government ~~provided in sections~~
26 ~~19-601 to 19-648~~ is approved by a majority of the electors voting
27 thereon, such plan ~~it~~ shall go into effect immediately, ~~insofar~~ as it
28 applies to the nomination and election of officers provided for in
29 sections 19-612 to 19-613.01 herein, and in all other respects such plan
30 ~~it~~ shall go into effect on the first Monday following the next regular
31 municipal election. If the proposition to adopt the city manager plan of

1 ~~government provisions of sections 19-601 to 19-648~~ is rejected by the
2 electors, it shall not again be submitted in such ~~that~~ city within two
3 years after the proposition is rejected thereafter.

4 Sec. 135. Section 19-609, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-609 Any city which has ~~shall have~~ operated ~~four years~~ under the
7 city manager plan of government for at least four years ~~provided in~~
8 ~~sections 19-601 to 19-648~~ may abandon such organization and either accept
9 the provisions of the general law applicable to such city, or adopt any
10 other optional plan or organization open to such city ~~thereto~~. The
11 petition for abandonment shall designate the plan desired, and the
12 following proposition shall be submitted: Shall the city of
13 (.....) abandon the city manager plan of government and adopt the
14 (name of plan) as provided in (giving the legal designation of the law as
15 published)? If a majority of the votes cast thereon be in favor of such
16 proposition, the officers elected at the next regular municipal election
17 shall be those prescribed by the laws designated in the petition, and
18 upon the qualification of such officers the city shall become organized
19 under such ~~said~~ law. Such change shall not affect the property right or
20 ability of any nature of such city, but shall extend merely to its form
21 of government.

22 Sec. 136. Section 19-610, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-610 Nothing in the City Manager Plan of Government Act ~~sections~~
25 ~~19-601 to 19-648~~ shall be construed to interfere with or prevent any city
26 at any time from framing and adopting a charter for its own government as
27 provided by the state Constitution of Nebraska. In exercising the right
28 to frame its own charter, it shall not be obligatory upon any city to
29 adopt or retain the city manager plan of government ~~any of the provisions~~
30 ~~of sections 19-601 to 19-648~~.

31 Sec. 137. Section 19-611, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-611 The governing body of a the city which has adopted the city
3 manager plan of government shall be the city council, which shall
4 exercise all the powers which have been or may be conferred upon the city
5 by the Constitution of Nebraska and laws of the state, except as herein
6 otherwise provided in the City Manager Plan of Government Act.

7 Sec. 138. Section 19-612, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-612 City council members in a city under the city manager plan of
10 government shall be nominated and elected as provided in section 32-538.
11 The terms of office of all such members shall commence on the first
12 regular meeting of such city council ~~board~~ in December following their
13 election.

14 Sec. 139. Section 19-613, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-613 Members of the city council in a city under the city manager
17 plan of government shall be residents and registered voters of the city
18 and shall hold no other employment with the city. Any city council member
19 who ceases to possess any of the qualifications required by this section
20 or who has been convicted of a felony or of any public offense involving
21 the violation of the oath of office of such member while in office shall
22 forthwith forfeit such office.

23 Sec. 140. Section 19-613.01, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 19-613.01 Any city council member in a city under the city manager
26 plan of government to be elected from a ward, or an appointed successor
27 in the event of a vacancy, shall be a resident and a registered voter of
28 such ward. The city council member shall be nominated and elected in the
29 same manner as provided for at-large candidates, except that only
30 residents and registered voters of the ward may participate in the
31 signing of nomination petitions. All nominating petitions and ballots

1 shall clearly identify the ward from which such person shall be a
2 candidate. The ballots within a ward shall not contain the names of ward
3 candidates from other wards.

4 Sec. 141. Section 19-615, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-615 At the first regular meeting in December following the
7 general election in every even-numbered year, the city council in a city
8 under the city manager plan of government shall meet in the usual place
9 for holding meetings and the newly elected city council members shall
10 assume the duties of their office. Thereafter the city council shall meet
11 at such time and place as it may prescribe by ordinance, but not less
12 frequently than twice each month in cities of the first class. The mayor,
13 any two city council members, or the city manager may call special
14 meetings of the city council upon at least six hours' written notice. The
15 meetings of the city council and sessions of committees of the city
16 council shall be public. A majority of the members shall constitute a
17 quorum, but a majority vote of all the members elected shall be required
18 to pass any measure or elect to any office.

19 Sec. 142. Section 19-616, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-616 The annual compensation of the mayor and city a council
22 members member in cities under the city manager plan of government
23 ~~adopting sections 19-601 to 19-648~~ shall be payable quarterly in equal
24 installments and shall be fixed by the city council. The salary
25 ~~emoluments~~ of any appointive or elective officer shall not be increased
26 or diminished during the term for which such officer was elected or
27 appointed, except that when there are officers elected or appointed to
28 the city council, or a board or commission having more than one member
29 and the terms of one or more members commence and end at different times,
30 the compensation of all members of such city council, board, or
31 commission may be increased or diminished at the beginning of the full

1 term of any member thereof. No person who has resigned or vacated any
2 office shall be eligible to be elected or appointed to such office the
3 ~~same~~ during the time for which he or she ~~such person~~ was elected or
4 appointed when, during the same time, the salary has ~~emoluments have~~ been
5 increased. For each absence from regular meetings of the city council,
6 unless authorized by a two-thirds vote of all members of the city council
7 ~~thereof~~, there shall be deducted a sum equal to two percent of such
8 annual salary.

9 Sec. 143. Section 19-617, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-617 At the first regular meeting in December following the
12 general election in every even-numbered year, the city council in a city
13 under the city manager plan of government shall elect one of its members
14 as president, who shall be ex officio mayor, and another as vice
15 president, who shall serve in the absence of the president. In the
16 absence of the president and the vice president, the city council may
17 elect a temporary chairperson. The president shall preside over the city
18 council and have a voice and vote in its proceedings but no veto. The
19 president shall be recognized as the official head of the city for all
20 ceremonial purposes, by the courts for the purpose of serving civil
21 process, and by the Governor for military purposes. In addition, the
22 president shall exercise such other powers and perform such duties, not
23 inconsistent with the City Manager Plan of Government Act sections 19-601
24 ~~to 19-648~~, as are conferred upon the mayor of the city.

25 Sec. 144. Section 19-618, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-618 The city council in a city under the city manager plan of
28 government shall choose a city manager, a city clerk, and, where
29 required, a civil service commission, but no member of the city council
30 shall be chosen as manager or as a member of the civil service
31 commission. Neither the city council nor any of its committees or members

1 shall dictate the appointment of any person to office or employment by
2 the city manager or in any manner seek to prevent him or her from
3 exercising his or her own judgment in the appointment of officers and
4 employees in the administrative service. Except for the purpose of
5 inquiry, the city council and its members shall deal with the
6 administrative service solely through the city manager, and neither the
7 city council nor any member thereof shall give orders to any of the
8 subordinates of the city manager, either publicly or privately. The city
9 council, or a committee thereof, may investigate the affairs of any
10 department or the official acts and conduct of any city officer. The city
11 council ~~It~~ shall have power to administer oaths and compel the attendance
12 of witnesses and the production of books and papers and may punish for
13 contempt any person failing to obey its subpoena or refusing to testify.
14 No person shall be excused from testifying, but his or her testimony
15 shall not be used against him or her in any criminal proceeding other
16 than for perjury.

17 Sec. 145. Section 19-619, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-619 If, at the beginning of the term of office of the first city
20 council elected under the city manager plan of government ~~sections 19-601~~
21 ~~to 19-648~~, the appropriations or distribution of the expenditures of the
22 city government for the current fiscal year have been made, the city
23 council shall have power, by ordinance, to repeal or revise such
24 distribution, or to make additional appropriations within the limit of
25 the total taxes levied for the year.

26 Sec. 146. Section 19-620, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-620 The city council in a city under the city manager plan of
29 government shall have authority, subject to the City Manager Plan of
30 Government Act ~~provisions of sections 19-601 to 19-648~~, to create and
31 discontinue departments, offices, and employments, and by ordinance or

1 resolution to prescribe, limit, or change the compensation of such
2 officers and employees. ~~Nothing in this section ; Provided, however, that~~
3 ~~nothing herein contained~~ shall be so construed as to interfere with or to
4 affect the office or powers of ~~city school or school district officers,~~
5 ~~or of any officer named in the state Constitution of Nebraska.~~

6 Sec. 147. Section 19-645, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-645 The chief executive officer of ~~a~~ the city under the city
9 manager plan of government shall be a city manager, who shall be
10 responsible for the proper administration of all affairs of the city. He
11 or she shall be chosen by the city council for an indefinite period,
12 solely on the basis of administrative qualifications, and need not be a
13 resident of the city or state when appointed. He or she shall hold office
14 at the pleasure of the city council, and receive such salary as the city
15 council ~~it~~ shall fix by ordinance. During the absence or disability of
16 the city manager, the city council shall designate some properly
17 qualified person to perform the duties of the city manager office.

18 Sec. 148. Section 19-646, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-646 The powers and duties of the city manager shall be (1) to see
21 that the laws and ordinances of the city are enforced, (2) to appoint and
22 remove all heads of city departments and all subordinate officers and
23 employees in such ~~the~~ departments in both the classified and unclassified
24 service, which appointments shall be upon merit and fitness alone, and in
25 the classified service all appointments and removals shall be subject to
26 the civil service provisions of the Civil Service Act, (3) to exercise
27 control over all city departments and divisions thereof that may be
28 created by the city council, (4) to attend all meetings of the city
29 council with the right to take part in the discussion but not to vote,
30 (5) to recommend to the city council for adoption such measures as he or
31 she may deem necessary or expedient, (6) to prepare the annual city

1 budget and keep the city council fully advised as to the financial
2 condition and needs of the city, and (7) to perform such other duties as
3 may be required of him or her by the City Manager Plan of Government Act
4 ~~sections 19-601 to 19-648~~ or by ordinance or resolution of the city
5 council.

6 Sec. 149. Section 19-647, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-647 The city manager may investigate at any time the affairs of
9 any city department or the conduct of any officer or employee of the
10 city. The city manager He, or any person or persons appointed by him or
11 her for such the purpose, shall have the same power to compel the
12 attendance of witnesses and the production of books and papers and other
13 evidence, and to punish for contempt, granted to which has herein been
14 ~~conferred upon the city council pursuant to section 19-618.~~

15 Sec. 150. Section 19-648, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-648 Before taking office the city manager shall file with the
18 city clerk a surety company bond, conditioned upon the honest and
19 faithful performance of his or her duties, in such sum as shall be fixed
20 by the city council. The premium of such ~~this~~ bond shall be paid by the
21 city.

22 Sec. 151. Section 19-662, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-662 Whenever electors of any city under the city manager plan of
25 government, equal in number to thirty percent of those who voted at the
26 last regular city election, shall file a petition with the city clerk,
27 asking that the question of abandoning the city manager plan of
28 government ~~provided by the provisions of Chapter 19, article 6,~~ be
29 submitted to the electors thereof, the city ~~such~~ clerk shall within one
30 week certify that fact to the city council ~~of the city~~, and the city
31 council shall, within thirty days, adopt a resolution to provide for

1 submitting such question at the next regular municipal election after
2 adoption of the resolution. When such a petition is filed with the city
3 clerk within a seventy-day period prior to a regular municipal election,
4 the resolution adopted by the city council shall provide for the
5 submission of such question at the second regular municipal election
6 thereafter as provided by law.

7 Sec. 152. Section 19-701, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-701 Whenever the qualified electors of any city of the primary
10 class, city of the first class, city of the second class, or village
11 shall vote at any general or special election to acquire and appropriate,
12 by an exercise of the power of eminent domain, any waterworks, waterworks
13 system, electric light plant, electric light and power plant, heating
14 plant, street railway, or street railway system, located or operating
15 within or partly within and partly without such city or village, together
16 with real and personal property needed or useful in connection therewith,
17 if the main part of such works, plant, or system be within ~~any~~ such city
18 or village and even though a franchise for the construction and operating
19 of any such works, plant, or system may or may not have expired, then ~~any~~
20 such city or village shall possess and have the power and authority, by
21 an exercise of the power of eminent domain to appropriate and acquire,
22 for the public use of ~~any~~ such city or village, any such works, plant,
23 railway, pipelines, or system. If any public utility properties supplying
24 different kinds of service to such a city or village are operated as one
25 unit and under one management, the right to acquire and appropriate, as
26 provided in sections 19-701 to 19-707, shall cover and extend to the
27 entire property and not to any divided or segregated part thereof, and
28 the duly constituted authorities of ~~any~~ such city or village shall have
29 the power to submit such question or proposition, in the usual manner, to
30 the qualified electors of any such city or village at any general city or
31 village election or at any special city or village election and may

1 submit the proposition in connection with any city or village special
2 election called for any other purpose, and the votes cast thereon shall
3 be canvassed and the result found and declared as in any other city or
4 village election. Such city or village authorities shall submit such
5 question at any such election whenever a petition asking for such
6 submission, signed by the legal voters of such a city or village equaling
7 in number fifteen percent of the votes cast at the last general city or
8 village election, and filed in the city clerk's or village clerk's office
9 at least sixty days before the election at which the submission is
10 presented ~~asked~~, but if the question of acquiring any particular plant or
11 system has been submitted once, the same question shall not again be
12 submitted to the voters of such a city or village until two years shall
13 have elapsed from and after the date of the findings by the board of
14 appraisers regarding the value of the property and the city's or
15 village's rejection of such question ~~the same~~.

16 Sec. 153. Section 19-702, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-702 If the election at which the question is submitted pursuant
19 to section 19-701 is a special election and sixty percent of the votes
20 cast upon such proposition are in favor thereof, or if the election at
21 which the question is submitted is a general election and a majority of
22 the votes cast upon such proposition are in favor thereof, then the city
23 council or village board of trustees or officer possessing the power and
24 duty to ascertain and declare the result of such election shall certify
25 such result immediately to the Supreme Court ~~of the state~~. The Supreme
26 Court shall, within thirty days after the receipt of such certificate,
27 appoint three district judges from three of the judicial districts of the
28 state, and such ~~said~~ ~~three~~ judges shall constitute a court of
29 condemnation for the ascertainment and finding of the value of any such
30 plant, works, or system, and the ~~said~~ Supreme Court shall enter an order
31 requiring such judges to attend as a court of condemnation at the county

1 seat in which such city or village is located within such time as may be
2 stated in such order. ~~The Said~~ district judges shall ~~so~~ attend as
3 ordered, and such court of condemnation ~~at such time it meets~~ shall
4 organize and proceed with its duties. The court of condemnation ~~It~~ may
5 adjourn from time to time, and it shall fix a time for the appearance
6 before it of all such corporations or persons as the court may deem
7 necessary to be made parties to such condemnation proceedings or which
8 the city, the village, or the corporation or persons owning any such
9 plant, system, or works may desire to have made a party to such
10 proceedings. If such time of appearance shall occur after any proceedings
11 have begun, they shall be reviewed by the court, as it may direct, to
12 give all parties full opportunity to be heard. All corporations or
13 persons, including all mortgagees, bondholders, trustees for bondholders,
14 and leaseholders, or any other party or person claiming any interest in
15 or lien upon any such works, plant, or system may be made parties to such
16 condemnation proceedings, and shall be served with notice of such
17 proceedings and the time and place of the meeting of the court of
18 condemnation in the same manner and for such length of time as the
19 service of a summons in cases begun in the district court of the state,
20 either by personal service or service by publication, and actual personal
21 service of notice within or without the state shall supersede the
22 necessity of notice by publication.

23 Sec. 154. Section 19-703, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-703 Any Such court of condemnation appointed pursuant to section
26 19-702 shall have full power to summon and swear witnesses, take
27 evidence, order the taking of depositions, and require the production of
28 any and all books and papers deemed necessary for a full investigation
29 and ascertainment of the value of any ~~such~~ works, plant, or system to be
30 acquired pursuant to section 19-701. When any ; Provided, that when part
31 of the public utilities appropriated under sections 19-701 to 19-707

1 extends beyond the territory within which the city or village exercising
2 the right of eminent domain has a right to operate such utilities the
3 ~~same~~, the court of condemnation, in determining the damages caused by the
4 appropriation thereof, shall take into consideration the fact that such
5 portion of the utility beyond such territory is being detached and not
6 appropriated by the city or village, and the court of condemnation shall
7 award damages by reason of such detachment and the destruction in value
8 and usefulness of the detached and unappropriated property as it will
9 remain and be left after the detachment and appropriation. Such court of
10 condemnation may appoint a reporter of its proceedings who shall report
11 and preserve all evidence introduced before it. Such court of
12 condemnation shall have all the powers and perform all the duties of
13 commissioners in the condemnation and ascertainment of the value and in
14 making of an award of all property of any such works, plant, or system.
15 The clerk of the district court, in the county where such city or village
16 is located, shall attend upon such ~~said~~ court of condemnation and perform
17 such duties, as the clerk thereof, as such condemnation court may direct.
18 The sheriff of any such county, or any of his or her deputies shall
19 attend upon such ~~said~~ court of condemnation and shall have power to serve
20 summons, subpoenas, and all other orders or papers ordered to be served
21 by such court of condemnation~~court~~. In case of vacancy in such ~~said~~
22 court of condemnation, such vacancy shall be filled by the Supreme Court
23 if the vacancy occurs while the court is in session, and if it occurs
24 while the court is not in session, then by the Chief Justice of the
25 Supreme Court ~~said court~~.

26 Sec. 155. Section 19-704, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-704 Upon the determination and filing of a finding of the value
29 of any ~~such~~ plant, works, or system by a ~~the~~ ~~said~~ court of condemnation
30 pursuant to section 19-702, the ~~such~~ city or village shall then have the
31 right and power by ordinance duly passed by the city council or village

1 ~~board of trustees its duly constituted authorities,~~ to elect to abandon
2 such condemnation proceedings. If such city or village ~~it~~ does not elect
3 to abandon such proceedings within ninety days after the finding and
4 filing of value, then the person or corporation owning any such plant,
5 works, or system may appeal from the finding of value and award by the
6 ~~said~~ court of condemnation to the district court by filing within twenty
7 days from the expiration of such ~~the said~~ time given the city or village
8 to exercise its rights of abandonment, with the city clerk of ~~any~~ such
9 city or the village clerk of ~~any~~ such village, a bond, to be approved by
10 such clerk ~~him~~, conditioned for the payment of all costs which may be
11 made on any such appeal, and by filing in the ~~said~~ district court, within
12 ninety days after such bond is filed, a transcript of the proceedings
13 before such condemnation court including the evidence taken before it
14 certified by the clerk, reporter, and judges of such court. The appeal in
15 the district court shall be tried and determined upon the pleadings,
16 proceedings, and evidence embraced in such transcript. If ~~;~~ ~~Provided,~~
17 ~~that~~ ~~if~~ such appeal is taken the city or village, upon tendering the
18 amount of the value and award made by such condemnation court, to the
19 party owning any such plant, works, or system, shall, notwithstanding
20 such appeal, have the right and power to take immediate possession of ~~any~~
21 such plant, works, or system, and the city or village authorities,
22 without vote of the people, shall have the power, if necessary, to issue
23 and sell bonds of the city or village to provide funds to make such
24 tender.

25 Sec. 156. Section 19-705, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-705 Upon the hearing of an ~~such~~ appeal in the district court
28 pursuant to section 19-704, judgment shall be pronounced, as in ordinary
29 cases, for the value of ~~any~~ such works, plant, or system. The city,
30 village, party, or corporation owning ~~any~~ such plant, works, or system
31 may appeal to the Court of Appeals. Upon a final judgment being

1 pronounced as to the value of ~~any~~ such plant, works, or system, the city
2 council of duly constituted authorities of any such city or village board
3 of trustees of such village shall issue and sell bonds of the any such
4 city or village to pay the amount of such value and judgment without a
5 vote of the people.

6 Sec. 157. Section 19-706, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-706 The district judges constituting the ~~aforsaid~~ court of
9 condemnation appointed pursuant to section 19-702 shall each receive from
10 and be paid by such city or village fifteen dollars per day for their
11 services and their necessary traveling expenses, hotel bills, and all
12 other necessary expenses incurred while in attendance upon the sittings
13 of such court of condemnation, with reimbursement for expenses to be made
14 as provided in sections 81-1174 to 81-1177 ~~for state employees~~, and the
15 city or village shall pay the reporter that may be appointed by such ~~said~~
16 court such an amount as such ~~said~~ court of condemnation shall allow him
17 or her. The county sheriff shall serve all ~~such~~ summons, subpoenas, or
18 other orders or papers ordered issued or served by such ~~condemnation~~
19 court of condemnation at the same rate and compensation for which he or
20 she serves like papers issued by the district court, but shall account
21 for all such compensation to the county as is required by him or her
22 under the law governing his or her duties as county sheriff ~~of the~~
23 ~~county~~. The court of condemnation shall have power to apportion the cost
24 made before it, between the city or village and the corporation or party
25 owning any such plant, works, or system, and the city or village shall
26 provide for and pay all such costs or portion of costs as the ~~said~~ court
27 shall order, and shall also make provisions for the necessary funds and
28 expenses to carry on the proceedings of such condemnation court, from
29 time to time while such proceedings are in progress, but in the event the
30 city or village elects to abandon the condemnation proceedings pursuant
31 to section 19-704, as aforsaid, then the city or village shall pay all

1 the costs made before such condemnation court. ~~If ; Provided,~~ if services
2 of expert witnesses are secured then their fees or compensation to be
3 taxed and paid as costs shall be only such amount as the ~~said~~
4 condemnation court shall fix, notwithstanding any contract between such
5 experts and the party producing them to pay them more, but a contract to
6 pay them more than the court shall allow as costs may be enforced between
7 any such experts and the litigant or party employing them. The costs made
8 by any such appeal or appeals shall be adjudged against the party
9 defeated in such appeal in the same degree and manner as is done under
10 the general court practice relating to appellate proceedings.

11 Sec. 158. Section 19-707, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-707 The powers herein vested in cities and villages under
14 sections 19-701 to 19-707 ~~the city or village~~ shall be conferred upon
15 cities of the primary class, cities of the first class, cities of the
16 second class, and , ~~first or second classes~~ or villages, whether or not
17 such city or village is operating under a home rule charter adopted
18 pursuant to Article XI, Constitution of Nebraska.

19 Sec. 159. Section 19-708, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-708 Whenever the local distribution system of any public utility,
22 has been acquired by any city or village under the provisions of Chapter
23 19, article 7, the condemnee, if it is also the owner of any transmission
24 system, whether by wire, pipeline, or otherwise, from any other point to
25 such city or village shall, at the option of such city or village, be
26 required to render wholesale service to such city or village whether
27 otherwise acting as wholesaler or not. ~~If ; Provided,~~ ~~that~~ if the
28 condemnee is a public power district subject to the provisions of section
29 70-626.01, the obligations of the public power district to the condemner
30 under this section shall be no greater than to other cities and villages
31 under ~~said~~ section 70-626.01.

1 Sec. 160. Section 19-709, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-709 The mayor and city council of any city of the first class or
4 city of the second class or the chairperson and members of the village
5 board of trustees of any village shall have power to purchase or
6 appropriate private property or school lands for the use of the city or
7 village for streets, alleys, avenues, parks, parkways, boulevards,
8 sanitary sewers, storm water sewers, public squares, public auditoriums,
9 public fire stations, training facilities for firefighters, market
10 places, public heating plants, power plants, gas works, electric light
11 plants, wells, or waterworks, including mains, pipelines, and settling
12 basins therefor, and to acquire outlets and the use of streams for sewage
13 disposal. When necessary for the proper construction of any of the works
14 described in this section ~~above provided~~, the right of appropriation
15 shall extend such distance as may be necessary from the corporate limits
16 of the city or village, except that no city of the first class, city of
17 the ~~or~~ second class, or village may acquire through the exercise of the
18 power of eminent domain or otherwise any real estate within the zoning
19 jurisdiction of any other city of the first class, city of the ~~or~~ second
20 class, or village for any of the works enumerated in this section if the
21 use for which the real estate is to be acquired would be contrary to or
22 would not be a use permitted by the existing zoning ordinances and
23 regulations of such other city or village, but such real estate may be
24 acquired within the zoning jurisdiction of another city of the first
25 class, city of the ~~or~~ second class, or village for such contrary or
26 nonpermitted use if the governing body of such other city or village
27 shall approve such acquisition and use. Such power shall also include the
28 right to appropriate for any of the ~~above~~ purposes described in this
29 section any plant or works already constructed, or any part thereof,
30 whether such plant or works lie ~~the same lies~~ wholly within the city or
31 village or part within and part without the city or village or beyond the

1 corporate limits of such city or village, including all real estate,
2 buildings, machinery, pipes, mains, hydrants, basins, and reservoirs, and
3 all appurtenances reasonably necessary thereto and a part thereof, or
4 connected with such works or plants, and all franchises to own and
5 operate the same, if any. The procedure to condemn property shall be
6 exercised in the manner set forth in sections 76-704 to 76-724, except as
7 to property specifically excluded by section 76-703 and as to which
8 sections 19-701 to 19-707 or the Municipal Natural Gas System
9 Condemnation Act is applicable.

10 Sec. 161. Section 19-710, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-710 In cases of appeal from an action of the city council
13 condemning real property as a nuisance or as dangerous under the police
14 powers of the city, the owners of the adjoining property may intervene in
15 the action at any time before trial.

16 Sec. 162. Section 19-901, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-901 (1) For the purpose of promoting health, safety, morals, or
19 the general welfare of the community, the city council of a city
20 ~~legislative bodies in cities~~ of the first class or city of the and second
21 class or the village board of trustees of a village and ~~in villages~~ may
22 adopt zoning regulations which regulate and restrict the height, number
23 of stories, and size of buildings and other structures, the percentage of
24 lots ~~lot~~ that may be occupied, the size of yards, courts, and other open
25 spaces, the density of population, and the location and use of buildings,
26 structures, and land for trade, industry, residence, or other purposes.

27 (2) Such powers shall be exercised only after the city council or
28 village board of trustees ~~municipal legislative body~~ has established a
29 planning commission, received from its planning commission a recommended
30 comprehensive development plan as defined in section 19-903, adopted such
31 comprehensive development plan, and received the specific recommendation

1 of the planning commission on the adoption or amendment of zoning
2 regulations. The planning commission shall make a preliminary report and
3 hold public hearings on its recommendations regarding the adoption or
4 repeal of the comprehensive development plan and zoning regulations and
5 shall hold public hearings thereon before submitting its final report to
6 the city council or village board of trustees ~~legislative body~~.
7 Amendments to the comprehensive plan or zoning regulations shall be
8 considered at public hearings before submitting recommendations to the
9 city council or village board of trustees ~~legislative body~~.

10 (3) A comprehensive development plan as defined in section 19-903
11 which has been adopted and not rescinded by a city council or village
12 board of trustees ~~such legislative body~~ prior to May 17, 1967, shall be
13 deemed to have been recommended and adopted in compliance with the
14 procedural requirements of this section when, prior to the adoption of
15 the plan by the city council or village board of trustees ~~legislative~~
16 ~~body~~, a recommendation thereon had been made to the city council or
17 village board of trustees ~~legislative body~~ by a zoning commission in
18 compliance with the provisions of section 19-906, or by a planning
19 commission appointed under the provisions of Chapter 19, article 9,
20 regardless of whether the planning commission had been appointed as a
21 zoning commission.

22 (4) The requirement that a planning commission be appointed and a
23 comprehensive development plan be adopted shall not apply to cities of
24 the first class, cities of the ~~and~~ second class, and villages which have
25 legally adopted a zoning ordinance prior to May 17, 1967, and which have
26 not amended the zoning ordinance or zoning map since May 17, 1967. Such
27 city or village shall appoint a planning commission and adopt the
28 comprehensive plan prior to amending the zoning ordinance or zoning map.

29 Sec. 163. Section 19-902, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-902 (1) For any or all of the purposes designated in section

1 19-901, the city council or village board of trustees may divide the
2 municipality into districts of such number, shape, and area as may be
3 deemed best suited to carry out the purposes of sections 19-901 to 19-914
4 and may regulate and restrict the erection, construction, reconstruction,
5 alteration, repair, or use of buildings, structures, or land within such
6 ~~the~~ districts. All such regulations shall be uniform for each class or
7 kind of buildings throughout each district, but the regulations
8 applicable to one district may differ from those applicable to other
9 districts. If a regulation affects the Niobrara scenic river corridor as
10 defined in section 72-2006 and is not incorporated within the boundaries
11 of the municipality, the Niobrara Council shall act on the regulation as
12 provided in section 72-2010.

13 (2)(a) The city council or village board of trustees shall not adopt
14 or enforce any zoning ordinance or regulation which prohibits the use of
15 land for a proposed residential structure for the sole reason that the
16 proposed structure is a manufactured home if such manufactured home bears
17 an appropriate seal which indicates that it was constructed in accordance
18 with the standards of the Uniform Standard Code for Manufactured Homes
19 and Recreational Vehicles, the Nebraska Uniform Standards for Modular
20 Housing Units Act, or the United States Department of Housing and Urban
21 Development. The city council or village board of trustees may require
22 that a manufactured home be located and installed according to the same
23 standards for foundation system, permanent utility connections, setback,
24 and minimum square footage which would apply to a site-built, single-
25 family dwelling on the same lot. The city council or village board of
26 trustees may also require that manufactured homes meet the following
27 standards:

28 (i) The home shall have no less than nine hundred square feet of
29 floor area;

30 (ii) The home shall have no less than an eighteen-foot exterior
31 width;

1 (iii) The roof shall be pitched with a minimum vertical rise of two
2 and one-half inches for each twelve inches of horizontal run;

3 (iv) The exterior material shall be of a color, material, and scale
4 comparable with those existing in residential site-built, single-family
5 construction;

6 (v) The home shall have a nonreflective roof material which is or
7 simulates asphalt or wood shingles, tile, or rock; and

8 (vi) The home shall have wheels, axles, transporting lights, and
9 removable towing apparatus removed.

10 (b) The city council or village board of trustees may not require
11 additional standards unless such standards are uniformly applied to all
12 single-family dwellings in the zoning district.

13 (c) Nothing in this subsection shall be deemed to supersede any
14 valid restrictive covenants of record.

15 (3) For purposes of this section, manufactured home shall mean (a) a
16 factory-built structure which is to be used as a place for human
17 habitation, which is not constructed or equipped with a permanent hitch
18 or other device allowing it to be moved other than to a permanent site,
19 which does not have permanently attached to its body or frame any wheels
20 or axles, and which bears a label certifying that it was built in
21 compliance with national ~~National~~ Manufactured Home Construction and
22 Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United
23 States Department of Housing and Urban Development, or (b) a modular
24 housing unit as defined in section 71-1557 bearing a seal in accordance
25 with the Nebraska Uniform Standards for Modular Housing Units Act.

26 (4) Subdivision regulations and building, plumbing, electrical,
27 housing, fire, or health codes or similar regulations and the adoption
28 thereof shall not be subject to sections 19-901 to 19-915.

29 Sec. 164. Section 19-903, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-903 The regulations and restrictions authorized by sections

1 19-901 to 19-915 shall be in accordance with a comprehensive development
2 plan which shall consist of both graphic and textual material and shall
3 be designed to accommodate anticipated long-range future growth which
4 shall be based upon documented population and economic projections. The
5 comprehensive development plan shall, among other possible elements,
6 include:

7 (1) A land-use element which designates the proposed general
8 distributions, general location, and extent of the uses of land for
9 agriculture, housing, commerce, industry, recreation, education, public
10 buildings and lands, and other categories of public and private use of
11 land;

12 (2) The general location, character, and extent of existing and
13 proposed major roads, streets, and highways, and air and other
14 transportation routes and facilities;

15 (3) The general location, type, capacity, and area served of present
16 and projected or needed community facilities including recreation
17 facilities, schools, libraries, other public buildings, and public
18 utilities and services;

19 (4) When a new comprehensive plan or a full update to an existing
20 comprehensive plan is developed on or after July 15, 2010, but not later
21 than January 1, 2015, an energy element which: Assesses energy
22 infrastructure and energy use by sector, including residential,
23 commercial, and industrial sectors; evaluates utilization of renewable
24 energy sources; and promotes energy conservation measures that benefit
25 the community. This subdivision shall not apply to villages; ~~and~~

26 (5) When a new comprehensive plan or a full update to an existing
27 comprehensive plan is developed on or after the effective date of this
28 act, but not later than January 1, 2022, such plan or update shall
29 include, but not be limited to, an early childhood element which
30 evaluates the supply of quality licensed early childhood education
31 programs for children under six years of age, evaluates the availability

1 and utilization of licensed child care capacity and quality for children
2 under age six years of age, and promotes early childhood health and
3 education measures that benefit the community. To meet the requirements
4 of this subdivision, the city may (a) acquire publicly available data and
5 information from the State Department of Education, the Department of
6 Health and Human Services, the United States Bureau of the Census, other
7 federal, state, or local agencies, or any other organization, (b) use a
8 definition of quality found in existing programs, including, but not
9 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
10 Learning Fund, the federal Head Start program or Early Head Start
11 program, or other early childhood education programs at a school
12 district, and (c) determine whether an early childhood education program
13 is accredited by a national association recognized by the Department of
14 Health and Human Services. This subdivision shall not apply to villages;
15 and

16 (6)(a) ~~(5)(a)~~ When next amended after January 1, 1995, an
17 identification of sanitary and improvement districts, subdivisions,
18 industrial tracts, commercial tracts, and other discrete developed areas
19 which are or in the future may be appropriate subjects for annexation and
20 (b) a general review of the standards and qualifications that should be
21 met to enable the municipality to undertake annexation of such areas.
22 Failure of the plan to identify subjects for annexation or to set out
23 standards or qualifications for annexation shall not serve as the basis
24 for any challenge to the validity of an annexation ordinance.

25 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
26 designed to lessen congestion in the streets; to secure safety from fire,
27 panic, and other dangers; to promote health and the general welfare; to
28 provide adequate light and air; to prevent the overcrowding of land; to
29 secure safety from flood; to avoid undue concentration of population; to
30 facilitate the adequate provision of transportation, water, sewerage,
31 schools, parks, and other public requirements; to protect property

1 against blight and depreciation; to protect the tax base; to secure
2 economy in governmental expenditures; and to preserve, protect, and
3 enhance historic buildings, places, and districts.

4 Such regulations shall be made with reasonable consideration, among
5 other things, for the character of the district and its peculiar
6 suitability for particular uses and with a view to conserving the value
7 of buildings and encouraging the most appropriate use of land throughout
8 such municipality.

9 Sec. 165. Section 19-904, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-904 The city council or village board of trustees legislative
12 body of a such municipality which adopts zoning regulations and
13 restrictions pursuant to sections 19-901 to 19-915 shall provide for the
14 manner in which such regulations and restrictions, and the boundaries of
15 such districts established pursuant to section 19-902, shall be
16 determined, established, and enforced, and from time to time amended,
17 supplemented, or changed. The city council or village board of trustees
18 legislative body shall receive the advice of the planning commission
19 before taking definite action on any contemplated amendment, supplement,
20 change, modification, or repeal. No such regulation, restriction, or
21 boundary shall become effective until after separate public hearings are
22 held by both the planning commission and the city council or village
23 board of trustees legislative body in relation thereto, at which parties
24 in interest and citizens shall have an opportunity to be heard. Notice of
25 the time and place of such hearing shall be given by publication thereof
26 in a legal newspaper in or paper of general circulation in such
27 municipality at least one time ten days prior to such hearing.

28 Sec. 166. Section 19-904.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 19-904.01 The use of a building, structure, or land, existing and
31 lawful at the time of the adoption of a zoning regulation, or at the time

1 of an amendment of a regulation, may, except as provided in this section,
2 be continued, although such use does not conform with provisions of such
3 regulation or amendment. Such ; ~~and such~~ use may be extended throughout
4 the same building if no structural alteration of such building is
5 proposed or made for the purpose of such extension. If such nonconforming
6 use is in fact discontinued for a period of twelve months, such right to
7 the nonconforming use shall be forfeited and any future use of the
8 building and premises shall conform to the regulation. The city council
9 or village board of trustees ~~municipal legislative body~~ may provide in
10 any zoning regulation for the restoration, reconstruction, extension, or
11 substitution of nonconforming uses upon such terms and conditions as may
12 be set forth in the zoning regulations. The city council or village board
13 of trustees ~~municipal legislative body~~ may, in any zoning regulation,
14 provide for the termination of nonconforming uses, either by specifying
15 the period or periods in which nonconforming uses shall be required to
16 cease, or by providing a formula whereby the compulsory termination of a
17 nonconforming use may be so fixed as to allow for the recovery of
18 amortization of the investment in the nonconformance, except that in the
19 case of a legally erected outdoor advertising sign, display, or device,
20 no amortization schedule shall be used.

21 Sec. 167. Section 19-905, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-905 Regulations, restrictions, and boundaries authorized to be
24 created pursuant to sections 19-901 to 19-915 may from time to time be
25 amended, supplemented, changed, modified, or repealed. In case of a
26 protest against such change, signed by the owners of twenty percent or
27 more either of the area of the lots included in such proposed change, or
28 of those immediately adjacent on the sides and in the rear thereof
29 extending three hundred feet therefrom, and of those directly opposite
30 thereto extending three hundred feet from the street frontage of such
31 opposite lots, and such change is not in accordance with the

1 comprehensive development plan, such amendment shall not become effective
2 except by the favorable vote of three-fourths of all the members of the
3 city council or village board of trustees ~~legislative body~~ of such
4 municipality. The provisions of section 19-904 relative to public
5 hearings and official notice shall apply equally to all changes or
6 amendments. In addition to the publication of the notice as provided in
7 section 19-904 ~~therein prescribed~~, a notice shall be posted in a
8 conspicuous place on or near the property on which action is pending.
9 Such notice shall not be less than eighteen inches in height and twenty-
10 four inches in width with a white or yellow background and black letters
11 not less than one and one-half inches in height. Such posted notice shall
12 be so placed upon such premises that it is easily visible from the street
13 nearest the same and shall be so posted at least ten days prior to the
14 date of such hearing. It shall be unlawful for anyone to remove,
15 mutilate, destroy, or change such posted notice prior to such hearing.
16 Any person so doing shall be deemed guilty of a misdemeanor. If the
17 record title owners of any lots included in such proposed change be
18 nonresidents of the municipality, then a written notice of such hearing
19 shall be mailed by certified mail to them addressed to their last-known
20 addresses at least ten days prior to such hearing. At the option of the
21 city council or village board of trustees ~~legislative body~~ of the
22 municipality, in place of the posted notice provided in this section
23 ~~above~~, the owners or occupants of the real estate to be zoned or rezoned
24 and all real estate located within three hundred feet of the real estate
25 to be zoned or rezoned may be personally served with a written notice
26 thereof at least ten days prior to the date of the hearing, if they can
27 be served with such notice within the county where such real estate is
28 located. Where such notice cannot be served personally upon such owners
29 or occupants in the county where such real estate is located, a written
30 notice of such hearing shall be mailed to such owners or occupants
31 addressed to their last-known addresses at least ten days prior to such

1 hearing. The provisions of this section in reference to notice shall not
2 apply (1) in the event of a proposed change in such regulations,
3 restrictions, or boundaries throughout the entire area of an existing
4 zoning district or of such municipality, or (2) in the event additional
5 or different types of zoning districts are proposed, whether or not such
6 additional or different districts are made applicable to areas, or parts
7 of areas, already within a zoning district of the municipality, but only
8 the requirements of section 19-904 shall be applicable.

9 Sec. 168. Section 19-907, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-907 Except as provided in section 19-912.01, the city council or
12 village board of trustees of a municipality which has adopted zoning
13 regulations pursuant to sections 19-901 to 19-915 ~~local legislative body~~
14 shall provide for the appointment of a board of adjustment. Any actions
15 taken by the board of adjustment shall not exceed the powers granted by
16 section 19-910.

17 Sec. 169. Section 19-908, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-908 The board of adjustment appointed pursuant to section 19-907
20 shall consist of five regular members, plus one additional member
21 designated as an alternate who shall attend and serve only when one of
22 the regular members is unable to attend for any reason, each to be
23 appointed for a term of three years and removable for cause by the
24 appointing authority upon written charges and after public hearings.
25 Vacancies shall be filled for the unexpired term of any member whose term
26 becomes vacant. One member only of the board of adjustment shall be
27 appointed from the membership of the planning commission, and the loss of
28 membership on the planning commission by such member shall also result in
29 his or her immediate loss of membership on the board of adjustment and
30 the appointment of another planning commissioner to the board of
31 adjustment. After September 9, 1995, the first vacancy occurring on the

1 board of adjustment shall be filled by the appointment of a person who
2 resides in the extraterritorial zoning jurisdiction of the city or
3 village at such time as more than two hundred persons reside within such
4 area. Thereafter, at all times, at least one member of the board of
5 adjustment shall reside outside of the corporate boundaries of the city
6 or village but within its extraterritorial zoning jurisdiction. The board
7 of adjustment shall adopt rules in accordance with the provisions of any
8 ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the
9 board of adjustment shall be held at the call of the chairperson and at
10 such other times as the board may determine. Such chairperson, or in his
11 or her absence the acting chairperson, may administer oaths and compel
12 the attendance of witnesses. All meetings of the board of adjustment
13 shall be open to the public. The board of adjustment shall keep minutes
14 of its proceedings, showing the vote of each member upon each question,
15 or, if absent or failing to vote, indicating such fact, and shall keep
16 records of its examinations and other official actions, all of which
17 shall be immediately filed in the office of the board and shall be a
18 public record.

19 Sec. 170. Section 19-909, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-909 Appeals to the board of adjustment may be taken by any person
22 aggrieved or by any officer, department, board, or bureau of the
23 municipality affected by any decision of the administrative officer. Such
24 appeal shall be taken within a reasonable time, as provided by the rules
25 of the board of adjustment, by filing with the officer from whom the
26 appeal is taken and with the board of adjustment a notice of appeal
27 specifying the grounds for such appeal thereof. The officer from whom the
28 appeal is taken shall forthwith transmit to the board of adjustment all
29 the papers constituting the record upon which the action appealed from
30 was taken. An appeal stays all proceedings in furtherance of the action
31 appealed from, unless the officer from whom the appeal is taken certifies

1 to the board of adjustment, after the notice of appeal shall have been
2 filed with him or her, that by reason of facts stated in the certificate
3 a stay would, in his or her opinion, cause imminent peril to life or
4 property. In such case proceedings shall not be stayed otherwise than by
5 a restraining order which may be granted by the board of adjustment or by
6 a court of record on application on notice to the officer from whom the
7 appeal is taken and on due cause shown. The board of adjustment shall fix
8 a reasonable time for the hearing of the appeal, give public notice
9 thereof, as well as due notice to the parties in interest, and decide the
10 same within a reasonable time. Upon the hearing any party may appear in
11 person or by agent or by attorney.

12 Sec. 171. Section 19-910, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-910 (1) The board of adjustment appointed pursuant to section
15 19-907 shall, subject to such appropriate conditions and safeguards as
16 may be established by the city council or village board of trustees
17 ~~legislative body~~, have only the following powers: (a) To hear and decide
18 appeals when it is alleged there is error in any order, requirement,
19 decision, or determination made by an administrative official or agency
20 based on or made in the enforcement of any zoning regulation or any
21 regulation relating to the location or soundness of structures, except
22 that the authority to hear and decide appeals shall not apply to
23 decisions made under subsection (3) of section 19-929; (b) to hear and
24 decide, in accordance with the provisions of any zoning regulation,
25 requests for interpretation of any map; and (c) when by reason of
26 exceptional narrowness, shallowness, or shape of a specific piece of
27 property at the time of the enactment of the zoning regulations, or by
28 reason of exceptional topographic conditions or other extraordinary and
29 exceptional situation or condition of such piece of property, the strict
30 application of any enacted regulation under this section and sections
31 19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and

1 exceptional practical difficulties to or exceptional and undue hardships
2 upon the owner of such property, to authorize, upon an appeal relating to
3 the property, a variance from such strict application so as to relieve
4 such difficulties or hardship, if such relief may be granted without
5 substantial detriment to the public good and without substantially
6 impairing the intent and purpose of any zoning regulation ordinance or
7 resolution.

8 (2) No such variance shall be authorized by the board of adjustment
9 unless it finds that: (a) The strict application of the zoning regulation
10 would produce undue hardship; (b) such hardship is not shared generally
11 by other properties in the same zoning district and the same vicinity;
12 (c) the authorization of such variance will not be of substantial
13 detriment to adjacent property and the character of the district will not
14 be changed by the granting of the variance; and (d) the granting of such
15 variance is based upon reason of demonstrable and exceptional hardship as
16 distinguished from variations for purposes of convenience, profit, or
17 caprice. No variance shall be authorized unless the board of adjustment
18 finds that the condition or situation of the property concerned or the
19 intended use of the property is not of so general or recurring a nature
20 as to make reasonably practicable the formulation of a general regulation
21 to be adopted as an amendment to the zoning regulations.

22 (3) In exercising the powers granted in this section, the board of
23 adjustment may, in conformity with sections 19-901 to 19-915, reverse or
24 affirm, wholly or partly, or may modify the order, requirement, decision,
25 or determination appealed from, and may make such order, requirement,
26 decision, or determination as ought to be made, and to that end shall
27 have all the powers of the officer from whom the appeal is taken. The
28 concurring vote of four members of the board of adjustment shall be
29 necessary to reverse any order, requirement, decision, or determination
30 of any such administrative official, or to decide in favor of the
31 applicant on any matter upon which it is required to pass under any such

1 regulation or to effect any variation in such regulation.

2 Sec. 172. Section 19-911, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-911 Notwithstanding the provisions of sections 19-907 and 19-908,
5 the village board of trustees ~~legislative body of a village~~ may, except
6 as set forth in section 19-912.01, provide by ordinance that it shall
7 constitute a board of adjustment, and in the regulations and restrictions
8 adopted pursuant to the authority of sections 19-901 to 19-905 may
9 provide that as such board of adjustment it may exercise only the powers
10 granted to boards of adjustment by section 19-910. As such board of
11 adjustment, the village board of trustees ~~it~~ shall adopt rules and
12 procedures that are in harmony with sections 19-907 to 19-910, and shall
13 have the powers and duties therein provided for the board of adjustment,
14 and other parties shall have all the rights and privileges therein
15 provided for. The concurring vote of two-thirds of the members of the
16 village board of trustees ~~legislative body~~ acting as a board of
17 adjustment shall decide any question upon which it is required to pass as
18 such board of adjustment.

19 Sec. 173. Section 19-912, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-912 Any person or persons, jointly or severally, aggrieved by any
22 decision of the board of adjustment, or any taxpayer, or any officer,
23 department, board, or bureau of the municipality, may present to the
24 district court a petition duly verified, setting forth that such decision
25 is illegal, in whole or in part, and specifying the grounds of such
26 illegality. Such petition must be presented to the court within fifteen
27 days after the filing of the decision in the office of the board of
28 adjustment. Upon the filing of such petition a summons shall be issued
29 and be served upon the board of adjustment, together with a copy of the
30 petition. Return of service shall be made within four days after the
31 issuance of the summons. Within ten days after the return day of such

1 summons, the board of adjustment shall file an answer to such said
2 petition which shall admit or deny the substantial allegations ~~averments~~
3 of the petition, and shall state the contentions of the board of
4 adjustment with reference to the matters in dispute as disclosed by the
5 petition. The answer shall be verified in like manner as required for the
6 petition. At the expiration of the time for filing answer, the court
7 shall proceed to hear and determine the cause without delay and shall
8 render judgment thereon according to the forms of law. If, upon the
9 hearing, it shall appear to the court that testimony is necessary for the
10 proper disposition of the matter, the court ~~it~~ may take evidence or
11 appoint a referee to take such evidence as it may direct and report the
12 same to the court with his or her findings of fact and conclusions of
13 law, which shall constitute a part of the proceedings upon which the
14 determination of the court shall be made. The court may reverse or
15 affirm, wholly or partly, or may modify the decision brought up for
16 review. Such said appeal to the district court shall not stay proceedings
17 upon the decision appealed from, but the court may, on application, on
18 notice to the board of adjustment and on due cause shown, grant a
19 restraining order. Any appeal from such judgment of the district court
20 shall be prosecuted in accordance with the general laws of the state
21 regulating appeals in actions at law.

22 Sec. 174. Section 19-912.01, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 19-912.01 The zoning board of adjustment of a county that has
25 adopted a comprehensive development plan, as defined by section
26 23-114.02, and is enforcing zoning regulations based upon such a plan,
27 shall, upon request of the governing body of a ~~village or second-class~~
28 city of the second class or village, serve as the zoning board of
29 adjustment for such ~~village or city of the second class~~ or village in
30 that county. A city of the first class may request that the county zoning
31 board of adjustment of the county in which it is located serve as that

1 city's zoning board of adjustment, and such county government shall
2 comply with that request within ninety days. A municipality located in
3 more than one county shall be served by request or otherwise only by the
4 county zoning board of adjustment of the county in which the greatest
5 area of the municipality is located, and the jurisdiction of such county
6 zoning board of adjustment shall include all portions of the municipality
7 and its ~~area of extraterritorial zoning jurisdiction control~~, regardless
8 of county lines. In a county in which ~~where there is~~ a city of the
9 primary class is located, the board of zoning appeals, created under
10 section 23-174.09, may serve in the same capacity for all cities of the
11 second class and villages in place of a zoning board of adjustment.

12 Sec. 175. Section 19-913, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-913 The city council or village board of trustees local
15 ~~legislative body~~ may provide by ordinance for the enforcement of sections
16 19-901 to 19-915, and of any ordinance, regulation, or restriction made
17 thereunder. A violation of such sections or of such ordinance or
18 regulation is hereby declared to be a misdemeanor, and such city council
19 or village board of trustees local legislative body may provide for the
20 punishment thereof by fine of not exceeding one hundred dollars for any
21 one offense, recoverable with costs, or by imprisonment in the county
22 jail for a term not to exceed thirty days. Each day such violation
23 continues after notice of violation is given to the offender may be
24 considered a separate offense. In case any building or structure is
25 erected, constructed, reconstructed, altered, repaired, converted, or
26 maintained, or any building, structure, or land is used in violation of
27 such said sections or of any ordinance or other regulation made under
28 sections 19-901 to 19-915 authority conferred hereby, the proper local
29 authorities of the municipality, in addition to other remedies, may
30 institute any appropriate action or proceedings to prevent such unlawful
31 erection, construction, reconstruction, alteration, repair, conversion,

1 maintenance, or use, to restrain, correct, or abate such violation, to
2 prevent the occupancy of such said building, structure, or land, or to
3 prevent any illegal act, conduct, business, or use in or about such
4 premises.

5 Sec. 176. Section 19-914, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-914 Whenever the regulations made pursuant to ~~under authority of~~
8 sections 19-901 to 19-905 require a greater width or size of yards,
9 courts, or other open spaces, or require a lower height of building or
10 less number of stories, or require a greater percentage of lot to be left
11 unoccupied, or impose other higher standards than are required in any
12 other statute, local ordinance, or regulation, the provisions of the
13 regulations made under authority of such said sections shall govern.
14 Wherever the provisions of any other statute or local ordinance or
15 regulation require a greater width or size of yards, courts, or other
16 open spaces, or require a lower height of building or a less number of
17 stories, or require a greater percentage of lot to be left unoccupied, or
18 impose other higher standards than are required by the regulations made
19 under authority of such said sections, the provisions of such statute,
20 local ordinance, or regulation shall govern.

21 Sec. 177. Section 19-915, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-915 (1) When any city of the first class, city of the ~~or~~ second
24 class, or any village has enacted zoning regulations pursuant to sections
25 19-901 to 19-915 ~~in accordance with statutory authority~~ and as a part of
26 such regulations has bounded and defined the various zoning or building
27 districts with reference to a zoning map, such zoning or building
28 districts may from time to time, be changed, modified, or terminated, or
29 additional or different zoning or building districts may from time to
30 time be created, changed, modified, or terminated, by an appropriate
31 amendatory action which describes the changed, modified, terminated, or

1 created zone or district or part thereof by legal description or metes
2 and bounds, or by republishing a part only of the original zoning map,
3 and without republishing the original zoning map as a part of the
4 amendatory action and without setting forth and repealing the entire
5 section or ordinance adopting the rezoning maps, or a part of the zoning
6 map, as a part of the amendatory action, notwithstanding the provisions
7 of section 16-404 or 17-614.

8 (2) When any city of the first class, city of the ~~or~~ second class,
9 or ~~any~~ village has, prior to March 21, 1969, changed the boundaries of a
10 zoning or building district without compliance with section 16-404 or
11 17-614, any such amendments of the zoning ordinances shall stand as valid
12 ~~and subsisting~~ amendments until repealed and the action of any such city
13 or village in executing any such amendment is expressly ratified by the
14 Legislature.

15 Sec. 178. Section 19-916, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-916 (1) The city council of any city of the first class or city
18 of the second class or the village board of trustees ~~local legislative~~
19 ~~body~~ shall have power by ordinance to provide the manner, plan, or method
20 by which land within the corporate limits of any such city or village
21 ~~municipality~~, or land within the area designated by a city of the first
22 class pursuant to subsection (1) of section 16-902 or within the area
23 designated by a city of the second class or village pursuant to
24 subsection (1) of section 17-1002, may be subdivided, platted, or laid
25 out, including a plan or system for the avenues, streets, or alleys to be
26 laid out within or across such land, and to compel the owners of any such
27 land that are subdividing, platting, or laying out such land to conform
28 to the requirements of the ordinance and to lay out and dedicate the
29 avenues, streets, and alleys in accordance with the ordinance as provided
30 in sections 16-901 to 16-905 and sections 17-1001 to 17-1004. No addition
31 shall have any validity, right, or privileges as an addition, and no plat

1 of land or, in the absence of a plat, no instrument subdividing land
2 within the corporate limits of any such municipality or of any land
3 within the area designated by a city of the first class pursuant to
4 subsection (1) of section 16-902 or within the area designated by a city
5 of the second class or village pursuant to subsection (1) of section
6 17-1002, shall be recorded or have any force or effect, unless the plat
7 or instrument is approved by the city council or village board of
8 trustees legislative body, or its designated agent, and the ~~legislative~~
9 ~~body's or agent's approval of the city council or village board of~~
10 trustees, or its agent, is endorsed on such plat or instrument.

11 (2) The city council or village board of trustees legislative body
12 may designate by ordinance an employee of such city or village to approve
13 further subdivision of existing lots and blocks whenever all required
14 public improvements have been installed, no new dedication of public
15 rights-of-way or easements is involved, and such subdivision complies
16 with the ordinance requirements concerning minimum areas and dimensions
17 of such lots and blocks.

18 (3) All additions laid out contiguous or adjacent to the corporate
19 limits of a city of the first class, city of the second class, or village
20 may be included within the corporate limits and become a part of such
21 municipality for all purposes whatsoever if approved by the city council
22 or village board of trustees legislative body of the city or village
23 under this subsection. The proprietor or proprietors of any land within
24 the corporate limits of any city of the first class, city of the ~~or~~
25 second class, or village, or of any land contiguous or adjacent to the
26 corporate limits of such city or village, may lay out such land into
27 lots, blocks, streets, avenues, alleys, and other grounds under the name
28 of Addition to the City or Village of, and shall
29 cause an accurate map or plat thereof to be made out, designating
30 explicitly the land so laid out and particularly describing the lots,
31 blocks, streets, avenues, alleys, and other grounds belonging to such

1 addition. The lots shall be designated by numbers, and streets, avenues,
2 and other grounds, by names or numbers. Such plat shall be acknowledged
3 before some officer authorized to take the acknowledgments of deeds,
4 shall contain a dedication of the streets, alleys, and public grounds
5 therein to the use and benefit of the public, and shall have appended a
6 survey made by some competent surveyor with a certificate attached,
7 certifying that he or she has accurately surveyed such addition and that
8 the lots, blocks, streets, avenues, alleys, parks, commons, and other
9 grounds are well and accurately staked off and marked. The addition may
10 become part of the municipality at such time as the addition is approved
11 by the city council or village board of trustees ~~legislative body~~ if (a)
12 after giving notice of the time and place of the hearing as provided in
13 section 19-904, the planning commission and the city council or village
14 board of trustees ~~legislative body~~ both hold public hearings on the
15 inclusion of the addition within the corporate limits and (b) the city
16 council or village board of trustees ~~legislative body~~ votes to approve
17 the inclusion of the addition within the corporate boundaries of the
18 municipality in a separate vote from the vote approving the addition.
19 Such hearings shall be separate from the public hearings held regarding
20 approval of the addition. If the city council or village board of
21 trustees ~~legislative body~~ includes the addition within the corporate
22 limits, the inhabitants of such addition shall be entitled to all the
23 rights and privileges and shall be subject to all the laws, ordinances,
24 rules, and regulations of the municipality to which such land is an
25 addition. When such map or plat is made out, acknowledged, and certified,
26 and has been approved by the city council or village board of trustees
27 ~~local legislative body~~, the map or plat shall be filed and recorded in
28 the office of the register of deeds and county assessor of the county. If
29 the city council or village board of trustees ~~legislative body~~ includes
30 the addition within the corporate limits, such map or plat shall be
31 equivalent to a deed in fee simple absolute to the municipality from the

1 proprietor of all streets, avenues, alleys, public squares, parks, and
2 commons, and of such portion of the land as is therein set apart for
3 public and municipal use, or is dedicated to charitable, religious, or
4 educational purposes.

5 Sec. 179. Section 19-917, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-917 A city of the first class, city of the second class, or
8 village may vacate ~~Power is hereby given to such municipality through its~~
9 ~~governing body by proper ordinance therefor duly enacted to vacate any~~
10 ~~such~~ existing plat and addition to such the municipality or such part or
11 parts thereof as such municipality may deem advantageous and best for its
12 interests, and the power hereby granted shall be exercised by such
13 municipality upon the petition of the owner or all the owners of lots or
14 lands in such plat or addition. Such ordinance vacating such plat or
15 addition shall specify whether, and, if any, what public highways,
16 streets, alleys, and public grounds thereof are to be retained by such
17 municipality. Any ; otherwise such ways, streets, and public grounds not
18 retained shall upon such vacation revert to the owner or owners of lots
19 or lands abutting such ways, streets, and public grounds ~~the same~~ in
20 proportion to the respective ownerships of such lots or grounds. In case
21 of total or partial vacation of such plat or addition, the ordinance
22 providing therefor shall be, at the cost of the owner or owners,
23 certified to the office of the register of deeds and be there recorded by
24 the owner or owners. The register of deeds ~~whereupon said officer~~ shall
25 note such total or partial vacation of such plat or addition by writing
26 in plain and legible letters upon such plat or portion thereof so vacated
27 the word vacated, and also make on the same reference to the volume and
28 page in which such ~~said~~ ordinance of vacation is recorded, ; and the
29 owner or owners of the lots and lands in a plat so vacated shall cause
30 the same and the proportionate part of the abutting highway, streets,
31 alleys, and public grounds so vacated to be replatted and numbered by the

1 city surveyor or county surveyor. When such replat so executed is
2 acknowledged by such owner or owners and is recorded in the office of the
3 register of deeds of such county, such property so replatted may be
4 conveyed and assessed by the numbers given in such replat.

5 Sec. 180. Section 19-918, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-918 No owner of real estate within the corporate limits of a city
8 of the first class, city of the second class, or village such
9 ~~municipality~~ shall be permitted to subdivide, plat, or lay out such ~~said~~
10 real estate into blocks, lots, streets, or other portions of the same
11 intended to be dedicated for public use, or for the use of the purchasers
12 or owners of lots fronting thereon or adjacent thereto, without first
13 having obtained the approval thereof of the city council or village board
14 of trustees governing ~~body~~ of such municipality or its agent designated
15 pursuant to section 19-916. Any and all additions to be made to the
16 municipality shall be made, so far as such additions ~~the same~~ relate to
17 the avenues, streets, and alleys therein, under and in accordance with
18 the provisions of sections 19-916 to 19-918.

19 Sec. 181. Section 19-919, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-919 No plat of or instruments effecting the subdivision of real
22 property described in section 19-918 shall be recorded or have any force
23 and effect unless such plat is the same ~~be~~ approved by the city council
24 or village board of trustees governing ~~body~~ of such municipality or its
25 agent designated pursuant to section 19-916. The city council or village
26 board of trustees governing ~~body~~ of such municipality shall have power,
27 by ordinance, to provide the manner, plan, or method by which real
28 property in any such area may be subdivided, platted, or laid out,
29 including a plan or system for the avenues, streets, or alleys to be laid
30 out within or across the same, ~~÷~~ and to prohibit the sale or offering for
31 sale of, and the construction of buildings and other improvements on, any

1 lots or parts of real property not subdivided, platted, or laid out as
2 required in sections 19-918 and 19-920.

3 Sec. 182. Section 19-920, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-920 The city council of any city of the first class or city of
6 the second class or the board of trustees of any village ~~governing body~~
7 shall have power to compel the owner of any real property described in
8 section 19-918 in subdividing, platting, or laying out the same to
9 conform to the requirements of the ordinance and to lay out and dedicate
10 the avenues, streets, and alleys in accordance therewith.

11 Sec. 183. Section 19-921, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-921 For the purposes of sections 16-901 to 16-905 and 19-916 to
14 19-920, in the area where a city of the first class, city of the second
15 class, or village ~~the municipality~~ has a comprehensive plan and has
16 adopted subdivision regulations pursuant thereto, subdivision shall mean
17 the division of lot, tract, or parcel of land into two or more lots,
18 sites, or other divisions of land for the purpose, whether immediate or
19 future, of ownership or building development, except that the division of
20 land shall not be considered to be a subdivision when the smallest parcel
21 created is more than ten acres in area.

22 Sec. 184. Section 19-922, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 19-922 Any standard code adopted and approved by a city of the first
25 class, city of the second class, or village as provided in section 18-132
26 and the building permit requirements or occupancy permit requirements
27 imposed by any such code or by section 19-913 shall apply to all of the
28 city or village and within the extraterritorial ~~unincorporated area where~~
29 ~~a city or village has been granted zoning jurisdiction of such city or~~
30 village and is exercising such jurisdiction.

31 Sec. 185. Section 19-923, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-923 (1) In order to provide for orderly school planning and
3 development, a city of the first class, city of the second class, or
4 village municipality considering the adoption or amendment of a zoning
5 ordinance or approval of the platting or replatting of any development of
6 real estate shall notify the board of education of each school district
7 in which the real estate, or some part thereof, to be affected by such a
8 proposal lies, of the next regular meeting of the planning commission at
9 which such proposal is to be considered and shall submit a copy of the
10 proposal to the board of education at least ten days prior to such
11 meeting.

12 (2) When a city of the first class, city of the second class, or
13 village municipality is considering the adoption or amendment of a zoning
14 ordinance or the approval of the platting or replatting of any
15 development of real estate, such city or village ~~the municipality~~ shall
16 notify any military installation which is located within the corporate
17 boundary limits or the extraterritorial zoning jurisdiction of the city
18 or village municipality if the city or village municipality has received
19 a written request for such notification from the military installation.
20 The city or village municipality shall deliver the notification to the
21 military installation at least ten days prior to the meeting of the
22 planning commission at which the proposal is to be considered.

23 ~~(3) The provisions of this section shall not apply to zoning,~~
24 ~~rezoning, or approval of plats by any city of the metropolitan or primary~~
25 ~~class, which has adopted a comprehensive subdivision ordinance pursuant~~
26 ~~to sections 14-115 and 14-116, or Chapter 15, articles 9 and 11. Plats of~~
27 subdivisions approved by the agent of a city or village municipality
28 designated pursuant to section 19-916 shall not be subject to the notice
29 requirements in this section.

30 Sec. 186. Section 19-925, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-925 Any city of the first class, city of the second class, or
2 village municipality is hereby authorized and empowered to make, adopt,
3 amend, extend, and carry out a municipal plan as provided in sections
4 19-925 19-924 to 19-933 and to create by ordinance a planning commission
5 with the powers and duties set forth in such sections. The planning
6 commission of a city shall be designated the city planning commission or
7 city plan commission, and the planning commission of a village shall be
8 designated the village planning commission or village plan commission.

9 Sec. 187. Section 19-926, Revised Statutes Supplement, 2017, is
10 amended to read:

11 19-926 (1) The planning commission of a city of the first class,
12 city of the second class, or village shall consist of nine regular
13 members who shall represent, ~~insofar as far as~~ as far as is possible, the different
14 professions or occupations in the city or village municipality and shall
15 be appointed by the mayor, ~~by and with the approval of a majority vote of~~
16 ~~the members of elected to the city council or by the chairperson of the~~
17 village board by and with the approval of a majority vote of the members
18 of the village board of trustees. Two of the regular members may be
19 residents of the area designated pursuant to section 16-902 or 17-1001
20 over which the city or village is exercising extraterritorial zoning
21 jurisdiction area over which the municipality is authorized to exercise
22 ~~extraterritorial zoning and subdivision regulation.~~ When there is a
23 sufficient number of residents in such area over which the city or
24 village is exercising the area over which the municipality exercises
25 extraterritorial zoning jurisdiction and subdivision regulation, one
26 regular member of the commission shall be a resident from such area. If
27 it is determined by the city council or village board of trustees that a
28 sufficient number of residents reside in such area ~~the area subject to~~
29 ~~extraterritorial zoning or subdivision regulation,~~ and no such resident
30 is a regular member of the commission, the first available vacancy on the
31 commission shall be filled by the appointment of such an individual. For

1 purposes of this section, a sufficient number of residents shall mean:
2 (a) For a village, two hundred residents; (b) for a city of the second
3 class, five hundred residents; and (c) for a city of the first class, one
4 thousand residents. A number of commissioners equal to a majority of the
5 number of regular members appointed to the commission shall constitute a
6 quorum for the transaction of any business. All regular members of the
7 commission shall serve without compensation. The term of each regular
8 member shall be three years, except that three regular members of the
9 first commission to be so appointed shall serve for terms of one year,
10 three for terms of two years, and three for terms of three years. All
11 regular members shall hold office until their successors are appointed.
12 Any member may, after a public hearing before the city council or village
13 board of trustees, be removed by the mayor with the consent of a majority
14 vote of the members of elected to the city council or by the chairperson
15 of the village board with the consent of a majority vote of the members
16 of the village board of trustees for inefficiency, neglect of duty or
17 malfeasance in office, or other good and sufficient cause. Vacancies
18 occurring otherwise than through the expiration of term shall be filled
19 for the unexpired portion of the term by appointment by the mayor or the
20 chairperson of the village board of trustees.

21 (2) Notwithstanding the provisions of subsection (1) of this
22 section, the planning commission for any city of the second class or
23 village may have either five, seven, or nine regular members as the city
24 council or village board of trustees establishes by ordinance. If a city
25 or village planning commission has either five or seven regular members,
26 approximately one-third of the regular members of the first commission
27 shall serve for terms of one year, one-third for terms of two years, and
28 one-third for terms of three years.

29 (3) A city of the first class, city of the ~~or~~ second class, or a
30 village may, by ordinance, provide for the appointment of one alternate
31 member to the planning commission who shall be chosen by the mayor with

1 the approval of a majority vote of the ~~elected~~ members of the city
2 council or by the chairperson of the village board with the approval of a
3 majority vote of the members of the village board of trustees. The
4 alternate member shall serve without compensation. The term of the
5 alternate member shall be three years, and he or she shall hold office
6 until his or her successor is appointed and approved. The alternate
7 member may be removed from office in the same manner as a regular member.
8 If the alternate member position becomes vacant other than through the
9 expiration of the term, the vacancy shall be filled for the unexpired
10 portion of the term by the mayor with the approval of a majority vote of
11 the ~~elected~~ members of the city council or by the chairperson of the
12 village board with the approval of a majority vote of the members of the
13 village board of trustees. The alternate member may attend any meeting
14 and may serve as a voting and participating member of the commission at
15 any time when less than the full number of regular commission members is
16 present and capable of voting.

17 (4) A regular or alternate member of the planning commission may
18 hold any other municipal office except (a) mayor, (b) a member of the
19 city council or village board of trustees, (c) a member of any community
20 redevelopment authority or limited community redevelopment authority
21 created under section 18-2102.01, or (d) a member of any citizen advisory
22 review committee created under section 18-2715.

23 Sec. 188. Section 19-927, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-927 The planning commission of a city of the first class, city of
26 the second class, or village shall elect its chairperson from its members
27 and create and fill such other of its offices as it may determine. The
28 term of the chairperson shall be one year, and he or she shall be
29 eligible for reelection. The commission shall hold at least one regular
30 meeting in each calendar quarter, except the city council or village
31 board of trustees ~~municipal governing body~~ may require the commission to

1 meet more frequently and the chairperson of the commission may call for a
2 meeting when necessary to deal with business pending before the
3 commission. The commission shall adopt rules and regulations for the
4 transaction of business and shall keep a record of its resolutions,
5 transactions, findings, and determinations, which shall be a public
6 record.

7 Sec. 189. Section 19-928, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-928 The city council or village board of trustees may provide the
10 funds, equipment, and accommodations necessary for the work of the
11 planning commission of a city of the first class, city of the second
12 class, or village, but the expenditures of the commission, exclusive of
13 gifts, shall be within the amounts appropriated for that purpose by the
14 city council or village board of trustees. No ; and no expenditures nor
15 agreements for expenditures shall be valid in excess of such amounts.

16 Sec. 190. Section 19-929, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-929 (1) Except as provided in sections 19-930 to 19-933, the
19 planning commission of a city of the first class, city of the second
20 class, or village shall (a) make and adopt plans for the physical
21 development of the city or village municipality, including any areas
22 outside its boundaries which in the commission's judgment bear relation
23 to the planning of such city or village municipality and including a
24 comprehensive development plan as defined by section 19-903, (b) prepare
25 and adopt such implemental means as a capital improvement program,
26 subdivision regulations, building codes, and a zoning ordinance in
27 cooperation with other interested municipal departments, and (c) consult
28 with and advise public officials and agencies, public utilities, civic
29 organizations, educational institutions, and citizens with relation to
30 the promulgation and implementation of the comprehensive development plan
31 and its implemental programs. The commission may delegate authority to

1 any such group to conduct studies and make surveys for the commission,
2 make preliminary reports on its findings, and hold public hearings before
3 submitting its final reports. The city council or village board of
4 trustees ~~municipal governing body~~ shall not take final action on matters
5 relating to the comprehensive development plan, capital improvements,
6 building codes, subdivision development, ~~the~~ annexation of territory, or
7 zoning until it has received the recommendation of the planning
8 commission if such commission in fact has been created and is existent.
9 The city council or village board of trustees ~~governing body~~ shall by
10 ordinance set a reasonable time within which the recommendation from the
11 planning commission is to be received. A recommendation from the planning
12 commission shall not be required for subdivision of existing lots and
13 blocks whenever all required public improvements have been installed, no
14 new dedication of public rights-of-way or easements is involved, and such
15 subdivision complies with the ordinance requirements concerning minimum
16 areas and dimensions of such lots and blocks, if the city council or
17 village board of trustees ~~governing body~~ has designated, by ordinance, an
18 agent pursuant to section 19-916.

19 (2) The planning commission may, with the consent of the city
20 council or village board of trustees ~~governing body~~, in its own name (a)
21 make and enter into contracts with public or private bodies, (b) receive
22 contributions, bequests, gifts, or grant funds from public or private
23 sources, (c) expend the funds appropriated to it by the city or village
24 ~~municipality~~, (d) employ agents and employees, and (e) acquire, hold, and
25 dispose of property.

26 The planning commission may on its own authority make arrangements
27 consistent with its program, conduct or sponsor special studies or
28 planning work for any public body or appropriate agency, receive grants,
29 remuneration, or reimbursement for such studies or work, and at its
30 public hearings, summon witnesses, administer oaths, and compel the
31 giving of testimony.

1 (3) The planning commission may grant conditional uses or special
2 exceptions to property owners for the use of their property if the city
3 council or village board of trustees ~~municipal governing body~~ has,
4 through a zoning ordinance or special ordinance, generally authorized the
5 commission to exercise such powers and has approved the standards and
6 procedures adopted by the commission for equitably and judiciously
7 granting such conditional uses or special exceptions. The granting of a
8 conditional use permit or special exception shall only allow property
9 owners to put their property to a special use if it is among those uses
10 specifically identified in the zoning ordinance as classifications of
11 uses which may require special conditions or requirements to be met by
12 the owners before a use permit or building permit is authorized. The
13 power to grant conditional uses or special exceptions shall be the
14 exclusive authority of the commission, except that the city council or
15 village board of trustees ~~municipal governing body~~ may choose to retain
16 for itself the power to grant conditional uses or special exceptions for
17 those classifications of uses specified in the zoning ordinance. The city
18 council or village board of trustees ~~municipal governing body~~ may
19 exercise such power if it has formally adopted standards and procedures
20 for granting such conditional uses or special exceptions in a manner that
21 is equitable and will promote the public interest. An appeal of a
22 decision by the commission or the city council or village board of
23 trustees ~~municipal governing body~~ regarding a conditional use or special
24 exception shall be made to the district court.

25 Sec. 191. Section 19-930, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-930 (1) For any matter within the jurisdiction of a
28 ~~municipality's~~ planning commission of a city of the first class, city of
29 the second class, or village relating to that portion of the
30 extraterritorial ~~municipality's~~ zoning jurisdiction of the city or
31 village as defined in section 16-901 or 17-1001 ~~outside the corporate~~

1 ~~limits of the municipality~~ which is within a county other than the county
2 in which the city or village municipality is located, the powers, duties,
3 responsibilities, and functions of the planning commission of the city or
4 village municipality with regard to such matter shall be assumed by the
5 ~~municipality's~~ interjurisdictional planning commission of the city or
6 village established under section 19-931 when the formation of such a
7 commission is requested by either the city or village municipality or the
8 county within which the city or village municipality is not located as
9 provided in subsection (2) of this section.

10 (2) Any city or village municipality exercising extraterritorial
11 zoning jurisdiction as defined in section 16-901 or 17-1001 ~~outside its~~
12 ~~corporate limits but~~ within a county other than the county within which
13 the city or village municipality is located or the county within which
14 such city or village municipality is exercising extraterritorial such
15 zoning jurisdiction may, by formal resolution of a majority of the voting
16 members of the city council or village board of trustees ~~its governing~~
17 ~~body~~, request the formation of an interjurisdictional planning commission
18 to exercise the jurisdiction granted by sections 19-930 to 19-933. Such
19 resolution shall be transmitted to the appropriate city or village
20 ~~municipality~~ or county and its receipt formally acknowledged.

21 Sec. 192. Section 19-931, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-931 The interjurisdictional planning commission of a city of the
24 first class, city of the second class, or village municipality shall
25 consist of six members. Three members shall be chosen from the membership
26 of the planning commission of the city or village by the mayor ~~of the~~
27 ~~municipality~~ with the approval of the city council or by the chairperson
28 of the village board of trustees with the approval of the village board
29 of trustees ~~from the membership of the municipality's planning~~
30 ~~commission~~. Three members shall be chosen by the county board of the
31 county within which the city or village municipality exercises zoning

1 jurisdiction under the circumstances specified in section 19-930. The
2 three members chosen by the county board shall be members of the county
3 planning commission as described in section 23-114.01. Members of the
4 interjurisdictional planning commission shall serve without compensation
5 and without reimbursement for expenses incurred pursuant to carrying out
6 sections 19-930 to 19-933 for terms of one year. Members shall hold
7 office until their successors are appointed and qualified. Vacancies
8 shall be filled by appointment by the body which appointed the member
9 creating the vacancy.

10 Sec. 193. Section 19-932, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-932 A city or village ~~municipality~~ exercising extraterritorial
13 zoning jurisdiction under the circumstances set out in section 19-930
14 shall create an interjurisdictional planning commission by ordinance
15 within sixty days after the formal passage of a resolution pursuant to
16 subsection (2) of section 19-930. All matters filed with the city or
17 village ~~municipality~~ within ninety days after such date which are
18 properly within the jurisdiction of the interjurisdictional planning
19 commission shall, after the effective date of the ordinance, be referred
20 to such commission until such time as both the city or village
21 ~~municipality~~ and the county agree by majority vote of each governing body
22 to eliminate the interjurisdictional planning commission and transfer its
23 jurisdiction to the planning commission of the city or village
24 ~~municipality~~.

25 Sec. 194. Section 19-1101, Revised Statutes Supplement, 2017, is
26 amended to read:

27 19-1101 The city treasurer or village treasurer of each city or
28 village that has a population of not more than one hundred thousand
29 inhabitants as determined by the most recent federal decennial census or
30 the most recent revised certified count by the United States Bureau of
31 the Census shall prepare and publish annually within sixty days after the

1 close of its municipal fiscal year a statement of the receipts and
2 expenditures of funds of the city or village for the preceding fiscal
3 year. The statement shall also include the information required by
4 subsection (3) of section 16-318 or subsection (2) of section 17-606. Not
5 more than the legal rate provided for in section 33-141 shall be charged
6 and paid for such publication.

7 Sec. 195. Section 19-1102, Revised Statutes Supplement, 2017, is
8 amended to read:

9 19-1102 It shall be the duty of each ~~village or~~ city clerk or
10 village clerk in every ~~village or~~ city or village having a population of
11 not more than one hundred thousand inhabitants as determined by the most
12 recent federal decennial census or the most recent revised certified
13 count by the United States Bureau of the Census to prepare and publish
14 the official proceedings of the ~~village or~~ city ~~board,~~ council, ~~or~~
15 village board of trustees ~~commission~~ within thirty days after any meeting
16 of the ~~city board,~~ council, ~~or~~ village board of trustees ~~commission~~. The
17 publication shall be in a legal newspaper in or of general circulation in
18 the ~~village or~~ city or village, shall set forth a statement of the
19 proceedings of the meeting, and shall also include the amount of each
20 claim allowed, the purpose of the claim, and the name of the claimant,
21 except that the aggregate amount of all payroll claims may be included as
22 one item. Between July 15 and August 15 of each year, the employee job
23 titles and the current annual, monthly, or hourly salaries corresponding
24 to such job titles shall be published. Each job title published shall be
25 descriptive and indicative of the duties and functions of the position.
26 The charge for the publication shall not exceed the rates provided for in
27 section 23-122.

28 Sec. 196. Section 19-1103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-1103 Publication under sections 19-1101 and 19-1102 shall be made
31 in one legal newspaper in or of general circulation in such ~~village or~~

1 city or village. If there is no legal newspaper in or of general
2 circulation is published in the ~~village or city or village~~, then such
3 publication shall be made in one legal newspaper ~~published in~~ or of
4 general circulation within the county in which such ~~village or city or~~
5 village is located. The cost of publication shall be paid out of the
6 general funds of such ~~village or city or village~~.

7 Sec. 197. Section 19-1104, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-1104 Any ~~village or city clerk, village clerk, city treasurer, or~~
10 village treasurer, failing or neglecting to comply with ~~the provisions of~~
11 sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and
12 shall, upon conviction, be fined, not to exceed twenty-five dollars, and
13 be liable, in addition to removal from office for such failure or
14 neglect.

15 Sec. 198. Section 19-1301, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-1301 All cities of the first class, cities of the ~~and~~ second
18 class, and ~~all~~ villages, are hereby empowered to receive money or
19 property by donation, bequest, gift, devise, or otherwise for the benefit
20 of any one or more of the public purposes for which sinking funds are
21 established by ~~the provisions of~~ sections 19-1301 to 19-1304, as
22 stipulated by the donor. Title ~~The title to~~ any the money or property so
23 donated shall vest in the city council or village board of trustees ~~local~~
24 ~~governing bodies~~ of such ~~said~~ cities or villages, or in their successors
25 in office, who shall become the owners thereof in trust to the uses of
26 such ~~said~~ sinking fund or funds. In the event of a ; ~~Provided, if the~~
27 donation of ~~be~~ real estate, such city councils or village boards of
28 trustees ~~said local governing bodies~~ may manage such real estate ~~the same~~
29 as in the case of real estate donated to their respective municipalities
30 for municipal library purposes under ~~the provisions of~~ sections 51-215
31 and 51-216.

1 Sec. 199. Section 19-1302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-1302 The city council ~~local governing body~~ of any city of the
4 first class or city of the second class or the village board of trustees
5 of any village, subject to all the limitations set forth in sections
6 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed
7 ten and five-tenths cents on each one hundred dollars in any one year
8 upon the taxable value of all the taxable property within such
9 municipality for a term of not to exceed ten years, in addition to the
10 amount of tax which may be annually levied for the purposes of the
11 adopted budget statement of such municipality, for the purpose of
12 establishing a sinking fund for the construction, purchase, improvement,
13 extension, original equipment, or repair, not including maintenance, of
14 any one or more of the following public improvements, including
15 acquisition of any land incident to the making thereof: Municipal
16 libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses
17 ~~house~~ for social or recreational purposes; city or village halls ~~hall~~;
18 municipal public libraries ~~library~~, auditoriums ~~auditorium~~, or community
19 houses ~~house~~ in a single building; municipal swimming pools ~~pool~~ and
20 ~~appurtenances thereto~~; municipal jails ~~jail~~; municipal fire stations
21 ~~building to house equipment or personnel of a fire department~~, together
22 with firefighting equipment or apparatus; municipal parks ~~park~~; municipal
23 cemeteries ~~cemetery~~; municipal medical buildings ~~elinic building~~,
24 together with furnishings and equipment; or municipal hospitals ~~hospital~~.
25 No such city or village shall be authorized to levy the tax or to
26 establish the sinking fund as provided in this section if, having bonded
27 indebtedness, such city or village has been in default in the payment of
28 interest thereon or principal thereof for a period of ten years prior to
29 the date of the passage of the resolution providing for the submission of
30 the proposition for establishment of the sinking fund as required in
31 section 19-1303.

1 Sec. 200. Section 19-1303, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-1303 Before any sinking fund or funds shall be established or
4 before any annual tax shall be levied for planned municipal improvements
5 ~~improvement~~ mentioned in section 19-1302, by ~~a any~~ such city or village,
6 the city council or village board of trustees ~~its local governing body~~
7 shall declare its purpose by resolution to submit to the qualified
8 electors of the city or village at the next general municipal election
9 the proposition to provide such city or village with the specific
10 municipal improvement planned ~~for consummation~~ under sections 19-1301 to
11 19-1304. Such resolution of submission shall, among other things, set
12 forth a clear description of the improvement planned, the estimated cost
13 according to the prevailing costs, the amount of annual levy over a
14 definite period of years, not exceeding ten years, required to provide
15 such cost, and the specific name or designation for the sinking fund
16 sought to be established to carry out the planned improvement, together
17 with a statement of the proposition for placement upon the ballot at such
18 election. Notice of the submission of the proposition, together with a
19 copy of the official ballot containing such proposition ~~the same~~, shall
20 be published in its entirety three successive weeks before the day of the
21 election in a legal newspaper in or of general circulation ~~published in~~
22 the municipality or, if no legal newspaper is in or of general
23 circulation in the municipality ~~published therein~~, in a ~~some~~ legal
24 newspaper in or of general circulation ~~published~~ in the county in which
25 such city or village is located ~~and of general circulation. If no legal~~
26 ~~newspaper is published in the county, such notice shall be published in~~
27 ~~some legal newspaper of general circulation in the county in which the~~
28 ~~municipality is located.~~ No such sinking fund shall be established unless
29 the same shall have been authorized by a majority or more of the legal
30 votes of such city or village cast for or against the proposition. If
31 less than a majority of the legal votes favor the establishment of the

1 sinking fund, the planned improvement shall not be made, no annual tax
2 shall be levied therefor, and no sinking fund or sinking funds shall be
3 established in connection therewith, but such resolution of submission
4 shall immediately be repealed. If the proposition shall carry at such
5 election in the manner prescribed in this section, the city council or
6 village board of trustees ~~local governing body~~ and its successors in
7 office shall proceed to do all things authorized under such resolution of
8 submission but never inconsistent with sections 19-1301 to 19-1304. The
9 election provided for under this section shall be conducted as provided
10 under the Election Act Provisions of the statutes of this state relating
11 to election of officers, voting places, election apparatus and blanks,
12 preparation and form of ballots, information to voters, delivery of
13 ballots, conduct of elections, manner of voting, counting of votes,
14 records and certificates of elections, and recounts of votes, so far as
15 applicable, shall apply to voting on the proposition under this section.

16 Sec. 201. Section 19-1304, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-1304 All funds received by the city treasurer or village
19 treasurer ~~municipal treasurers~~, by donation or by tax levy, as
20 ~~hereinbefore~~ provided in sections 19-1301 to 19-1304, shall, as they
21 accumulate, be immediately invested by such said treasurer, with the
22 written approval of the city council or village board of trustees ~~local~~
23 ~~governing body~~, in the manner provided in section 77-2341. Whenever
24 investments of such said sinking fund or funds are made, ~~as aforesaid~~,
25 the nature and character of the same shall be reported to the city
26 council or village board of trustees ~~local governing body~~, and such said
27 investment report shall be made a matter of record by the city clerk or
28 village ~~municipal~~ clerk in the proceedings of such city council or
29 village board of trustees ~~local governing body~~. The sinking fund, or
30 sinking funds, accumulated under the provisions of sections 19-1301 to
31 19-1304, shall constitute a special fund, or funds, for the purpose or

1 purposes for which such fund ~~the same~~ was authorized and shall not be
2 used for any other purpose unless authorized by sixty percent of the
3 qualified electors of such ~~said~~ municipality voting at a general election
4 favoring such change in the use of such ~~said~~ sinking fund or sinking
5 funds. The ; ~~Provided, that the~~ question of the change in the use of such
6 ~~said~~ sinking fund or sinking funds, when it shall fail to carry, shall
7 not be resubmitted in substance for a period of one year from and after
8 the date of such ~~said~~ election.

9 Sec. 202. Section 19-1305, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-1305 Any city of the first class, city of the ~~or~~ second class, or
12 ~~any~~ village in the State of Nebraska, which owns and operates public
13 utilities consisting of a waterworks plant, water system, sanitary sewer
14 system, gas plant, gas system, electric light and power plant, or
15 electric distribution system, may pay for extensions and improvements to
16 any of such ~~said~~ public utilities by issuing and selling its combined
17 revenue bonds and securing the payment thereof by pledging and
18 hypothecating the revenue and earnings of any two or more of such ~~said~~
19 public utilities and may enter into such contracts in connection
20 therewith as may be necessary or proper. Such combined revenue bonds
21 shall not be general obligations of the city or village issuing the bonds
22 ~~same~~ and no taxes shall be levied for their payment but such ~~said~~ bonds
23 shall be a lien only upon the revenue and earnings of the public
24 utilities owned and operated by the municipality and which are pledged
25 for their payment.

26 Sec. 203. Section 19-1306, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-1306 The city council or village board of trustees of a governing
29 ~~body of such~~ city or village seeking to issue revenue bonds pursuant to
30 section 19-1305 shall first cause plans and specifications for such ~~said~~
31 proposed extensions and improvements and an estimate of the cost thereof

1 to be made by the city engineer or village engineer or by a special
2 engineer employed for that purpose. Such plans, specifications, and
3 estimate of cost, after being approved and adopted by the city council or
4 village board of trustees governing body, shall be filed with the city
5 clerk or village clerk and be open to public inspection. The city council
6 or village board of trustees governing body shall then, by resolution
7 entered in the minutes of their proceedings, direct that public notice be
8 given in regard thereto. This notice shall state: (1) The general nature
9 of the improvements or extensions proposed to be made; (2) that the
10 plans, specifications, and estimate thereof are on file in the office of
11 the city clerk or village clerk and are open to public inspection; (3)
12 the estimated cost thereof; (4) that it has proposed to pay for the same
13 by combined revenue bonds; (5) the principal amount of such said bonds
14 which it proposes to issue; (6) the maximum rate of interest which such
15 bonds will bear; (7) that the payment of such said bonds will be a lien
16 upon and will be secured by a pledge of the revenue and earnings of
17 certain public utilities; (8) the names of the utilities whose revenue
18 and earnings are to be so pledged; (9) that any qualified elector of the
19 city or village may file written objections to the issuance of such said
20 bonds with the city clerk or village clerk within twenty days after the
21 first publication of such said notice; (10) that if such objections are
22 filed within such said time by qualified electors of the city or village,
23 equal in number to forty percent of the electors of the city or village
24 who voted at the last preceding general municipal election, the bonds
25 will not be issued unless the issuance of such bonds is otherwise
26 authorized in accordance with law; and (11) that if such objections are
27 not so filed by such percentage of such electors, the city council or
28 village board of trustees governing body of such city or village proposes
29 to pass an ordinance authorizing the sale of such said bonds and making
30 such contracts with reference thereto as may be necessary or proper. Such
31 notice shall be signed by the city clerk or village clerk and be

1 published three consecutive weeks in a legal newspaper published in or of
2 general circulation in such city or village. Once combined revenue bonds
3 have been issued pursuant to this section or section 18-1101, the
4 procedure outlined in this section shall not be required to issue
5 additional combined revenue bonds unless an additional public utility not
6 previously included is to be combined with the bonds contemplated to be
7 issued.

8 Sec. 204. Section 19-1307, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-1307 If the electors of a such city or village, equal in number
11 to forty percent of the electors of such said city or village voting at
12 the last preceding general municipal election, file written objections to
13 proposed issuance of combined revenue bonds pursuant to section 19-1305
14 with the city clerk or village clerk within twenty days after the first
15 publication of the said notice given pursuant to section 19-1306, the
16 city council or village board of trustees governing body shall submit
17 such proposition of issuing such bonds to the electors of such city or
18 village at a special election called for that purpose or at a general
19 city or village election, notice of which shall be given by publication
20 in a legal newspaper published in or of general circulation in such city
21 or village three consecutive weeks. If a majority of the qualified
22 electors of such city or village, voting upon the proposition, vote in
23 favor of issuing such bonds, the city council or village board of
24 trustees governing body may issue and sell such combined revenue bonds
25 and pledge, for the payment of same, the revenue and earnings of the
26 public utilities owned and operated by the city or village, as proposed
27 in such notice, and enter into such contracts in connection therewith as
28 may be necessary or proper. Such bonds shall draw interest from and after
29 the date of the issuance thereof. In the event the electors fail to
30 approve the proposition by such majority vote, such proposition shall not
31 be again submitted to the electors for their consideration until one year

1 has elapsed from the date of such ~~said~~ election.

2 Sec. 205. Section 19-1308, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-1308 Sections 19-1305 to 19-1308 are supplementary to existing
5 statutes and confer upon and give to cities of the first class, cities of
6 the ~~and~~ second class, and villages powers not heretofore granted, and
7 sections 19-1305 to 19-1308 shall not be construed as repealing or
8 amending any existing statute.

9 Sec. 206. Section 19-1309, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-1309 Notwithstanding any other provision of law ~~provisions in the~~
12 ~~statutes of Nebraska~~ to the contrary, for any fiscal year the governing
13 body of any city of the first class, city of the second class, or village
14 may decide to certify to the county clerk for collection one all-purpose
15 levy required to be raised by taxation for all municipal purposes instead
16 of certifying a schedule of levies for specific purposes added together.
17 Subject to the limits in section 77-3442, such ~~the~~ all-purpose levy shall
18 not exceed an annual levy of eighty-seven and five-tenths cents on each
19 one hundred dollars for cities of the first class and one dollar and five
20 cents on each one hundred dollars for cities of the second class and
21 villages upon the taxable valuation of all the taxable property in such
22 city or village. Otherwise authorized extraordinary levies to service and
23 pay bonded indebtedness of such municipalities may be made by such
24 municipalities in addition to such all-purpose levy.

25 Sec. 207. Section 19-1310, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-1310 If the method provided in section 19-1309, is followed in
28 municipal financing, the city or village ~~municipalities~~ shall allocate
29 the amount so raised to the several departments of such city or village
30 ~~the municipality~~ in its annual budget and appropriation ordinance, or in
31 other legal manner, as the governing body of such city or village

1 ~~municipality~~ shall deem wisest and best.

2 Sec. 208. Section 19-1311, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-1311 Should any city of the first class, city of the second
5 class, or village of such municipalities elect to follow the method
6 provided in section 19-1309, such city or village ~~it~~ shall be bound by
7 that election during the ensuing fiscal year but may abandon such method
8 in succeeding fiscal years.

9 Sec. 209. Section 19-1312, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-1312 If it is necessary to certify the amount of an all-purpose
12 levy under section 19-1309 to county officers for collection, such levy
13 ~~the same~~ shall be certified as a single amount for general fund purposes.

14 Sec. 210. Section 19-1401, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-1401 Cities of the primary class, cities of the first class,
17 cities of the second class ~~Primary cities, first class cities, second-~~
18 ~~class cities,~~ and villages shall have the power to purchase, construct,
19 maintain, and improve heating and lighting systems and ice plants for the
20 use of their respective municipalities and the inhabitants thereof.

21 Sec. 211. Section 19-1402, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-1402 The cost of purchasing, constructing, maintaining, and
24 improving such utilities under section 19-1401 may be defrayed by the
25 levy of a tax of not to exceed three and five-tenths cents on each one
26 hundred dollars upon the taxable value of all the taxable property in
27 such city or village in any one year for a heating or lighting plant and
28 of not to exceed two and one-tenth cents on each one hundred dollars upon
29 the taxable value of all the taxable property in such city or village in
30 any one year for an ice plant, or when such tax is insufficient for the
31 purpose, the cost of such utilities may be defrayed by the issuance of

1 bonds of the municipality.

2 Sec. 212. Section 19-1403, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-1403 The question of issuing bonds for any of the purposes
5 mentioned in section 19-1401 shall be submitted to the electors at an
6 election held for that purpose after not less than thirty days' notice
7 thereof has been given (1) by publication in a legal ~~some~~ newspaper
8 published in or ~~and~~ of general circulation in the ~~such~~ municipality or
9 (2) if no legal newspaper is published in or of general circulation in
10 such municipality ~~therein~~, by posting in five or more public places in
11 such municipality ~~therein~~. Such bonds may be issued only when a majority
12 of the electors voting on the question favor their issuance. Such bonds
13 ~~They~~ shall bear interest, payable annually or semiannually, and shall be
14 payable at any time the municipality may determine at the time of their
15 issuance but in not more than twenty years after their issuance. The
16 aggregate amount of bonds that may be issued for the construction or the
17 purchase of a heating or lighting plant shall not exceed four percent of
18 the taxable value of the assessed property and, for the construction or
19 purchase of an ice plant, shall not exceed one percent of the taxable
20 value of the assessed property within such municipality, as shown by the
21 last annual assessment. The city council or village board of trustees
22 shall levy annually a sufficient tax to maintain, operate, and extend any
23 system or plant and to provide for the payment of the interest on and
24 principal of any bonds that may have been or shall be issued as provided
25 in this section.

26 Sec. 213. Section 19-1404, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-1404 When any ~~such~~ utility shall have been established pursuant
29 to section 19-1401, the municipality shall provide by ordinance for the
30 management thereof, the rates to be charged, and the manner of payment
31 for service or for the product.

1 Sec. 214. Section 19-1501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-1501 In all cases where a ~~primary city of the primary class,~~ a
4 city of the first class, city of the ~~or~~ second class, or village has
5 ~~heretofore~~ entered into a contract for paving or otherwise improving a
6 street or streets ~~therein~~, or for the construction or improvement of a
7 system of waterworks or sanitary or storm sewers, and the contract has
8 not been completed on account of any order or regulation issued by the
9 United States or any board or agency thereof, such city or village may
10 accept that part of the work which has been completed, levy special
11 assessments and taxes, and issue bonds to pay the cost of the work so
12 completed and accepted, in the same manner and on the same conditions as
13 if such ~~said~~ contract had been fully completed.

14 Sec. 215. Section 19-1502, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-1502 Section 19-1501 shall be construed as granting additional
17 authority and not as repealing any existing statutory authority ~~law now~~
18 ~~in force~~.

19 Sec. 216. Section 19-1826, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-1826 As used in the Civil Service Act, unless the context
22 otherwise requires:

23 (1) Agreement means an agreement pursuant to the Interlocal
24 Cooperation Act;

25 ~~(1) Commission shall mean a civil service commission created~~
26 ~~pursuant to the Civil Service Act, and commissioner shall mean a member~~
27 ~~of such commission;~~

28 (2) Appointing authority means ~~shall mean~~: (a) In a mayor and
29 council form of government, the mayor with the approval of the city
30 council, except to the extent that the appointing authority is otherwise
31 designated by ordinance to be the mayor or city administrator; (b) in a

1 ~~commission plan form~~ of government, the mayor and city council or village
2 board of trustees; (c) in a village form of government, the village board
3 of trustees; and (d) in a city manager plan of government, the city
4 manager;

5 (3) Appointment means shall mean all means of selecting, appointing,
6 or employing any person to hold any position or employment subject to
7 civil service;

8 (4) Commission means a civil service commission created pursuant to
9 the Civil Service Act;

10 (5) Commissioner means a member of the commission;

11 (6) Existing commission means a civil service commission of a city
12 of the first class as it existed immediately prior to the effective
13 creation of a merged commission;

14 (7) Full-time firefighter means a duly appointed firefighter who is
15 paid regularly by a municipality and for whom firefighting is a full-time
16 career, but does not include any clerical, custodial, or maintenance
17 personnel who is not engaged in fire suppression;

18 (4) ~~Municipality shall mean all cities and villages specified in~~
19 ~~subsection (1) of section 19-1827 having full-time police officers or~~
20 ~~full-time firefighters~~;

21 (5) ~~Governing body shall mean: (a) In a mayor and council form of~~
22 ~~government, the mayor and council; (b) in a commission form of~~
23 ~~government, the mayor and council or village board; (c) in a village form~~
24 ~~of government, the village board; and (d) in a city manager plan of~~
25 ~~government, the mayor and council~~;

26 (8) (6) Full-time police officer means a police officer in a
27 position which requires officers shall mean police officers in positions
28 which require certification by the Nebraska Law Enforcement Training
29 Center, created pursuant to section 81-1402, who has ~~have~~ the power of
30 arrest, who is ~~are~~ paid regularly by a municipality, and for whom law
31 enforcement is a full-time career, but does ~~shall~~ not include any

1 clerical, custodial, or maintenance personnel;

2 (9) Governing body means: (a) In a mayor and council form of
3 government, the mayor and city council; (b) in a commission plan of
4 government, the mayor and city council or village board of trustees; (c)
5 in a village form of government, the village board of trustees; and (d)
6 in a city manager plan of government, the mayor and city council;

7 (10) Merged commission means a civil service commission resulting
8 from the merger of two or more commissions pursuant to section 19-1848;

9 (11) Municipality means all cities and villages specified in
10 subsection (1) of section 19-1827 having full-time police officers or
11 full-time firefighters;

12 (12) Position means an individual job which is designated by an
13 official title indicative of the nature of the work; and

14 (13) Promotion or demotion means changing from one position to
15 another, accompanied by a corresponding change in current rate of pay.

16 ~~(7) Full-time firefighter shall mean duly appointed firefighters who~~
17 ~~are paid regularly by a municipality and for whom firefighting is a full-~~
18 ~~time career, but shall not include clerical, custodial, or maintenance~~
19 ~~personnel who are not engaged in fire suppression;~~

20 ~~(8) Promotion or demotion shall mean changing from one position to~~
21 ~~another, accompanied by a corresponding change in current rate of pay;~~

22 ~~(9) Position shall mean an individual job which is designated by an~~
23 ~~official title indicative of the nature of the work;~~

24 ~~(10) Merged commission shall mean a civil service commission~~
25 ~~resulting from the merger of two or more commissions pursuant to section~~
26 ~~19-1848;~~

27 ~~(11) Agreement shall mean an agreement pursuant to the Interlocal~~
28 ~~Cooperation Act; and~~

29 ~~(12) Existing commission shall mean a civil service commission of a~~
30 ~~city of the first class as it existed immediately prior to the effective~~
31 ~~creation of a merged commission.~~

1 Sec. 217. Section 19-1827, Revised Statutes Supplement, 2017, is
2 amended to read:

3 19-1827 (1) There is hereby created, in cities ~~in the State of~~
4 ~~Nebraska~~ having a population of more than five thousand inhabitants as
5 determined by the most recent federal decennial census or the most recent
6 revised certified count by the United States Bureau of the Census and
7 having full-time police officers or full-time firefighters, a civil
8 service commission, except in cities with a population in excess of forty
9 thousand inhabitants as determined by the most recent federal decennial
10 census or the most recent revised certified count by the United States
11 Bureau of the Census which have or may adopt a home rule charter pursuant
12 to sections 2 to 5 of Article XI of the Constitution of Nebraska ~~this~~
13 ~~state~~. Any city or village having a population of five thousand
14 inhabitants or less as determined by the most recent federal decennial
15 census or the most recent revised certified count by the United States
16 Bureau of the Census may adopt the Civil Service Act and create a civil
17 service commission by a vote of the electors of such city or village. If
18 any city of the first class which established a civil service commission
19 decreases in population to less than five thousand, as determined by the
20 most recent federal decennial census or the most recent revised certified
21 count by the United States Bureau of the Census, and continues to have
22 full-time police officers or full-time firefighters, the civil service
23 commission shall be continued for at least four years, and thereafter
24 continued at the option of the governing body of such city or village.
25 The members of such commission shall be appointed by the appointing
26 authority.

27 (2) The governing body shall by ordinance determine if the
28 commission shall be comprised of three or five members. The members of
29 the civil service commission shall serve without compensation. No person
30 shall be appointed a member of such commission who is not a citizen of
31 the United States, a resident of such municipality for at least three

1 years immediately preceding such appointment, and an elector of the
2 county wherein such person resides. If the commission is comprised of
3 three members, the term of office of such commissioners shall be six
4 years, except that the first three members of such commission shall be
5 appointed for different terms, as follows: One to serve for a period of
6 two years, one to serve for a period of four years, and one to serve for
7 a period of six years. If the commission is comprised of five members,
8 the term of office of such members shall be for five years, except that
9 the first members of such commission shall be appointed for different
10 terms, as follows: One to serve for a period of one year, one to serve
11 for a period of two years, one to serve for a period of three years, one
12 to serve for a period of four years, and one to serve for a period of
13 five years. If the municipality determines by ordinance to change from a
14 three-member commission to a five-member commission, or from a five-
15 member commission to a three-member commission, the members of the
16 commission serving before the effective date of such ordinance shall hold
17 office until reappointed or their successors are appointed.

18 (3) Any member of the civil service commission may be removed from
19 office for incompetency, dereliction of duty, malfeasance in office, or
20 other good cause by the appointing authority, except that no member of
21 the commission shall be removed until written charges have been made
22 ~~preferred~~, due notice given such member, and a full hearing had before
23 the appointing authority. Any member so removed shall have the right to
24 appeal to the district court of the county in which such commission is
25 located, which court shall hear and determine such appeal in a summary
26 manner. Such an appeal shall be only upon the ground that such judgment
27 or order of removal was not made in good faith for cause, and the hearing
28 on such appeal shall be confined to the determination of whether or not
29 it was so made.

30 (4) The members of the civil service commission shall devote due
31 time and attention to the performance of the duties specified and imposed

1 upon them by the Civil Service Act. Two commissioners in a three-member
2 commission and three commissioners in a five-member commission shall
3 constitute a quorum for the transaction of business. Confirmation of the
4 appointment or appointments of commissioners, made under subsection (1)
5 of this section, by any other legislative body shall not be required. At
6 the time of any appointment, not more than two commissioners of a three-
7 member commission, or three commissioners of a five-member commission,
8 including the one or ones to be appointed, shall be registered electors
9 of the same political party.

10 Sec. 218. Section 19-1829, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-1829 The Civil Service Act shall only apply to full-time
13 firefighters or full-time police officers of each municipality, including
14 any paid full-time police chief or fire chief of such department. All
15 appointments to and promotions in such department shall be made solely on
16 merit, efficiency, and fitness, which shall be ascertained by open
17 competitive examination and impartial investigation. If the appointing
18 authority fills a vacancy in a position subject to the Civil Service Act,
19 the appointing authority shall consider factors including, but not
20 limited to:

21 (1) The multiple job skills recently or currently being performed by
22 the applicant which are necessary for the position;

23 (2) The knowledge, skills, and abilities of the applicant which are
24 necessary for the position;

25 (3) The performance appraisal of any applicant who is already
26 employed in the department, including any recent or pending disciplinary
27 actions involving the employee;

28 (4) The employment policies and staffing needs of the department
29 together with contracts, ordinances, and statutes related thereto;

30 (5) Required federal, state, or local certifications or licenses
31 necessary for the position; and

1 (6) The qualifications of the applicants who are already employed in
2 the department and have successfully completed all parts of the
3 examination for the position. No person shall be reinstated in or
4 transferred, suspended, or discharged from any such position or
5 employment contrary to the Civil Service Act.

6 Sec. 219. Section 19-1830, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-1830 (1) Immediately after the appointment of the commission, and
9 annually thereafter, the commission shall organize by electing one of its
10 members chairperson. The commission shall hold meetings as may be
11 required for the proper discharge of its duties. The commission shall
12 appoint a secretary and a chief examiner who shall keep the records of
13 the commission, preserve all reports made to it, superintend and keep a
14 record of all examinations held under its direction, and perform such
15 other duties as the commission may prescribe. The commission may merge
16 the positions of secretary and chief examiner and appoint one person to
17 perform the duties of both positions. If the municipality has a personnel
18 officer, the commission shall appoint such personnel officer as secretary
19 and chief examiner, if requested to do so by the appointing authority.
20 The secretary and chief examiner shall be subject to suspension or
21 discharge upon the vote of a majority of the appointed members of the
22 commission.

23 (2) The commission shall adopt and promulgate procedural rules and
24 regulations consistent with the Civil Service Act. Such rules and
25 regulations shall provide in detail the manner in which examinations may
26 be held and any other matters assigned by the appointing authority. At
27 least one copy of the rules and regulations, and any amendments, shall be
28 made available for examination and reproduction by members of the public.
29 One copy of the rules and regulations and any amendments shall be given
30 to each full-time firefighter and full-time police officer.

31 (3) The commission shall provide that all tests shall be practical

1 and consist only of subjects which will fairly determine the capacity of
2 persons who are to be examined to perform the duties of the position to
3 which an appointment is to be made and may include, but not be limited
4 to, tests of physical fitness and of manual skill and psychological
5 testing.

6 (4) The commission shall provide, by the rules and regulations, for
7 a credit of ten percent in favor of all applicants for an appointment
8 under civil service who, in time of war or in any expedition of the armed
9 forces of the United States, have served in and been discharged or
10 otherwise separated with a characterization of honorable or general
11 (under honorable conditions) from the armed forces of the United States
12 and who have equaled or exceeded the minimum qualifying standard
13 established by the appointing authority. These credits shall only apply
14 to entry-level positions as defined by the appointing authority.

15 (5) The commission may conduct an investigation concerning and
16 report upon all matters regarding the enforcement and effect of the Civil
17 Service Act and the rules and regulations prescribed. The commission may
18 inspect all institutions, departments, positions, and employments
19 affected by such act to determine whether such act and all such rules and
20 regulations are being obeyed. Such investigations may be conducted by the
21 commission or by any commissioner designated by the commission for that
22 purpose. The commission shall also make a like investigation on the
23 written petition of a citizen, duly verified, stating that irregularities
24 or abuses exist or setting forth, in concise language, the necessity for
25 such an investigation. The commission may be represented in such
26 investigations by the city attorney or village ~~municipal~~ attorney, if
27 authorized by the appointing authority. If the city attorney or village
28 ~~municipal~~ attorney does not represent the commission, the commission may
29 be represented by special counsel appointed by the commission in any such
30 investigation. In the course of such an investigation, the commission,
31 designated commissioner, or chief examiner shall have the power to

1 administer oaths, to issue subpoenas to require the attendance of
2 witnesses and the production by them of books, papers, documents, and
3 accounts appertaining to the investigation, and to cause the deposition
4 of witnesses, residing within or without the state, to be taken in the
5 manner prescribed by law for like depositions in civil actions in the
6 courts of this state. The oaths administered and subpoenas issued shall
7 have the same force and effect as the oaths administered by a district
8 judge in a judicial capacity and subpoenas issued by the district courts
9 of Nebraska. The failure of any person so subpoenaed to comply shall be
10 deemed a violation of the Civil Service Act and be punishable as such. No
11 investigation shall be made pursuant to this section if there is a
12 written accusation concerning the same subject matter against a person in
13 the civil service. Such accusations shall be handled pursuant to section
14 19-1833.

15 (6) The commission shall provide that all hearings and
16 investigations before the commission, designated commissioner, or chief
17 examiner shall be governed by the Civil Service Act and the rules of
18 practice and procedure to be adopted by the commission. In the conduct
19 thereof, they shall not be bound by the technical rules of evidence. No
20 informality in any proceedings or hearing or in the manner of taking
21 testimony shall invalidate any order, decision, rule, or regulation made,
22 approved, or confirmed by the commission, except that no order, decision,
23 rule, or regulation made by any designated commissioner conducting any
24 hearing or investigation alone shall be of any force or effect unless it
25 is concurred in by a majority of the appointed members of the commission,
26 including the vote of any commissioner making the investigation.

27 (7) The commission shall establish and maintain a roster of officers
28 and employees.

29 (8) The commission shall provide for, establish, and hold
30 competitive tests to determine the relative qualifications of persons who
31 seek employment in any position and, as a result thereof, establish

1 eligible lists for the various positions.

2 (9) The commission shall make recommendations concerning a
3 reduction-in-force policy to the governing body or city manager in a city
4 manager plan of government. The governing body or city manager in a city
5 manager plan of government shall consider such recommendations, but shall
6 not be bound by them in establishing a reduction-in-force policy. Prior
7 to the adoption of a reduction-in-force policy, the governing body or, in
8 the case of a city manager plan, the city manager and the governing body
9 shall, after giving reasonable notice to each police officer and
10 firefighter by first-class mail, conduct a public hearing.

11 (10) The governing body shall in all municipalities, except those
12 with a city manager plan in which the city manager shall, adopt a
13 reduction-in-force policy which shall consider factors including, but not
14 limited to:

15 (a) The multiple job skills recently or currently being performed by
16 the employee;

17 (b) The knowledge, skills, and abilities of the employee;

18 (c) The performance appraisal of the employee including any recent
19 or pending disciplinary actions involving the employee;

20 (d) The employment policies and staffing needs of the department
21 together with contracts, ordinances, and statutes related thereto;

22 (e) Required federal, state, or local certifications or licenses;
23 and

24 (f) Seniority.

25 (11) The commission shall keep such records as may be necessary for
26 the proper administration of the Civil Service Act.

27 Sec. 220. Section 19-1833, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-1833 (1) No person in the civil service who shall have been
30 permanently appointed or inducted into civil service under the Civil
31 Service Act shall be removed, suspended, demoted, or discharged except

1 for cause and then only upon the written accusation of the police chief
2 or fire chief, the appointing authority, or any citizen or taxpayer.

3 (2) The governing body of the municipality shall establish by
4 ordinance procedures for acting upon such written accusations and the
5 manner by which suspensions, demotions, removals, discharges, or other
6 disciplinary actions may be imposed by the appointing authority. At least
7 one copy of the rules and regulations, and any amendments to such rules
8 and regulations, shall be made available for examination and reproduction
9 by members of the public. One copy of the rules and regulations and any
10 such amendments shall be given to each full-time firefighter and full-
11 time police officer.

12 (3) Any person so removed, suspended, demoted, or discharged may,
13 within ten days after being notified by the appointing authority of such
14 removal, suspension, demotion, or discharge, file with the commission a
15 written demand for an investigation, whereupon the commission shall
16 conduct such investigation. The governing body of the municipality shall
17 establish procedures by ordinance consistent with this section by which
18 the commission shall conduct such investigation. At least one copy of the
19 rules and regulations, and any amendments to such rules and regulations,
20 shall be made available for examination and reproduction by members of
21 the public. One copy of the rules and regulations and any such amendments
22 shall be given to each full-time firefighter and full-time police
23 officer. Such procedures shall comply with minimum due process
24 requirements. The commission may be represented in such investigation and
25 hearing by the city attorney or village ~~municipal~~ attorney if authorized
26 by the appointing authority. If the city attorney or village ~~municipal~~
27 attorney does not represent the commission, the commission may be
28 represented by special counsel appointed by the commission for any such
29 investigation and hearing. The investigation shall be confined to the
30 determination of the question of whether or not such removal, suspension,
31 demotion, or discharge was made in good faith for cause which shall mean

1 that the action was not arbitrary or capricious and was not made for
2 political or religious reasons.

3 (4) After such investigation, the commission shall hold a public
4 hearing after giving reasonable notice to the accused of the time and
5 place of such hearing. Such hearing shall be held not less than ten or
6 more than twenty days after filing of the written demand for an
7 investigation and a decision shall be rendered no later than ten days
8 after the hearing. At such hearing the accused shall be permitted to
9 appear in person and by counsel and to present his or her defense. The
10 commission may affirm the action taken if such action of the appointing
11 authority is supported by a preponderance of the evidence. If it shall
12 find that the removal, suspension, demotion, or discharge was made for
13 political or religious reasons or was not made in good faith for cause,
14 it shall order the immediate reinstatement or reemployment of such person
15 in the position or employment from which such person was removed,
16 suspended, demoted, or discharged, which reinstatement shall, if the
17 commission in its discretion so provides, be retroactive and entitle such
18 person to compensation and restoration of benefits and privileges from
19 the time of such removal, suspension, demotion, or discharge. The
20 commission upon such hearing, in lieu of affirming the removal,
21 suspension, demotion, or discharge, may modify the order of removal,
22 suspension, demotion, or discharge by directing a suspension, with or
23 without pay, for a given period and the subsequent restoration to duty or
24 demotion in position or pay. The findings of the commission shall be
25 certified in writing to and enforced by the appointing authority.

26 (5) If such judgment or order be concurred in by the commission or a
27 majority thereof, the accused or governing body may appeal to the
28 district court. Such appeal shall be taken within forty-five days after
29 the entry of such judgment or order by serving the commission with a
30 written notice of appeal stating the grounds and demanding that a
31 certified transcript of the record and all papers, on file in the office

1 of the commission affecting or relating to such judgment or order, be
2 filed by the commission with such court. The commission shall, within ten
3 days after the filing of such notice, make, certify, and file such
4 transcript with and deliver such papers to the district court. The
5 district court shall proceed to hear and determine such appeal in a
6 summary manner. The hearing shall be confined to the determination of
7 whether or not the judgment or order of removal, discharge, demotion, or
8 suspension made by the commission was made in good faith for cause which
9 shall mean that the action of the commission was based upon a
10 preponderance of the evidence, was not arbitrary or capricious, and was
11 not made for political or religious reasons. No appeal to such court
12 shall be taken except upon such ground or grounds.

13 If such appeal is taken by the governing body and the district court
14 affirms the decision of the commission, the municipality shall pay to the
15 employee court costs and reasonable attorney's fees incurred as a result
16 of such appeal and as approved by the district court. If such appeal is
17 taken by the governing body and the district court does not affirm the
18 decision of the commission, the court may award court costs and
19 reasonable attorney's fees to the employee as approved by the district
20 court.

21 Sec. 221. Section 19-1834, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-1834 The municipality shall afford the commission and its members
24 and employees all reasonable facilities and assistance to inspect all
25 books, papers, documents, and accounts applying or in any way
26 appertaining to any and all positions and employments subject to civil
27 service and shall produce such books, papers, documents, and accounts.
28 All city or village ~~municipal~~ officers and employees shall attend and
29 testify whenever required to do so by the commission, the accused, or the
30 appointing authority.

31 Sec. 222. Section 19-1836, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-1836 All positions subject to the Civil Service Act shall be
3 created or eliminated by the governing body of the municipality. The
4 Civil Service Act shall not be construed to infringe upon the power and
5 authority of (1) the governing body of the municipality to establish
6 pursuant to section 16-310, 17-108, or 17-209 the salaries and
7 compensation of all employees employed hereunder or (2) the city manager,
8 pursuant to the City Manager Plan of Government Act Chapter 19, ~~article~~
9 ~~6,~~ to establish the salaries and compensation of employees within the
10 compensation schedule or ranges established by the governing body for the
11 positions.

12 Sec. 223. Section 19-1839, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-1839 It shall be the duty of the commission to begin and conduct
15 all civil suits which may be necessary for the proper enforcement of the
16 Civil Service Act and of the rules of the commission. The commission may
17 be represented in such suits and all investigations pursuant to the Civil
18 Service Act by the city attorney or village ~~municipal~~ attorney if
19 authorized by the appointing authority. If the city attorney or village
20 ~~municipal~~ attorney does not represent the commission, the commission may
21 be represented by special counsel appointed by it in any particular case.

22 Sec. 224. Section 19-1846, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-1846 It shall be the duty of each municipality subject to the
25 Civil Service Act to appropriate each fiscal year, from the general funds
26 of such municipality, a sum of money sufficient to pay the necessary
27 expenses involved in carrying out the purposes of such act, including,
28 but not limited to, reasonable attorney's fees for any special counsel
29 appointed by the commission when the city attorney or village ~~municipal~~
30 attorney is not authorized by the appointing authority to represent the
31 commission. The appointing authority may establish the hourly or monthly

1 rate of pay of such special counsel.

2 Sec. 225. Section 19-2101, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-2101 Cities of the first class, cities of the second class, and
5 villages shall have the power to purchase, construct, maintain, and
6 improve garbage disposal plants or ~~τ~~ systems or solid waste disposal
7 areas, and purchase equipment for the operation thereof, for the use of
8 their respective municipalities and the inhabitants thereof, and are
9 hereby authorized and empowered to lease or to take land in fee within
10 their corporate limits or without their corporate limits by donation,
11 gift, devise, purchase, or appropriation for rights-of-way and for
12 construction and operation of such a disposal plant, system, or solid
13 waste disposal area.

14 Sec. 226. Section 19-2102, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-2102 The cost to purchase, construct, maintain, and improve
17 garbage disposal plants or systems or solid waste disposal areas pursuant
18 to section 19-2101 thereof may be defrayed by the levy of a tax not to
19 exceed ten and five-tenths cents on each one hundred dollars upon the
20 taxable value of all the taxable property in such city or village in any
21 one year or, when such tax is insufficient for such purpose, by the
22 issuance of bonds of the city or village ~~municipality~~.

23 Sec. 227. Section 19-2103, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-2103 The question of issuing bonds for the purpose of section
26 19-2102 ~~herein contemplated~~ shall be submitted to the electors at any
27 election held for that purpose, after not less than thirty days' notice
28 thereof shall have been given by publication in a legal ~~some~~ newspaper
29 published in or ~~and~~ of general circulation in such municipality or, if no
30 legal newspaper is in or of general circulation in such municipality
31 ~~published therein~~, then by posting in five or more public places therein.

1 Such bonds may be issued only when a majority of the electors voting on
2 the question approve their issuance. The bonds shall bear interest
3 payable annually or semiannually, and shall be payable at any time the
4 municipality may determine at the time of their issuance, but in not more
5 than twenty years after their issuance. The aggregate amount of bonds
6 that may be issued for the construction, installation, or purchase of a
7 garbage disposal plant or system or solid waste disposal area shall not
8 exceed five percent of the taxable value of the property within such
9 municipality as shown by the last annual assessment.

10 Sec. 228. Section 19-2104, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-2104 In a city of the first class, city of the second class, or
13 village which purchases, constructs, maintains, or improves garbage
14 disposal plants or systems or solid waste disposal areas pursuant to
15 section 19-2101, the city The council or village board of trustees shall
16 levy annually a sufficient tax to maintain and operate such plant or
17 system, plant or solid waste disposal area and to provide for the payment
18 of the interest on and principal of any bonds that may have been issued
19 as ~~herein~~ provided in section 19-2103.

20 Sec. 229. Section 19-2105, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-2105 In a city of the first class, city of the second class, or
23 village which purchases, constructs, maintains, or improves garbage
24 disposal plants or systems or solid waste disposal areas pursuant to
25 section 19-2101, the city The council or village board of trustees of
26 such ~~municipality~~ may also make and enter into a contract or contracts
27 with any person, firm, or corporation for the construction, maintenance,
28 or operation of a garbage disposal plant or system or solid waste
29 disposal area.

30 Sec. 230. Section 19-2106, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-2106 When a garbage disposal plant or system or solid waste
2 disposal area such system shall have been established pursuant to section
3 19-2101, the municipality may provide by ordinance for the management and
4 operation thereof, the rates to be charged for such service, including
5 collection and disposal, and the manner of payment and collection
6 thereof, and prescribe penalties for the violation of such ordinance, and
7 do whatever is necessary to protect the general health in the matter of
8 removal and disposal of garbage.

9 Sec. 231. Section 19-2201, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-2201 When any part of a city of the first class, city of the or
12 second class, or village shall have been platted (1) the plat having been
13 recorded with the register of deeds of the proper county for more than
14 ten years; (2) the streets and alleys having been dedicated to the public
15 and such city or village having accepted such dedication by maintenance
16 and use of such ~~the said~~ streets and alleys, and the inhabitants of that
17 part of such city or village having been subject to taxation including
18 the levy of such city or village and having had the right of franchise in
19 all the elections of such city or village for a period of more than ten
20 years; and (3) such part of such city or village is contiguous and
21 adjacent to such corporate city or village or a properly annexed addition
22 thereto; but, when there is error in the platting thereof or the
23 proceeding to annex the part of such city or village which renders the
24 annexation ineffectual or where there is a total lack of an attempted
25 annexation of record, the city council or village board of trustees of
26 such city or village may by resolution correct the corporate limits, if
27 adopted by a two-thirds vote of all members of such city council or
28 village board of trustees. The resolution shall describe the part of such
29 city or village in general terms, and direct the proper officers of the
30 city or village to make application to the district court of the county
31 in which such territory lies for the correction and reestablishment of

1 the corporate limits of such city or village. The resolution, and the
2 vote thereon, shall be recorded in the minutes ~~spread upon the records~~ of
3 the city council or village board of trustees.

4 Sec. 232. Section 19-2202, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-2202 The application presented pursuant to section 19-2201 to the
7 district court of the county in which the territory lies shall: (1)
8 Contain a recital of the resolution of the city council or village board
9 of trustees for correction and reestablishment of the corporate limits
10 and the vote thereon; (2) set forth the name of the plat or plats, the
11 date of record, the book and page of the record book in which such plat
12 or plats have been recorded, and the book and page of the record in which
13 the original charter and annexations, if any there be, are recorded; (3)
14 describe in general terms the area contained within the corporate limits
15 and the territory affected by the corrections and reestablishment sought;
16 (4) set forth the streets and alleys of such area which are maintained or
17 used; and (5) be supported by exhibits consisting of a certificate of the
18 county treasurer of the county in which the territory lies showing the
19 years for which the real estate and the property therein situated shall
20 have been subject to the tax levy of such city or village and a
21 certificate of the city clerk or village clerk or other officer having
22 custody of the sign-in registers for elections of the city or village in
23 which the territory lies showing the years during which the inhabitants
24 thereof enjoyed the right of franchise in the elections of such city or
25 village. The application shall pray for an order of the district court
26 correcting and reestablishing the corporate limits of the city or village
27 to include such territory.

28 Sec. 233. Section 19-2203, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-2203 If it shall appear to the judge of the district court that
31 the such application presented pursuant to section 19-2201 is properly

1 filed, he or she shall make an order directing all persons owning real
2 estate or having an interest in real estate situated in such part of such
3 city or village, giving the name of the plat as recorded as well as a
4 general description of the territory affected by the proposed correction
5 and reestablishment of corporate limits, to appear before him or her at a
6 time and place to be specified, not less than four and not more than ten
7 weeks from the time of making such order, to show cause why a decree
8 correcting and reestablishing the corporate limits of such city or
9 village should not be entered. The notice of such order to show cause
10 shall be made by publication in a legal newspaper in or of general
11 circulation published in such city or village. If there is no legal
12 newspaper in or of general circulation in such city or village, then such
13 notice shall be published if there is any printed in such city or village
14 and, if there is not, in some legal newspaper in or of printed in the
15 county having general circulation in the county in which such city or
16 village is located such city or village. If no legal newspaper is printed
17 in the county, such notice shall be published in a legal newspaper having
18 general circulation in such city or village. The notice shall be
19 published four consecutive weeks in such legal newspaper and shall
20 contain a summary statement of the object and prayer of the application,
21 mention the court where it is filed, and notify the persons interested
22 when they are required to appear and show cause why such decree should
23 not be entered.

24 Sec. 234. Section 19-2302, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-2302 The proceeds derived from the use of the parking meters or
27 other similar mechanical devices, established pursuant to referred to in
28 sections 19-2301 to 19-2304, shall be placed in the traffic and safety
29 fund and shall be used by such a city or village referred to in section
30 19-2301 (1) ; first, for the purpose of the acquisition, establishment,
31 erection, maintenance, and operation of the system; second, (2) for the

1 purpose of making the system effective; ~~and third,~~ and (3) for the
2 expenses incurred by and throughout such a city or village in the
3 regulation and limitation of vehicular parking, traffic relating to
4 parking, traffic safety devices, signs, signals, markings, policing,
5 lights, traffic surveys, and safety programs.

6 Sec. 235. Section 19-2303, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-2303 As used in sections 19-2301 to 19-2304, unless the context
9 otherwise requires: Proceeds shall mean any money collected from or by
10 reason of parking meters or other similar mechanical devices installed by
11 any city of the first class, city of the ~~or~~ second class, or village,
12 including revenue received by reason of any schedule of accelerated
13 charges, to be fixed by ordinance. Accelerated charges may include, but
14 need not be limited to, charges fixed by ordinance for parking in
15 controlled or regulated areas without payment in advance of required
16 parking fees or payments, but shall not include judicially imposed fines
17 and penalties.

18 Sec. 236. Section 19-2304, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-2304 Nothing contained in sections 19-2301 to 19-2304 shall
21 prohibit the governing body of any city of the first class, city of the
22 second class, or village from employing any and all other ways and means
23 to regulate and control vehicular parking in such a city or village
24 either in conjunction with a system of meters or devices or exclusive and
25 independent thereof.

26 Sec. 237. Section 19-2401, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-2401 (1) Any city of the first class, city of the ~~or~~ second
29 class, or village, when constructing any municipal improvement or public
30 works, may combine two or more similar pending projects although
31 authorized by separate ordinances and located in separate improvement

1 districts for the purpose of advertising for bids for the construction of
2 such projects, and for the further purpose of awarding one contract for
3 the construction of such two or more similar pending projects.

4 (2) The published notice may set forth the engineer's lump-sum
5 estimate of the total cost for the aggregate of all work to be performed
6 in the combined districts and shall (a) enumerate the estimated
7 quantities of work to be done in each separate district; and (b) call for
8 an aggregate bid on all work to be performed in the combined districts,
9 broken down in such a manner as will accurately reflect unit prices for
10 such estimated quantities, so that, notwithstanding that such a submitted
11 aggregate or alternate aggregate bid may be accepted, the actual cost of
12 the construction of each of such projects may be allocated by any such
13 city or village to the improvement district in which it is located for
14 the purpose of levying any authorized special assessments to defray, in
15 whole or in part, such cost of construction of such projects.

16 (3) Any such city or village may also request alternate aggregate
17 bids for such projects.

18 Sec. 238. Section 19-2402, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 19-2402 (1) Whenever the city council of any city of the first class
21 or city of the ~~or~~ second class or the village board of trustees of a
22 village deems it necessary and advisable to extend municipal water
23 service or municipal sanitary sewer service to territory beyond the
24 existing systems, such municipal officials may, by ordinance, create a
25 district or districts to be known as sanitary sewer extension districts
26 or water extension districts for such purposes, and such district or
27 districts may include properties within the corporate limits of the
28 municipality and the extraterritorial zoning jurisdiction as established
29 pursuant to section 16-901 or 17-1002.

30 (2) The owners of lots and lands abutting upon a street, avenue, or
31 alley, or part thereof, may petition the city council or village board of

1 trustees to create a sanitary sewer extension district or a water
2 extension district. The petition shall be signed by owners representing
3 at least two-thirds of the front footage abutting upon the street,
4 avenue, or alley, or part thereof, within the proposed district, which
5 will become subject to an assessment for the cost of the improvement.

6 (3) If creation of such ~~the~~ district is not initiated by petition, a
7 vote of at least three-fourths of all the members of the city council or
8 village board of trustees shall be required to adopt the ordinance
9 creating the district.

10 (4) Such ordinance shall state the size and kind of sewer mains or
11 water mains proposed to be constructed in such district and shall
12 designate the location and terminal points thereof. Such ordinance shall
13 also refer to the plans and specifications for such utility extensions
14 which shall have been made and filed with the city clerk or village
15 ~~municipal~~ clerk by the city engineer or village ~~municipal~~ engineer prior
16 to the introduction of the ordinance, and the city engineer or village
17 engineer at the time of filing such plans and specifications shall make
18 and file an estimate of the total cost of the proposed utility extension.
19 The ordinance shall also state the outer boundaries of the district or
20 districts in which it is proposed to make special assessments.

21 (5) Upon creation of an extension district, whether by vote of the
22 governing body or by petition, the city council or village board of
23 trustees shall order the sewer extension main or water extension main
24 laid and, to the extent of special benefit, assess the cost thereof
25 against the property which abuts upon the street, avenue, or alley, or
26 part thereof, which is located in the district.

27 Sec. 239. Section 19-2403, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-2403 (1) When the extension of the sewer or water service
30 involved in an extension district created pursuant to section 19-2402 is
31 completed, the municipality shall compel all proper connections of

1 occupied properties in the district with the extension and may provide a
2 penalty for failure to comply with regulations of the municipality
3 pertaining to the district.

4 (2) In case any property owner neglects or fails, for ten days after
5 notice, either by personal service or by publication in a legal ~~some~~
6 newspaper in or published ~~and~~ of general circulation in the municipality,
7 to comply with municipal regulations pertaining to municipal water
8 service or municipal sanitary service extensions or to make connections
9 of his or her property with such utility service, the city council or
10 village board of trustees may cause the same to be done, assess the cost
11 thereof against the property, and collect the same in the manner provided
12 for the collection of general municipal taxes.

13 Sec. 240. Section 19-2404, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 19-2404 (1) Except as provided in subsection (2) of this section,
16 special assessments for sanitary sewer extension mains or water extension
17 mains in a district shall be levied at one time and shall become
18 delinquent in equal annual installments over a period of years equal to
19 the number of years for which the bonds for such project were issued
20 pursuant to section 19-2405. The first installment becomes delinquent
21 fifty days after the making of such levy. Subsequent installments become
22 delinquent on the anniversary date of the levy. Each installment, except
23 the first, shall draw interest at the rate set by the city council or
24 village board of trustees from the time of such levy until such
25 installment becomes delinquent. After an installment becomes delinquent,
26 interest at the rate specified in section 45-104.01, as such rate may
27 from time to time be adjusted by the Legislature, shall be paid thereon
28 until such installment is collected and paid. Such special assessments
29 shall be collected and enforced as in the case of general municipal taxes
30 and shall be a lien on such real estate from and after the date of the
31 levy. If three or more of such installments become delinquent and unpaid

1 on the same property, the city council or the village board of trustees
2 may by resolution declare all future installments on such delinquent
3 property to be due on a future fixed date. The resolution shall set forth
4 the description of the property and the name of its record title owner
5 and shall provide that all future installments shall become delinquent
6 upon the date fixed. A copy of such resolution shall be published one
7 time in a legal newspaper in or of general circulation ~~published~~ in the
8 municipality ~~or, if none is published in such municipality, in a legal~~
9 ~~newspaper of general circulation in the municipality.~~ After the fixed
10 date such future installments shall be deemed to be delinquent and the
11 municipality may proceed to enforce and collect the total amount due
12 including all future installments.

13 (2) If the city or village incurs no new indebtedness pursuant to
14 section 19-2405 for any water service extension or sanitary sewer
15 extension in a district, the special assessments for such improvements
16 shall be levied at one time and shall become delinquent in equal annual
17 installments over such period of years as the city council or village
18 board of trustees determines at the time of making the levy to be
19 reasonable and fair.

20 Sec. 241. Section 19-2405, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-2405 For the purpose of paying the cost of any ~~such~~ water service
23 extension or sanitary sewer service extension, in an extension ~~any such~~
24 district created pursuant to section 19-2402, the city council or village
25 board of trustees may, by ordinance, cause bonds of the municipality to
26 be issued, called district water service extension bonds of district
27 No. or district sanitary sewer service extension bonds of district
28 No., payable in not exceeding twenty years from date and to bear
29 interest payable annually or semiannually with interest coupons attached.
30 The ordinance effectuating the issuance of such bonds shall provide that
31 the special tax and assessments shall constitute a sinking fund for the

1 payment of such bonds and interest. If a written protest, signed by
2 owners of the property located in the improvement district and
3 representing a majority of the front footage which may become subject to
4 assessment for the cost of the improvement, is filed with the city
5 ~~municipal~~ clerk or village clerk within three days before the date of the
6 meeting for the consideration of such ordinance, such ordinance shall not
7 be passed. The entire cost of such water extension mains or sanitary
8 sewer extension mains in any such street, avenue, or alley may be
9 chargeable to the private property therein and may be paid by the owner
10 of such property within fifty days from the levy of such special taxes
11 and assessments, and thereupon such property shall be exempt from any
12 lien for the special taxes and assessments. The bonds shall not be sold
13 for less than their par value. If the assessment or any part thereof
14 fails or for any reason is invalid, the city council or village board of
15 trustees governing body of the municipality may, without further notice,
16 make such other and further assessments on the lots and lands as may be
17 required to collect from the lots and lands the cost of the improvement,
18 properly chargeable as provided in this section. In lieu of such general
19 obligation bonds, the municipality may issue revenue bonds as provided in
20 section 18-502, to pay all or part of the cost of the construction of
21 such improvement.

22 Sec. 242. Section 19-2406, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-2406 For the purpose of making partial payments as ~~the~~ work
25 progresses in an extension district created pursuant to section 19-2402,
26 warrants may be issued by the mayor and city council or the chairperson
27 ~~chairman~~ and village board of trustees, as the case may be, upon
28 certificates of the engineer in charge showing the amount of work
29 completed and materials necessarily purchased and delivered for the
30 orderly and proper continuation of the project, in a sum not exceeding
31 ninety-five percent of the cost thereof and upon the completion and

1 acceptance of the work issue a final warrant for the balance due the
2 contractor, which warrants shall be redeemed and paid upon the sale of
3 the bonds issued and sold as provided in section 19-2405, and which shall
4 bear interest at such rate as the mayor and city council or chairperson
5 ~~chairman~~ and village board of trustees, ~~as the case may be,~~ shall order.
6 The city or village shall pay to the contractor interest at the rate of
7 eight percent per annum on the amounts due on partial and final payments
8 beginning forty-five days after the certification of the amounts due by
9 the engineer in charge and approval by the city council or village board
10 of trustees ~~governing body,~~ and running until the date that the warrant
11 is tendered to the contractor. Such ~~Said~~ warrants shall be registered in
12 the manner provided for the registration of other warrants, ~~and called~~
13 and paid whenever there are funds available for that purpose in the
14 manner provided for the calling and paying of other warrants. For the
15 purpose of paying such ~~said~~ warrants and the interest thereon from the
16 time of their registration until paid, the special assessments as
17 ~~hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are
18 paid and collected in a fund to be designated as the sewer and water
19 service extension fund.

20 Sec. 243. Section 19-2407, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 19-2407 Special assessments may be levied by the mayor and city
23 council or chairperson and village board of trustees, as the case may be,
24 for the purpose of paying the cost of constructing extension water mains
25 or sanitary service connections, as provided in sections 19-2402 to
26 19-2407. Such assessments shall be levied on the real property lying and
27 being within the utility main district in which such extension mains may
28 be situated to the extent of benefits to such property by reason of such
29 improvement. The benefits to such property shall be determined by the
30 mayor and city council, or chairperson and village board of trustees, ~~as~~
31 ~~the case may be,~~ sitting as a board of equalization after notice to

1 property owners, as provided in other cases of special assessment. After
2 the mayor and city council, or chairperson and village board of trustees,
3 sitting as such board of equalization, shall find such benefits to be
4 equal and uniform, such levy may be made according to the front footage
5 of the lots or real estate within such utility district, or according to
6 such other rule as the board of equalization may adopt for the
7 distribution or adjustment of such cost upon the lots or real estate in
8 such district benefited by such improvement. All such special assessments
9 shall be collected in the same manner as general municipal taxes and
10 shall be subject to the same penalty.

11 Sec. 244. Section 19-2410, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-2410 Whenever a petition, signed by sixty percent of the owners
14 of all real property in a ~~the~~ proposed improvement district, is presented
15 to the city council or village board of trustees ~~of the village~~ setting
16 forth (1) the property to be included in the improvement district, (2)
17 the improvement or improvements authorized by the Combined Improvement
18 Act which they desire made in such district in reasonable detail and
19 stating the location of each, and (3) an estimate of the cost of the
20 improvement or improvements, which estimate does not exceed the dollar
21 limitations in section 19-2408, the city council or village board of
22 trustees ~~of the village~~ shall cause the petition to be examined and the
23 estimate of cost of the improvement or improvements verified. If the
24 petition is found correct, the city council or village board of trustees
25 ~~of the village~~ shall by ordinance create an improvement district
26 consecutively numbered, known as Improvement District No., and
27 cause the improvements to be made if such can be done within such dollar
28 limitations.

29 Sec. 245. Section 19-2411, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-2411 The city council or village board of trustees ~~of a village~~

1 may without petition create an improvement district and cause one or more
2 of the improvements specified in section 19-2409 to be made in such the
3 district. The ordinance shall designate the property included within the
4 district or the outer boundaries thereof, the improvement or improvements
5 to be made in the district, and the total estimated cost of the
6 improvements, which shall not exceed the dollar limitations in section
7 19-2408. After passage, approval, and publication of the ordinance, the
8 city clerk or village clerk shall cause notice of the creation of such
9 district to be published for two consecutive weeks in a legal newspaper
10 ~~in published~~ or of general circulation in the city or village, or in lieu
11 of publication cause such notice to be served personally or by certified
12 mail on all owners of real property located within the district. If a
13 majority of the owners of all the real property in the district file
14 written objections to the creation of the district with the city clerk or
15 village clerk within twenty days after the first publication of such
16 notice or within twenty days after the date of mailing or service of
17 written notice on the property owners in the district, the city or
18 village shall not proceed further and shall repeal such ordinance. If no
19 such objections are filed, the city shall proceed with making the
20 improvements.

21 Sec. 246. Section 19-2412, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-2412 Contracts for improvements made under the Combined
24 Improvement Act ~~The contract~~ shall be let and the improvements made in
25 the same manner as required for street improvements. The city council or
26 village board of trustees ~~of the village~~ may direct the improvements to
27 be made under a single contract or that separate bids be taken for the
28 street improvement, installation of water mains, and installation of
29 sewers, but the aggregate of such ~~said~~ contracts shall not exceed the
30 estimate as shown in the ordinance creating the district. For the purpose
31 of making partial payment as the work progresses, warrants may be issued

1 by the mayor and city council or the village board of trustees ~~of the~~
2 ~~village~~ upon certificate of the engineer in charge showing the amount of
3 the work completed and materials necessarily purchased and delivered for
4 the orderly and proper continuance of the project in an amount not
5 exceeding ninety-five percent of the cost thereof, which warrants shall
6 be redeemed and paid from the amounts received on the special assessments
7 or from the sale of bonds issued to pay the cost of the project as
8 provided in section 19-2414. The city or village shall pay to the
9 contractor interest, at the rate of eight percent per annum on the
10 amounts due on partial and final payments, beginning forty-five days
11 after the certification of the amounts due by the engineer in charge and
12 approval by the city council or village board of trustees ~~governing body~~
13 and running until the date that the warrant is tendered to the
14 contractor.

15 Sec. 247. Section 19-2413, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-2413 On the completion and acceptance of the improvement or
18 improvements made under the Combined Improvement Act, the mayor and city
19 council or the village board of trustees ~~of the village~~ may cause special
20 assessments to be levied against the property in the district specially
21 benefited by the improvement or improvements to the extent that such ~~said~~
22 property is specially benefited in the manner and form provided for
23 levying special assessments for street improvements under the provisions
24 of sections 16-617 to 16-655 or 17-509 to 17-515, and the special
25 assessments shall mature and bear interest the same as provided for
26 special assessments for paving.

27 Sec. 248. Section 19-2414, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-2414 After the completion and acceptance of the improvement or
30 improvements made under the Combined Improvement Act, the city or village
31 may issue and sell its negotiable coupon bonds to be known as public

1 improvement bonds in an amount not exceeding the balance of the unpaid
2 cost of the improvement or improvements. The bonds shall be payable in
3 not to exceed twenty years from date and bear interest payable annually
4 or semiannually. All money collected from the special assessments shall
5 be placed in a sinking fund to pay the cost of the improvement or
6 improvements and the bonds issued under the Combined Improvement Act.

7 Sec. 249. Section 19-2416, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-2416 The governing body of any city of the first class, city of
10 the ~~or~~ second class, or of any village may by ordinance create a limited
11 street improvement district for the sole purpose of grading, curbing, and
12 guttering any unpaved street or streets or curbing and guttering any
13 paved or unpaved street or streets in the city or village and each
14 district shall be designated as Street Grading, Curbing, and Guttering
15 District No. or as Curbing and Guttering District No., as the
16 case may be. The city clerk or village mayor or chairman of the board of
17 ~~trustees and~~ clerk shall, after the passage, approval, and publication of
18 such ordinance, publish notice of the creation of any such district or
19 districts one time each week for three weeks in a legal daily or weekly
20 newspaper in or of general circulation in the city or village. After the
21 passage, approval, and publication of such ordinance and the publication
22 of such notice, the procedure of the mayor and city council or
23 chairperson ~~chairman~~ and village board of trustees in reference to such
24 improvement shall be in accordance with the applicable provisions of
25 sections 16-620 to 16-655 or 17-508 to 17-520.

26 Sec. 250. Section 19-2417, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-2417 The mayor and city council of any city of the first class or
29 city of the second class or the village board of trustees of any village
30 shall have the power to construct, replace, repair, or otherwise improve
31 sidewalks within such city or village. Whenever the mayor and city

1 council ~~of a city~~ or village board of trustees ~~of a village~~ shall by
2 resolution passed by a three-fourths vote of all members of such city
3 council or village board of trustees determine the necessity for sidewalk
4 improvements, the mayor and city council or village board of trustees
5 shall by ordinance create a sidewalk district, ~~and~~ shall cause such
6 improvements to be made, and shall contract therefor.

7 Sec. 251. Section 19-2418, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 19-2418 The mayor and city council or village board of trustees
10 shall levy special assessments on the lots and parcels of land abutting
11 on or adjacent to the sidewalk improvements specially benefited thereby
12 in any sidewalk district created pursuant to section 19-2417 such
13 ~~district~~ in proportion to the benefits, to pay the cost of such
14 improvements ~~improvement~~. All special assessments shall be a lien on the
15 property on which levied from the date of the levy until paid. The
16 special assessment for the sidewalk improvement shall be levied at one
17 time and shall become delinquent as follows: One-seventh of the total
18 assessment shall become delinquent in ten days after such levy; one-
19 seventh in one year; one-seventh in two years; one-seventh in three
20 years; one-seventh in four years; one-seventh in five years; and one-
21 seventh in six years. Each of such installments, except the first, shall
22 draw interest at the rate of not exceeding the rate of interest specified
23 in section 45-104.01, as such rate may from time to time be adjusted by
24 the Legislature, from the time of the levy until the installment becomes
25 delinquent. If the installment becomes delinquent, interest at the rate
26 specified in section 45-104.01, as such rate may from time to time be
27 adjusted by the Legislature, shall be paid thereon as in the case of
28 other special assessments. All such special assessments shall be made and
29 collected in accordance with the procedure established for paving
30 assessments for such ~~the particular~~ city or village.

31 Sec. 252. Section 19-2419, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2419 For the purpose of paying the cost of sidewalk improvements
3 in any sidewalk district created pursuant to section 19-2417, the mayor
4 and city council or village board of trustees shall have the power and
5 may, by ordinance, cause to be issued bonds of the city or village, to be
6 called Sidewalk Bonds of District No., payable in not exceeding six
7 years from date, and to bear interest annually or semiannually, with
8 interest coupons attached. Such bonds shall be general obligations of the
9 city or village, with principal and interest payable from a fund made up
10 of the special assessments collected and supplemented by transfers from
11 the general fund to make up any deficiency in the collection of the
12 special assessments. For the purpose of making partial payments as the
13 work progresses, warrants bearing interest may be issued by the mayor and
14 city council, or the village board of trustees, upon certificate of the
15 engineer in charge showing the amount of the work completed and materials
16 necessarily purchased and delivered for the orderly and proper
17 continuance of the project, in a sum not exceeding ninety-five percent of
18 the cost thereof, which warrants shall be redeemed and paid upon the sale
19 of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay
20 to the contractor interest, at the rate of eight percent per annum on the
21 amounts due on partial and final payments, beginning forty-five days
22 after the certification of the amounts due by the engineer in charge and
23 approval by the city council or village board of trustees ~~governing body~~
24 and running until the date that the warrant is tendered to the
25 contractor.

26 Sec. 253. Section 19-2420, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-2420 A city of the first class or city of the second class may
29 acquire by gift or purchase from the federal government or any agency
30 thereof sewer lines and sewage disposal systems, waterworks, and water
31 distribution systems, whether within or without the corporate limits, and

1 operate and extend the same, even though such system or systems are or
2 may be and continue to be wholly disconnected and separate from any such
3 utility system already belonging to such city, when, in the judgment of
4 the mayor and city council of such a city not having a board of public
5 works or of its board of public works in such a city having such board,
6 it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring,
7 maintaining, operating, and extending any such system, any such city of
8 ~~the first or second class~~ may use funds from any sewer, water, or
9 electrical system presently owned and operated by it, without prior
10 appropriation of such funds, and any other funds lawfully available for
11 such purpose.

12 Rates charged for the use of any system or works so acquired under
13 this section shall be reasonable and based on cost properly allocable to
14 the customers of ~~any~~ such system.

15 Sec. 254. Section 19-2421, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-2421 The mayor and city council of any city of the first class or
18 city of the second class, and the chairperson ~~chairman~~ and village board
19 of trustees of any village, in addition to other powers granted by law,
20 may enter into contracts for lease of real or personal property for any
21 purpose for which the city or village is authorized by law to purchase
22 property or construct improvements. Such leases shall not be restricted
23 to a single year, and may provide for the purchase of the property in
24 installment payments.

25 Sec. 255. Section 19-2422, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-2422 Any owner of real property who feels aggrieved by the levy
28 of any special assessment by any city of the first class, city of the or
29 second class, or village may appeal from such assessment, both as to the
30 validity and amount thereof, to the district court of the county where
31 such assessed real property is located. The issues on such appeal shall

1 be tried de novo. The district court may affirm, modify, or vacate the
2 special assessment, or may remand the case to the local board of
3 equalization for rehearing.

4 Sec. 256. Section 19-2423, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-2423 The owner appealing a special assessment pursuant to section
7 19-2422 shall, within ten days from the levy of such special assessment,
8 file a notice of appeal with the city clerk or village clerk, and shall
9 post a bond in the amount of two hundred dollars conditioned that such
10 appeal shall be prosecuted without delay and the appellant shall pay all
11 costs charged against him or her.

12 Sec. 257. Section 19-2424, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-2424 (1) Upon the request of the owner appealing a special
15 assessment pursuant to section 19-2422 and the payment by him or her of
16 the estimated cost of preparation of the transcript to the city clerk or
17 village clerk or such clerk's designee, the city clerk or village clerk
18 shall cause a complete transcript of the proceedings before such city or
19 village to be prepared. The cost of preparing the transcript shall be
20 calculated in the same manner as the calculation of the fee for a court
21 reporter for the preparation of a bill of exceptions as specified by
22 rules of practice prescribed by the Supreme Court. At such time as the
23 completed transcript is provided to the appellant, the appellant shall
24 pay the amount of the cost of preparation which is in excess of the
25 estimated cost already paid or shall receive a refund of any amount in
26 excess of the actual cost. An appellant determined to be indigent shall
27 not be required to pay any costs associated with such transcript
28 preparation.

29 (2) For purposes of this section, indigent means the inability to
30 financially pursue the appeal without prejudicing the appellant's ability
31 to provide economic necessities for the appellant or the appellant's

1 family. Indigency shall be determined by the court having jurisdiction
2 over the appeal upon motion of the appellant. The court shall make a
3 reasonable inquiry to determine the appellant's financial condition and
4 shall consider such factors as the appellant's income, the availability
5 to the appellant of other resources, including real and personal
6 property, bank accounts, social security benefits, and unemployment or
7 other benefits, the appellant's normal living expenses, the appellant's
8 outstanding debts, the number and age of the appellant's dependents, and
9 other relevant circumstances.

10 Sec. 258. Section 19-2425, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-2425 The owner appealing a special assessment pursuant to section
13 19-2422 ~~appellant~~ shall file his or her petition on appeal in the
14 district court, together with a transcript of the proceedings before the
15 ~~such~~ city or village, within thirty days from the date of the levy of
16 such special assessment.

17 Sec. 259. Section 19-2426, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-2426 Any ~~first--or second-class~~ city of the first class, city of
20 the second class, or village may wall, enclose, or cover in a manner that
21 will not restrict or impair the intended purpose, function, or operation
22 of a segment of any irrigation or drainage ditch, canal, or lateral,
23 whether on public or private property, which lies within the corporate
24 limits of such city or village, and for this purpose may acquire and hold
25 land or an interest in land. Nothing in this section shall be construed
26 to authorize the taking of property without payment of compensation when
27 required by law. Such city or village may undertake and finance a project
28 authorized by this section either independently or jointly with any
29 person owning or operating such irrigation ditch, canal, or lateral. If ÷
30 ~~Provided, that~~ if such project is undertaken independently, the owner or
31 operator of such irrigation ditch, canal, or lateral shall approve the

1 design of the project prior to any construction.

2 Sec. 260. Section 19-2427, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 19-2427 Any city of the first class, city of the ~~or~~ second class, or
5 village may include land adjacent to such city or village when creating
6 an improvement district, such as a sewer, paving, water, water extension,
7 or sanitary sewer extension district. The city council or village board
8 of trustees may levy a special assessment for the costs of such
9 improvements upon the properties found specially benefited thereby,
10 except as provided in sections 19-2428 to 19-2431.

11 Sec. 261. Section 19-2428, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-2428 (1) Whenever the city council ~~governing body~~ of a city of
14 the first class or city of the second class or the village board of
15 trustees of a village creates an improvement district as specified in
16 section 19-2427 which includes land adjacent to such city or village and
17 such adjacent land is within an agricultural use zone and is used
18 exclusively for agricultural use, the owners of record title of such
19 adjacent land may apply for a deferral from special assessments pursuant
20 to sections 19-2428 to 19-2431.

21 (2) For purposes of sections 19-2428 to 19-2431:

22 (a) Agricultural use means the use of land as described in section
23 77-1359, so that incidental use of the land for nonagricultural or
24 nonhorticultural purposes shall not disqualify the land; and

25 (b) Agricultural use zone means designation of any land
26 predominantly for agricultural or horticultural use by any political
27 subdivision pursuant to sections 19-925 ~~19-924~~ to 19-933, Chapter 14,
28 article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17,
29 article 10, or Chapter 23, article 1. The primary objective of the
30 agricultural use zoning shall be to preserve and protect agricultural
31 activities and the potential for the agricultural, horticultural, or open

1 use of land. Uses to be allowed on such lands include primarily
2 agricultural-related or horticultural-related uses, and nonagricultural
3 or nonhorticultural industrial, commercial, or residential uses allowed
4 on such lands shall be restricted so that they do not conflict with or
5 detract from this objective.

6 Sec. 262. Section 19-2429, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-2429 (1) Any owner of record title eligible for the deferral
9 granted by section 19-2428 shall, to secure such assessment, make
10 application to the city council ~~or board of trustees~~ of any city of the
11 first class or city of the second class or the village board of trustees
12 of any village within ninety days after creation of an improvement
13 district as specified in section 19-2427 which includes land adjacent to
14 such city or village which is within an agricultural use zone and is used
15 exclusively for agricultural use.

16 (2) Any owner of record title who makes application for the deferral
17 provided by sections 19-2428 to 19-2431 shall notify the county register
18 of deeds of such application in writing prior to approval by the city
19 council or village board of trustees.

20 (3) The city council or village board of trustees shall approve the
21 application of any owner of record title upon determination that the
22 property (a) is within an agricultural use zone and is used exclusively
23 for agricultural use and (b) the owner has complied with subsection (2)
24 of this section.

25 Sec. 263. Section 19-2430, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-2430 The deferral provided for in sections 19-2428 to 19-2431
28 shall be terminated upon any of the following events:

29 (1) Notification by the owner of record title to the city council or
30 village board of trustees to remove such deferral;

31 (2) Sale or transfer to a new owner who does not make a new

1 application within sixty days of the sale or transfer, except as provided
2 in subdivision (3) of this section;

3 (3) Transfer by reason of death of a former owner to a new owner who
4 does not make application within one hundred twenty-five days of the
5 transfer;

6 (4) The land is no longer being used as agricultural land; or

7 (5) Change of zoning to other than an agricultural zone.

8 Sec. 264. Section 19-2432, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-2432 (1) Whenever a tract of land against which a special
11 assessment has been levied is divided or subdivided by any platting,
12 replatting, or other form of division creating separate lots or tracts,
13 the city council governing body of any city of the first class or ~~or~~ city
14 of the second class ~~,~~ or the village board of trustees of any village
15 which has levied such special assessments may (a) on application of the
16 owner of any part of the tract or (b) on its own motion, determine the
17 apportionment of such special assessment remaining unpaid among the
18 various lots and parcels in the tract resulting from the division or
19 subdivision. Any such reapportionment shall be on such fair and equitable
20 terms as the city council or village board of trustees governing body
21 shall determine after notice and hearing on the reapportionment. No
22 reapportionment of a special assessment shall be done on a tract of land
23 if a tax sale certificate has been issued for such tract or if the
24 special assessment being reapportioned is delinquent.

25 (2) Notice of hearing on the reapportionment shall be given by
26 publication one time in a legal newspaper in published or of general
27 circulation in the city or village not less than ten days prior to the
28 hearing. Notice of the hearing shall be sent by mail to the owners of
29 record title of each lot or parcel affected by any proposed or determined
30 reapportionment in the same manner as is required under section
31 25-520.01.

1 (3) In making the determination as to reapportionment, the city
2 council or village board of trustees ~~governing body~~ shall take into
3 consideration its own requirements as to security for payment of the
4 amounts owing and may, if determined appropriate, allocate based upon
5 either front footage or square footage or other such method or
6 reapportionment as may be determined appropriate based upon the facts and
7 circumstances. No such reapportionment shall result in a reduction or
8 remittance of the total amount originally assessed and then remaining
9 outstanding and unpaid. Notice of the reapportionment when determined
10 shall be sent by mail to the owners of record title of each lot or parcel
11 affected by the reapportionment.

12 (4) Any notice required under this section may be waived in writing
13 by any owner of any lot or parcel affected by any reapportionment.

14 (5) Any owner of real property who feels aggrieved by the
15 reapportionment of any special assessment under this section may appeal
16 such reapportionment in the same manner as applies for appeals from
17 special assessments under sections 19-2422 to 19-2425, but only matters
18 related to such reapportionment shall be considered upon any such appeal.

19 (6) The city council or village board of trustees ~~governing body~~
20 shall file notice of any reapportionment of a special assessment with the
21 county treasurer of the county where the lot or parcel is located.

22 Sec. 265. Section 19-2701, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-2701 A city of the first class or city of the second class may
25 enter into a contract or contracts to sell electric, water, or sewer
26 service to persons beyond the corporate limits of such a city when, in
27 the judgment of the mayor and city council of such a city not having a
28 board of public works or of its board of public works in such a city
29 having such board, it is beneficial to ~~any~~ such city to do so. No such
30 contract shall run for a period in excess of twenty-five years. Such a
31 city is hereby authorized and empowered to enter into contracts for the

1 furnishing of electric service to persons, firms, associations, and
2 corporations beyond the corporate limits of such a city.

3 Sec. 266. Section 19-2901, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-2901 Sections 19-2901 to 19-2909 shall be known and may be cited
6 as the Nebraska Municipal Auditing Law.

7 Sec. 267. Section 19-2902, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-2902 For purposes of the Nebraska Municipal Auditing Law, unless
10 the context otherwise requires:

11 (1) Accountant means a duly licensed public accountant or certified
12 public accountant who otherwise is not an employee of or connected in any
13 way with the municipality involved;

14 (2) Annual audit report means the written report of the accountant
15 and all appended statements and schedules relating thereto presenting or
16 recording the findings of an examination or audit of the financial
17 transactions, affairs, or financial condition of a municipality and its
18 proprietary functions for the fiscal year immediately prior to the making
19 of such annual report;

20 (3) Fiscal year means the fiscal year for the particular
21 municipality involved or the fiscal year established in section 18-2804
22 for a proprietary function if different than the municipal fiscal year;

23 (4) Municipal authority means the city council, the village board of
24 trustees, or any other body or officer having authority to levy taxes,
25 make appropriations, or approve claims for any municipality; and

26 (5) Municipality means any incorporated city of the first class,
27 city of the second class, or village in this state.

28 ~~(1) Municipality or municipalities shall mean and include all~~
29 ~~incorporated cities of the first class, cities of the second class, and~~
30 ~~villages in this state;~~

31 ~~(2) Municipal authority shall mean the city council, board of~~

1 ~~trustees of a village, or any other body or officer having authority to~~
2 ~~levy taxes, make appropriations, or approve claims for any municipality;~~

3 ~~(3) Accountant shall mean a duly licensed public accountant or~~
4 ~~certified public accountant who otherwise is not an employee of or~~
5 ~~connected in any way with the municipality involved;~~

6 ~~(4) Annual audit report shall mean the written report of the~~
7 ~~accountant and all appended statements and schedules relating thereto~~
8 ~~presenting or recording the findings of an examination or audit of the~~
9 ~~financial transactions, affairs, or financial condition of a municipality~~
10 ~~and its proprietary functions for the fiscal year immediately prior to~~
11 ~~the making of such annual report; and~~

12 ~~(5) Fiscal year shall mean the fiscal year for the particular~~
13 ~~municipality involved or the fiscal year established in section 18-2804~~
14 ~~for a proprietary function if different than the municipal fiscal year.~~

15 Sec. 268. Section 19-2904, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-2904 The annual audit report shall set forth, insofar as
18 possible, the financial position and results of financial operations for
19 each fund or group of accounts of the municipality. When the accrual
20 method is selected for the annual audit report, such report shall be in
21 accordance with generally accepted accounting principles. The annual
22 audit report shall also include the professional opinion of the
23 accountant with respect to the financial statements, or, if an opinion
24 cannot be expressed, a declaration that the accountant is unable to
25 express such an opinion with an explanation of the reasons why he or she
26 cannot do so.

27 Sec. 269. Section 19-2905, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-2905 At least three copies of the ~~such~~ annual audit report shall
30 be properly signed and attested by the accountant, ÷ two copies shall be
31 filed with the clerk of the municipality involved, ÷ and one copy shall be

1 filed with the Auditor of Public Accounts. The copy of the annual audit
2 report submitted to the Auditor of Public Accounts shall be accompanied
3 by a supplemental report, if appropriate, by the accountant making the
4 audit identifying any illegal acts or indications of illegal acts
5 discovered as a result of the audit.

6 The annual audit report filed, together with any accompanying
7 comment or explanation, shall become a part of the public records of the
8 clerk of the municipality involved and shall at all times thereafter be
9 open and subject to public inspection. The copies filed with the auditor
10 shall be kept as a part of the public records in that office for at least
11 five years and shall at all times be subject to public inspection.

12 Sec. 270. Section 19-2907, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-2907 Should any municipality fail or refuse to cause an such
15 annual audit to be made of all of its functions, activities, and
16 transactions for the fiscal year within a period of six months following
17 the close of such fiscal year, then and in such event, any resident
18 taxpayer may make a written demand on the city council or village board
19 of trustees governing ~~body~~ of such municipality to commence such annual
20 audit within thirty days, and if such demand is ignored, a mandamus
21 action may be instituted by any taxpayer or taxpayers residing in such
22 municipality against the ~~then~~ municipal authorities of such municipality
23 requiring the municipality to proceed forthwith to cause such audit to be
24 made, and if such action is decided in favor of the taxpayer or taxpayers
25 instituting the same, the ~~then~~ municipal authorities of such municipality
26 shall be personally, and jointly and severally, liable for the costs of
27 such action, including a reasonable attorney's ~~attorney~~ fee to be allowed
28 by the court for the attorney employed by the taxpayer or taxpayers and
29 who prosecuted the action. Upon a failure, refusal, or neglect to cause
30 such annual audit to be made as required by sections 19-2903 and 19-2904,
31 and a failure to file a copy thereof with the Auditor of Public Accounts

1 as required by section 19-2905, the Auditor of Public Accounts shall,
2 after due notice and a hearing to show cause by such city or village,
3 notify the State Treasurer of such failure to file a copy with the
4 Auditor of Public Accounts. The State Treasurer shall, upon receipt of
5 such notice, withhold distribution of all money to which such city or
6 village may be entitled under the provisions of sections 39-2511 to
7 39-2520, until such annual audit shall have been made and have been filed
8 with the Auditor of Public Accounts. If such annual audit is not filed
9 within a period of six months from the time of the order and notice of
10 delinquency given by the Auditor of Public Accounts to the State
11 Treasurer, the amount so withheld shall be distributed to the other
12 cities and villages in the county where such delinquent city is located.
13 Upon compliance with the law requiring annual audits, the delinquent city
14 or village shall again become entitled to distribution of all money to
15 which it is entitled from the State Treasurer beginning with the date of
16 such compliance.

17 Sec. 271. Section 19-2908, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-2908 The Nebraska Municipal Auditing Law ~~provisions of sections~~
20 ~~19-2901 to 19-2909~~ shall not be construed to relieve any officer of any
21 duties now required by law of him or her with relation to public accounts
22 of a municipality or the disbursement of public funds of a municipality
23 ~~the same~~. Failure of the municipality to comply with any provisions of
24 the Nebraska Municipal Auditing Law ~~sections 19-2901 to 19-2909~~ shall not
25 affect the legality of taxes levied for any of the funds of such
26 municipality or any special assessments levied in connection with public
27 improvements.

28 Sec. 272. Section 19-2909, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-2909 The expenses of the audit required by the Nebraska Municipal
31 Auditing Law ~~in sections 19-2901 to 19-2909~~ shall be paid by the

1 municipal authorities of the municipality involved from appropriate
2 municipal funds; ~~Provided, that if any municipality has completed its~~
3 ~~annual budget and passed its appropriation ordinance before March 30,~~
4 ~~1959, then such expenses may be paid from the general fund of such~~
5 ~~municipality for the first annual audit made under the provisions of~~
6 ~~sections 19-2901 to 19-2909.~~

7 Sec. 273. Section 19-3052, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-3052 (1) For purposes of this section, municipality means shall
10 ~~mean~~ any city of the first class, city of the ~~or~~ second class, or village
11 which elects members of its governing board by districts.

12 (2) Any municipality which annexes territory and thereby brings
13 sufficient new residents into such municipality so as to require that
14 election districts be redrawn to maintain substantial population equality
15 between districts shall redistrict its election districts so that such
16 districts are substantially equal in population within one hundred and
17 eighty days after the effective date of the ordinance annexing the
18 territory. Such redistricting shall create election districts which are
19 substantially equal in population as determined by the most recent
20 federal decennial census or the most recent revised certified count by
21 the United States Bureau of the Census.

22 (3) No municipality which proposes to annex territory and thereby
23 bring new residents into the municipality shall annex such territory
24 unless the redistricting required by subsection (2) of this section will
25 be accomplished at least eighty days prior to the next primary election
26 in which candidates for the governing body of the municipality are
27 nominated.

28 (4)(a) No city of the first class or city of the second class shall
29 annex any territory during the period from eighty days prior to any
30 primary election in which candidates for the ~~governing body of the city~~
31 council are nominated until the date of the general election of the same

1 year if such annexation would bring sufficient new residents into such
2 city so as to require that election districts be redrawn to maintain
3 substantial population equality between districts.

4 (b) No village shall annex any territory during the period eighty
5 days prior to the election at which members of the ~~governing body of the~~
6 village board of trustees are chosen until the date of such election if
7 such annexation would bring sufficient new residents into such village so
8 as to require that election districts be redrawn to maintain substantial
9 population equality between districts.

10 (5)(a) No proposed annexation by a municipality shall be restricted
11 or governed by this section unless such annexation would bring sufficient
12 new residents into such municipality so as to require the election
13 districts of the municipality to be redrawn to maintain substantial
14 population equality between districts.

15 (b) Nothing in this section shall be construed to require a
16 municipality to redraw the boundaries of its election districts following
17 an annexation unless such annexation brought sufficient new residents
18 into such municipality so as to require such redistricting to maintain
19 substantial population equality between districts.

20 (c) For the purposes of this section only, a municipal annexation
21 shall be held to have brought sufficient new residents into such
22 municipality so as to require that its election districts be redrawn to
23 maintain substantial population equality between districts if, following
24 such annexation, the total range of deviation from the mean population of
25 each election district, according to the most recent federal decennial
26 census or the most recent revised certified count by the United States
27 Bureau of the Census, exceeds ten percent.

28 Sec. 274. Section 19-3101, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3101 In all cities of the first class, cities of the ~~and~~ second
31 class, classes and villages, regardless of the form of government, in

1 addition to the events listed in section 32-560 and any other reasons for
2 a vacancy provided by law, after notice and a hearing, a vacancy on the
3 city council or village board of trustees shall exist if a member is
4 absent from more than five consecutive regular meetings of the city
5 council or village board of trustees unless the absences are excused by a
6 majority vote of the remaining members.

7 Sec. 275. Section 19-3302, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-3302 As used in the Offstreet Parking District Act sections
10 ~~19-3301 to 19-3326~~, unless the context otherwise requires,
11 offstreet ~~offstreet~~ parking facilities includes parking lots, garages,
12 buildings, and multifloor buildings for the parking of motor vehicles.

13 Sec. 276. Section 19-3303, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-3303 In addition to matters specifically ~~elsewhere~~ set forth in
16 the Offstreet Parking District Act, cities of the primary class, cities
17 of the first class, and cities of the second class are authorized to
18 conduct ~~sections 19-3301 to 19-3326~~, such sections authorize and include
19 the following activities:

- 20 (1) The formation of offstreet parking districts;
- 21 (2) The acquisition of lands, property, and rights-of-way necessary
22 or convenient for use as offstreet parking facilities;
- 23 (3) The acquisition of lands, property, and rights-of-way necessary
24 or convenient for the opening, widening, straightening, or extending of
25 streets or alleys necessary or convenient for ingress to and egress from
26 any offstreet parking facility;
- 27 (4) The acquisition by condemnation, purchase, or gift of property
28 or any interest therein. Any lands or property necessary or convenient
29 for offstreet parking facilities may be acquired in fee simple by
30 condemnation or otherwise;
- 31 (5) The improvement of any acquired lands by the construction

1 thereon of garages or other buildings, including multifloor buildings, or
2 improvements necessary or convenient for offstreet parking facilities
3 including paying from revenue received pursuant to the Offstreet Parking
4 District Act sections 19-3301 to 19-3326 all or a portion of the cost of
5 a covered or uncovered mall to be constructed in a street or alley
6 pursuant to city authority to construct such improvements in connection
7 with paving and street improvements;

8 (6) The improvement of parking places and any alleys, streets, or
9 ways necessary or convenient for ingress to or egress from offstreet
10 parking facilities;

11 (7) The issuance, sale, and payment of bonds to pay the cost and
12 expense of any acquisition or improvement authorized by the Offstreet
13 Parking District Act sections 19-3301 to 19-3326;

14 (8) The administration, maintenance, operation, and repair of such
15 offstreet parking facilities, including the maintenance of parking meters
16 thereon;

17 (9) The collection of fees or charges to pay all or any part of the
18 cost of improving, repairing, maintaining, or operating offstreet parking
19 facilities and of acquiring and improving offstreet parking facilities;

20 (10) The employment of engineers, attorneys, and other persons
21 necessary or convenient for the doing of any acts authorized by the
22 Offstreet Parking District Act sections 19-3301 to 19-3326; and

23 (11) The doing of all acts and things necessary or convenient for
24 the accomplishment of the purpose of the Offstreet Parking District Act
25 sections 19-3301 to 19-3326. The enumeration of specific authority in the
26 Offstreet Parking District Act sections 19-3301 to 19-3326 does not limit
27 in any way the general authority granted by the act sections 19-3301 to
28 19-3326.

29 Sec. 277. Section 19-3304, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-3304 Whenever any notice is to be given or posted pursuant to the

1 ~~Offstreet Parking District Act provisions of sections 19-3301 to 19-3326~~
2 and the officer to give or post notice is not designated, the notice
3 shall be given or posted by the city engineer. Any notice or posting
4 shall not be invalidated because such notice or posting is given or done
5 by an officer other than those whose duty it is to give the notice or
6 perform the posting.

7 Sec. 278. Section 19-3305, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-3305 Any proceedings taken, taxes or assessments levied, or bonds
10 issued pursuant to the Offstreet Parking District Act ~~sections 19-3301 to~~
11 ~~19-3326~~ shall not be held invalid for failure to comply with the act
12 ~~provisions of sections 19-3301 to 19-3326.~~

13 Sec. 279. Section 19-3306, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-3306 Any procedure not expressly set forth in the Offstreet
16 Parking District Act ~~sections 19-3301 to 19-3326~~ but deemed necessary or
17 convenient to carry out any of the its purposes of the act is authorized.

18 Sec. 280. Section 19-3307, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-3307 The remedies provided in the Offstreet Parking District Act
21 ~~sections 19-3301 to 19-3326~~ for the enforcement of taxes or assessments
22 levied or bonds issued pursuant to the act ~~provisions of sections 19-3301~~
23 ~~to 19-3326~~ are not exclusive ~~and additional remedies may be provided at~~
24 ~~any time.~~

25 Sec. 281. Section 19-3308, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-3308 The curative clauses of the Offstreet Parking District Act
28 ~~sections 19-3301 to 19-3326~~ are cumulative, and each is to be given full
29 effect.

30 Sec. 282. Section 19-3309, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-3309 The Offstreet Parking District Act does ~~Sections 19-3301 to~~
2 ~~19-3326~~ do not affect any other law relating to the same or any similar
3 subject but provides ~~provide~~ an alternative authority and procedure for
4 the subject to which it relates ~~they relate~~. When proceeding under the
5 act sections 19-3301 to 19-3326, only the their provisions of the act
6 ~~only~~ need be followed.

7 Sec. 283. Section 19-3310, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-3310 The Offstreet Parking District Act ~~Sections 19-3301 to~~
10 ~~19-3326~~ shall be liberally construed.

11 Sec. 284. Section 19-3311, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-3311 Notwithstanding the provisions of any home rule charter and
14 in addition to the powers set out in sections 15-269 to 15-276 and 16-801
15 to 16-811, any city of the primary class, city of the first class, or
16 city of the ~~, first or second class in Nebraska~~ is hereby authorized to
17 own, purchase, construct, equip, lease, either as lessee or lessor, or
18 operate within such city, offstreet parking facilities for the use of the
19 general public and to refund bonds of the city issued pursuant to the
20 Offstreet Parking District Act sections 19-3301 to 19-3326, or in a city
21 of the first class to refund outstanding bonds issued to purchase,
22 construct, equip, or operate such offstreet parking facilities pursuant
23 to sections 16-801 to 16-811. Except as otherwise provided in any home
24 rule charter, the grant of power in this section ~~herein~~ does not include
25 power to engage, directly or indirectly, in the sale of gasoline, oil, or
26 other merchandise or in furnishing of any service other than of parking
27 motor vehicles as provided in the act sections 19-3301 to 19-3326. Any
28 such city shall have the authority to acquire by grant, contract, or
29 purchase, or through condemnation, as provided by law or by any home rule
30 charter for such acquisition, all real or personal property, including a
31 site or sites on which to construct such offstreet parking facility,

1 necessary or convenient in carrying out of this grant of power.
2 Property ; ~~Provided, that property~~ now used or hereafter acquired for
3 public offstreet motor vehicle parking by a private operator in such
4 cities shall not be subject to condemnation. Before any such city may
5 commence a program to construct, purchase, or acquire by other means a
6 proposed offstreet parking facility or facilities, notice shall be given,
7 by publication once each week for not less than thirty days, inviting
8 application for private ownership and operation of offstreet parking
9 facilities, which notice shall fix a date for a public hearing on any
10 application received. If no application or applications have been
11 received or if received, the same have been disapproved by the city
12 council governing body of such city after a public hearing concerning
13 such applications, then such city may proceed in the exercise of the
14 powers ~~herein~~ granted in this section. The procedure to condemn property
15 shall be exercised in the manner set forth in sections 76-701 to 76-724,
16 except as to properties specifically excluded by section 76-703, and as
17 to which sections 19-701 to 19-707 are applicable. The duties set forth
18 for the mayor and city council in sections 19-3312 to 19-3325 shall be
19 the duties and responsibilities of the city council in any city which by
20 law or by home rule charter has exclusively vested all legislative powers
21 of the city in such city council.

22 Sec. 285. Section 19-3312, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-3312 The mayor and city council may fix and establish by
25 resolution pursuant to the Offstreet Parking District Act ~~provisions of~~
26 ~~sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet
27 parking district, which boundaries shall include all the land in the
28 district which in the opinion of the mayor and city council will be
29 specially benefited thereby. Notice of the time and place of a hearing
30 before the city council on the creation of such district and of protests
31 and objections to the creation of the district as set forth in the notice

1 shall be given by publication one time each week for not less than three
2 weeks in a legal daily or weekly newspaper in or of general circulation
3 ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the
4 proposed boundaries of the district and the engineer's estimate of the
5 sum of money to be expended in the acquisition of property and the
6 construction of the offstreet parking facility. Not later than the hour
7 set for the hearing any owner or any person interested in any real estate
8 within the proposed district may severally or with other owners file with
9 the city clerk written objections to the thing proposed to be done, the
10 extent of the proposed district, or both, and every person so interested
11 shall have a right to protest on any grounds and to object to his or her
12 real estate being included in the district, and at such hearing all
13 objections and protests shall be heard and passed upon by the mayor and
14 city council.

15 Sec. 286. Section 19-3313, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-3313 If the owners of the record title representing more than
18 fifty percent of the taxable valuation of all of the taxable real
19 property included in a such proposed offstreet parking district or
20 districts under the Offstreet Parking District Act, and who were such
21 owners at the time the notice of hearing on objections to the creation of
22 the district was first published, file with the city clerk within twenty
23 days of the first publication of the notice written objections to the
24 formation of the district, such district shall not be formed. If
25 objections are not filed by owners of such fifty percent of the taxable
26 valuation of all of the taxable real property and if the mayor and city
27 council find, after considering any other protests and objections that
28 may be filed and after considering the evidence presented at the hearing,
29 that the public health, welfare, convenience, or necessity requires the
30 formation of such an offstreet parking district and facilities, then such
31 district shall be formed by ordinance. If the mayor and city council find

1 that the boundaries as set forth in the resolution and notice include
2 land which should not be included, then the ordinance shall fix the
3 boundaries of the district so as to exclude such land. Each district
4 formed pursuant to this section shall be numbered and the designation of
5 the district shall be called, using appropriate numbers, Vehicle
6 Offstreet Parking District No. of the City of,
7 Nebraska. The ordinance creating the district need not designate the
8 exact location of the proposed offstreet parking facility but shall
9 designate the engineer's estimate of the sum of money to be expended in
10 the acquisition of property and construction of such offstreet parking
11 facility or the share of such project as will be borne by the district.
12 The total cost and expenses shall include:

13 (1) The amounts estimated to be paid for the property to be
14 acquired;

15 (2) All costs and expenses in construction of the offstreet parking
16 facility;

17 (3) All engineering expense; and

18 (4) The estimated expense of issuing and selling bonds and all other
19 expenses which the city would not have except for the creation of such
20 offstreet parking district.

21 Sec. 287. Section 19-3314, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-3314 In the ordinance creating an offstreet parking district
24 pursuant to the Offstreet Parking District Act ~~the district~~, the mayor
25 and city council shall provide that in addition to the levy of taxes and
26 pledge of revenue all or a portion of the cost of acquisition, including
27 construction, maintenance, repair, and reconstruction of any offstreet
28 parking facility may be paid for by special assessment against the real
29 estate located in such district in proportion to the special benefit of
30 each parcel of real estate. The amounts of such special assessments shall
31 be determined by the mayor and city council sitting as a board of

1 equalization. Notice of a hearing on any special assessments to be levied
2 under section 19-3315 shall be given to the landowners in such district
3 by publication of the description of the land, the amount proposed to be
4 assessed, and the general purpose for which such assessment is to be made
5 one time each week for three weeks in a legal ~~daily or weekly~~ newspaper
6 in or of general circulation ~~published~~ in the city. The notice shall
7 provide the date, time, and place of hearing to determine any objection
8 or protest by landowners in the district as to the amount of assessment
9 made against their land. An appeal by writ of error or direct appeal to
10 the district court of the county in which such city is located may be
11 taken from the decision of the city council in the same manner and under
12 like terms and conditions as appeals may be taken from the amount of
13 special assessments levied in street improvement districts of such city
14 ~~as now provided by law.~~

15 Sec. 288. Section 19-3315, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-3315 The mayor and city council may by resolution levy and assess
18 taxes and assessments under the Offstreet Parking District Act as
19 follows:

20 (1) A property tax within any offstreet parking district of not to
21 exceed thirty-five cents on each one hundred dollars of taxable valuation
22 of taxable property within such district subject to section 77-3443 to
23 pay all or any part of the cost to improve, repair, maintain,
24 reconstruct, operate, or acquire any offstreet parking facility and to
25 pay principal and interest on any bonds issued for an offstreet parking
26 facility for such district. Such tax shall be levied and collected at the
27 same time and under the same provisions as the regular general city tax.
28 The taxes collected from any such district shall be used only for the
29 benefit of such district. For purposes of subsection (2) of section
30 77-3443, the tax shall be counted in the allocation by the city
31 proportionately, by dividing the total taxable valuation of the taxable

1 property within the district by the total taxable valuation of the
2 taxable property within the city multiplied by the levy of the district;

3 (2) A special assessment against the real property located in an
4 offstreet parking ~~such~~ district to the extent of the special benefit
5 thereto for the purpose of paying all or any part of the total costs and
6 expenses of acquisition, including construction, of an offstreet parking
7 facility in such district. The special assessment shall be levied as
8 provided in section 19-3314. In the event that subsequent to the levy of
9 assessments the use of any parcel of land changes so that, had the new
10 use existed at the time of making such levy, the assessment on such
11 parcel would have been higher than the assessment actually made, an
12 additional assessment may be made on such parcel by the mayor and city
13 council taking into consideration the new and changed use of the
14 property. The total amount of assessments levied under this subdivision
15 shall not exceed the total costs and expenses of acquiring a facility
16 defined in section 19-3313. The levy of an additional assessment shall
17 not reduce or affect in any manner the assessments previously levied.
18 Additional assessments shall be levied as provided in section 19-3314,
19 except that published notice may be omitted if notice is personally
20 served on the owner at least twenty days prior to the date of hearing.
21 All assessments levied under this subdivision shall constitute a sinking
22 fund for the payment of principal and interest on bonds issued for such
23 facility as provided by section 19-3317 until such bonds and interest are
24 fully paid; and

25 (3) A special assessment against the real property located in an
26 offstreet parking ~~such~~ district to the extent of special benefit thereto
27 for the purpose of paying all or any part of the costs of maintenance,
28 repair, and reconstruction of such offstreet parking facility in the
29 district. The mayor and city council may levy such assessments under
30 either of the following methods: (a) The mayor and city council may, not
31 more frequently than annually, determine the costs of maintenance,

1 repair, and reconstruction of such facility and such costs shall be
2 assessed to the real property located in such district as provided by
3 section 19-3314. At the hearing on such assessments, objections may be
4 made to the total costs and the proposed allocation of such costs among
5 the parcels of real property in such district; or (b) after notice is
6 given to the owners as provided in section 19-3314, the mayor and city
7 council may establish and may change from time to time the percentage of
8 such costs of maintenance, repair, and reconstruction which each parcel
9 of real property in any district shall pay. Thereafter, the mayor and
10 city council shall annually determine the total amount of such costs for
11 each period since costs were last assessed and shall after a hearing
12 assess such costs to the real property in the district in accordance with
13 the percentages previously established or as established at such hearing.
14 Notice of such hearing shall be given as provided in section 19-3314 and
15 shall state the total cost and percentage to be assessed to each parcel
16 of real property. Unless written objections are filed with the city clerk
17 at least five days before the hearing, all objections to the amount of
18 total costs and the assessment percentages shall be deemed to have been
19 waived and assessments shall be levied as stated in such notice unless
20 the mayor and city council reduce any assessment. At such hearing, the
21 assessment percentage for the assessment of costs in the future may be
22 changed.

23 Sec. 289. Section 19-3315.01, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 19-3315.01 (1) In addition to uses otherwise authorized in the
26 Offstreet Parking District Act, any money available from taxes or
27 assessments levied pursuant to section 19-3315 or revenue derived from
28 the operation of an offstreet parking facility may be used in an
29 offstreet parking ~~the~~ district for any one or more of the following
30 purposes as determined by a vote of the majority of the city council:

31 (a) Improvement of any public place or facility, including

1 landscaping, physical improvements for decoration or security purposes,
2 and plantings;

3 (b) Construction or installation of pedestrian shopping malls or
4 plazas, sidewalks or moving sidewalks, parks, meeting and display
5 facilities, bus stop shelters, lighting, benches or other seating
6 furniture, sculptures, trash receptacles, shelters, foundations,
7 skywalks, and pedestrian and vehicular overpasses and underpasses, and
8 any useful or necessary public improvements;

9 (c) Leasing, acquiring, constructing, reconstructing, extending,
10 maintaining, or repairing parking lots or parking garages, both above and
11 below the ground, or other facilities for the parking of vehicles,
12 including the power to install such facilities in public areas, whether
13 such areas are owned in fee or by easement;

14 (d) Creation and implementation of a plan for improving the general
15 architectural design of public areas;

16 (e) Development of any public activities and promotion of public
17 events, including the management, promotion, and advocacy of retail trade
18 activities or other promotional activities;

19 (f) Maintenance, repair, and reconstruction of any publicly owned
20 improvements or facilities;

21 (g) The creation by ordinance and operation of a revolving loan fund
22 for the purpose of providing financing upon appropriate terms and
23 conditions for capital improvements to privately owned facilities,
24 subject to the following conditions:

25 (i) No loan from such fund shall exceed an amount equivalent to
26 forty-nine percent of the total cost of the improvements to be financed
27 by the loan;

28 (ii) The city shall require and receive appropriate security to
29 guarantee the repayment of the loan; and

30 (iii) The proposed improvements to be financed shall serve to foster
31 the purposes of the Offstreet Parking District Act ~~act~~, promote economic

1 activity, or contribute to the public health, safety, and welfare;

2 (h) Any other project or undertaking for the betterment of the
3 public facilities, whether the project is capital or noncapital in
4 nature;

5 (i) Enforcement of parking regulations and the provision of
6 security; and

7 (j) Employing or contracting for personnel, including
8 administrators, for any improvement program under the Offstreet Parking
9 District Act ~~act~~, and providing for any service as may be necessary or
10 proper to carry out the purposes of the act.

11 (2) If any part of the revenue from fees and charges on the use of
12 an offstreet parking facility or from onstreet parking meters within the
13 district has been dedicated for the payment of principal or interest on
14 bonds issued pursuant to section 19-3317 or has been pledged as security
15 for such bonds, such revenue shall not be used for the purposes set forth
16 in subsection (1) of this section until such time as such bonds have been
17 fully paid or sufficient revenue has been placed in the sinking fund to
18 guarantee such repayment.

19 (3) If the city council proposes to exercise the authority granted
20 by subsection (1) of this section for any one or more of the purposes set
21 forth in such subsection within the boundaries of a district in existence
22 prior to September 13, 1997, the city clerk shall give notice of the city
23 council's intention to exercise such authority by publishing notice of
24 such intent in a legal newspaper in or of general circulation in the city
25 once a week for two consecutive weeks. The notice shall describe the
26 proposed new uses for district revenue and shall specify the time for
27 hearing objections to such uses, which time shall be at least fifteen
28 days after the date of publication of the notice. The city clerk shall
29 accept written protests or objections to the approval of the proposed new
30 uses of district revenue. If the owners of real property representing
31 more than fifty percent of the actual valuation of all real property in

1 the district file a written protest or objection within twenty days after
2 the date of publication of the notice, district revenue shall not be
3 applied to such uses.

4 Sec. 290. Section 19-3316, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-3316 Special assessments levied pursuant to section 19-3315 shall
7 become due in fifty days after the date of such levy and shall become
8 delinquent in one or more installments over a period of not to exceed
9 twenty years, in such manner as the mayor and city council shall
10 determine at the time of making the levy. The first installment may
11 become delinquent in fifty days after the date of levy if so specified by
12 the mayor and the city council. Each of such installments shall draw
13 interest before due date of not more than the rate of interest specified
14 in section 45-104.01, as such rate may from time to time be adjusted by
15 the Legislature, and after delinquency at the rate specified in section
16 45-104.01, as such rate may from time to time be adjusted by the
17 Legislature, as the mayor and city council shall determine at the time
18 the levy shall be made, except that any installment may be paid within
19 fifty days of the date of such levy without interest being charged
20 thereon. If three or more of such installments become delinquent and
21 unpaid on the same property, the mayor and city council may by resolution
22 declare all future installments on such delinquent property to be due on
23 a future fixed date. The resolution shall set forth the description of
24 the property and the name of its record title owner and shall provide
25 that all future installments shall become delinquent upon such fixed
26 date. A copy of such resolution shall be published one time each week for
27 not less than twenty days in a legal newspaper in or of general
28 circulation ~~published in the city or, if none is published in the city, a~~
29 ~~legal newspaper of general circulation in such city.~~ After the fixed
30 date, such future installments shall be deemed to be delinquent and the
31 city may proceed to enforce and collect the total amount due and all

1 future installments. Except as otherwise provided, all special
2 assessments levied under section 19-3315 shall be liens on the property
3 and shall be certified for collection and be collected in the same manner
4 as special assessments made for improvements in street improvement
5 districts in the city are collected.

6 Sec. 291. Section 19-3317, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-3317 For the purpose of paying the cost of such offstreet parking
9 facility, or any portion thereof, or to refund all or a portion of any
10 outstanding bonds of the city authorized to be refunded by the Offstreet
11 Parking District Act ~~sections 19-3301 to 19-3326~~, the mayor and city
12 council shall have power and may, by ordinance, cause to be issued
13 general obligation bonds of the city, to be called Offstreet Parking
14 Bonds of the City of, Nebraska, payable in not exceeding twenty
15 years from date and bearing interest, payable either annually or
16 semiannually, not exceeding a rate of twelve percent per annum with
17 interest coupons attached. In such cases they shall also provide that
18 special taxes levied within the district pursuant to section 19-3315
19 shall constitute a sinking fund for the payment of such bonds and the
20 mayor and city council may, in the ordinance, pledge all or any part of
21 the revenue from fees and charges on the use of the parking facility or
22 fees and charges from onstreet parking meters within the district not
23 already pledged as security for such bonds. There shall be levied upon
24 all the taxable property in such city a tax which, together with such
25 sinking fund derived from special assessments and other revenue pledged
26 for the payment of the bonds and interest thereon, shall be sufficient to
27 meet payments of interest and principal as the same become due. All such
28 bonds shall bear such date or dates, mature at such time or times, be in
29 such denominations, be in such form either coupon or registered, carry
30 such registration privileges, be executed in such manner, and be payable
31 in such medium of payment, and at such place or places within or without

1 the State of Nebraska as such ordinance may provide. No proceedings for
2 the issuance of bonds of any city shall be required other than those
3 required by the Offstreet Parking District Act ~~provisions of sections~~
4 ~~19-3301 to 19-3326~~. Such bonds may be issued either before or after the
5 completion of the acquisition or construction of the offstreet parking
6 facility, as the mayor and city council may determine best. For the
7 purpose of paying costs of an offstreet parking facility prior to
8 issuance of bonds, warrants may be issued by the mayor and city council
9 upon such terms as the mayor and city council may determine, which
10 warrants shall be redeemed and paid upon the sale of bonds authorized in
11 this section.

12 Sec. 292. Section 19-3318, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-3318 The owners of the record title of any real property within a
15 given area in any city of the first class or city of the second class
16 representing fifty-five percent of the total taxable valuation of all of
17 the taxable real property within the proposed district to be formed,
18 which district must consist of contiguous lands and lots, may petition
19 the mayor and city council to create a vehicle offstreet parking district
20 by ordinance, which district shall be consecutively numbered, and to
21 acquire property and construct an offstreet parking facility thereon as
22 provided in the Offstreet Parking District Act. For purposes of the act,
23 property separated by streets or alleys shall be deemed to be contiguous.

24 The petition shall contain:

25 (1) A general description of the exterior boundaries of the proposed
26 district;

27 (2) A general statement of the estimated amount of money involved in
28 the acquisition of the land and property and construction of the
29 facility;

30 (3) A general description of the improvements proposed to be made or
31 constructed; and

1 (4) A statement that the petition is filed pursuant to this section.
2 The petition may consist of any number of separate instruments, but
3 a description of the real property represented by each petitioner shall
4 be included either opposite the signature or by separate instrument.

5 When the petition is filed, the city clerk shall check or cause it
6 to be checked. If it is signed by qualified signers representing the
7 required percentage of the total taxable valuation, the city clerk shall
8 make a certificate to that effect and present the petition and
9 certificate to the mayor and city council.

10 Sec. 293. Section 19-3319, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-3319 When such petition is presented to the mayor and city
13 council pursuant to section 19-3318, it shall be the duty of the mayor
14 and city council to proceed as provided in sections 19-3312 and 19-3313
15 as upon the passage of a resolution for the creation of an offstreet
16 parking district. The same procedure for publication of notice and
17 objections to the creation of the district shall apply.

18 Sec. 294. Section 19-3320, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-3320 Whether the ordinance creating an ~~the~~ offstreet parking
21 district is passed on the initiative of the city council or on the
22 petition of landowners, the city council shall not change the boundaries,
23 except after notice of intention to do so given by the city clerk by one
24 insertion in the legal newspaper in which the ordinance and notice were
25 published. The notice shall describe the proposed change and specify the
26 time for hearing objections, which shall be at least fifteen days after
27 publication of the notice.

28 Sec. 295. Section 19-3321, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3321 If a ~~the~~ change proposed pursuant to section 19-3320 is to
31 include additional land in the district, the city clerk also shall mail a

1 copy of the notice to each person to whom land in the area proposed to be
2 added is assessed as shown in the office of the register of deeds or the
3 county clerk at such person's last-known address. The notice shall be
4 mailed by certified mail at least fifteen days prior to the time set for
5 hearing objections. If the boundaries are changed, objection or protest
6 made by owners of lands excluded by the change shall not be counted in
7 computing a protest but written objection or protest made by owners of
8 the remaining assessable land in the district, including assessable land
9 added by the change and filed with the city clerk not later than the time
10 set for hearing, objecting to the proposed change shall be included in
11 computing the protest. If owners of real property representing more than
12 fifty percent of the taxable valuation of all real property in such new
13 proposed district after the change of boundaries file a written protest
14 within twenty days after the notice is published in such newspaper, then
15 such district may not be changed.

16 Sec. 296. Section 19-3322, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-3322 Any land which in the judgment of the mayor and city council
19 will not be benefited shall not be included in an offstreet parking the
20 district under the Offstreet Parking District Act.

21 Sec. 297. Section 19-3323, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-3323 If the proceedings for the creation of an original offstreet
24 parking district or for an offstreet parking district under which the
25 boundaries have been changed, are terminated by a protest to the city
26 council, a proceeding under the Offstreet Parking District Act ~~provisions~~
27 ~~of sections 19-3301 to 19-3326~~ for the same or substantially the same
28 acquisition and improvement shall not be commenced within one year
29 thereafter, except on petitions signed by owners of the record title
30 representing a majority of the total land area in the district.

31 Sec. 298. Section 19-3324, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3324 Any protest or objection made pursuant to the Offstreet
3 Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ or any
4 signature to such objection or protest may be withdrawn by a written
5 withdrawal signed by the person or persons who signed the protest or
6 objection or who affixed the signature to be withdrawn and filed with the
7 city clerk at any time prior to the determination of the mayor and city
8 council as to whether or not a protest exists. Any protest, objection, or
9 signature withdrawn shall not be counted in computing the protest.

10 Sec. 299. Section 19-3325, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-3325 Proceedings under the Offstreet Parking District Act
13 ~~sections 19-3301 to 19-3326~~ shall not be attacked after the hearing upon
14 any grounds not stated in an objection or protest filed pursuant to the
15 act provisions of sections 19-3301 to 19-3326. Any owner of real estate
16 or person interested in any real estate within the district is estopped
17 to attack the proceedings upon any ground not stated in the protest filed
18 by him or her pursuant to the Offstreet Parking District Act provisions
19 ~~of sections 19-3301 to 19-3326~~.

20 Sec. 300. Section 19-3326, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-3326 (1) After the issuance of bonds under the Offstreet Parking
23 District Act hereunder by a city of the first class or city of the second
24 class, a certificate shall be issued by the city clerk certifying the
25 same to the county treasurer of the county in which such city is located
26 and the annual taxes within the district shall be handled in the same
27 manner and collected in the same manner as intersection bonds for street
28 paving in the cities of the first class or cities of the second class in
29 ~~Nebraska~~ and to be paid to the city for use as provided by the act
30 ~~sections 19-3301 to 19-3326~~.

31 (2) After the issuance of bonds under the Offstreet Parking District

1 ~~Act hereunder~~ by a city of the primary class, a certificate shall be
2 issued by the city clerk. Taxes shall be handled and collected as
3 otherwise provided by law or by home rule charter for such city, and
4 those taxes paid to the city shall be used as provided in the act
5 ~~sections 19-3301 to 19-3327.~~

6 Sec. 301. Section 19-3327, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-3327 Any city of the primary class, city of the first class, or
9 city of the , ~~first, or~~ second class, after the creation of an offstreet
10 parking district pursuant to the Offstreet Parking District Act, shall
11 have the power to own, purchase, construct, equip, lease, or operate
12 within such city any offstreet parking facility in addition to any
13 offstreet parking facility contemplated at the time of the creation of
14 the district if the mayor and city council are of the opinion that the
15 district will be benefited thereby. Whenever the city council deems it
16 advisable to own, purchase, construct, equip, lease, or operate such
17 additional facility, the city council shall by resolution set forth the
18 engineer's estimate of the sum of money to be expended in the acquisition
19 of property and the construction of the offstreet parking facility and a
20 description of the facility to be constructed, and if such resolution
21 proposes to acquire by grant, contract, or purchase, or through
22 condemnation any offstreet parking facility, the resolution shall state
23 the price and conditions and how such facility shall be acquired, and if
24 assessments are to be levied, the resolution shall state the proposed
25 boundaries of the area in the district in which the special assessments
26 shall be levied. Notice of the time and place of a hearing before the
27 city council on such resolution shall be given by publication one time
28 each week for two weeks in a legal daily or weekly newspaper in or of
29 general circulation ~~published~~ in the city. The publication shall contain
30 the entire resolution. The last publication shall not be less than five
31 days nor more than two weeks prior to the date set for such hearing. Not

1 later than the hour set for the hearing, any owner or any person
2 interested in any real property within the proposed area may file with
3 the city clerk written objections to the resolution, the extent of the
4 proposed area, or both, and every person so interested shall have a right
5 to protest on any grounds and to object to his or her real property being
6 included in the area. At such hearing all objections and protests shall
7 be heard and passed upon by the mayor and city council. If the owners of
8 record title representing more than sixty percent of the taxable
9 valuation of all of the taxable real property included in such proposed
10 area and who were such owners at the time the notice of hearing on
11 objections to the creation of the facility was first published file a
12 petition with the city clerk within three days of the date set for the
13 hearing, such resolution shall not be passed.

14 Sec. 302. Section 19-3501, Revised Statutes Supplement, 2017, is
15 amended to read:

16 19-3501 (1) The city council ~~governing body~~ of cities of the first
17 class and cities of the second class and the village board of trustees of
18 ~~and second classes~~ and villages may, by appropriate ordinance or proper
19 resolution, establish a pension plan designed and intended for the
20 benefit of the regularly employed or appointed full-time employees of the
21 city or village. Any recognized method of funding a pension plan may be
22 employed. The plan shall be established by appropriate ordinance or
23 proper resolution, which may provide for mandatory contribution by the
24 employee. The city or village may also contribute, in addition to any
25 amounts contributed by the employee, amounts to be used for the purpose
26 of funding employee past service benefits. Any two or more cities of the
27 first class, cities of the second class, ~~and second classes~~ and villages
28 may jointly establish such a pension plan by adoption of appropriate
29 ordinances or resolutions. Such a pension plan may be integrated with old
30 age and survivors insurance, otherwise generally known as social
31 security.

1 (2) Beginning December 31, 1998, through December 31, 2017:

2 (a) The city clerk or village clerk of a city or village with a
3 retirement plan established pursuant to this section and section 401(a)
4 of the Internal Revenue Code shall file with the Public Employees
5 Retirement Board an annual report on such plan and shall submit copies of
6 such report to the Auditor of Public Accounts. The Auditor of Public
7 Accounts may prepare a review of such report pursuant to section
8 84-304.02 but is not required to do so. The annual report shall be in a
9 form prescribed by the Public Employees Retirement Board and shall
10 contain the following information for each such retirement plan:

11 (i) The number of persons participating in the retirement plan;

12 (ii) The contribution rates of participants in the plan;

13 (iii) Plan assets and liabilities;

14 (iv) The names and positions of persons administering the plan;

15 (v) The names and positions of persons investing plan assets;

16 (vi) The form and nature of investments;

17 (vii) For each defined contribution plan, a full description of
18 investment policies and options available to plan participants; and

19 (viii) For each defined benefit plan, the levels of benefits of
20 participants in the plan, the number of members who are eligible for a
21 benefit, and the total present value of such members' benefits, as well
22 as the funding sources which will pay for such benefits.

23 If a plan contains no current active participants, the city clerk or
24 village clerk may file in place of such report a statement with the
25 Public Employees Retirement Board indicating the number of retirees still
26 drawing benefits, and the sources and amount of funding for such
27 benefits; and

28 (b) If such retirement plan is a defined benefit plan which was open
29 to new members on January 1, 2004, in addition to the reports required by
30 section 13-2402, the city council or village board of trustees shall
31 cause to be prepared an annual report and shall file the same with the

1 Public Employees Retirement Board and the Nebraska Retirement Systems
2 Committee of the Legislature and submit to the Auditor of Public Accounts
3 a copy of each report. The Auditor of Public Accounts may prepare a
4 review of such report pursuant to section 84-304.02 but is not required
5 to do so. If the city council or village board of trustees does not
6 submit a copy of the report to the Auditor of Public Accounts within six
7 months after the end of the plan year, the Auditor of Public Accounts may
8 audit, or cause to be audited, the city or village. All costs of the
9 audit shall be paid by the city or village. The report shall consist of a
10 full actuarial analysis of each such retirement plan established pursuant
11 to this section. The analysis shall be prepared by an independent private
12 organization or public entity employing actuaries who are members in good
13 standing of the American Academy of Actuaries, and which organization or
14 entity has demonstrated expertise to perform this type of analysis and is
15 unrelated to any organization offering investment advice or which
16 provides investment management services to the retirement plan. The
17 report to the Nebraska Retirement Systems Committee shall be submitted
18 electronically.

19 (3) Subsection (1) of this section shall not apply to firefighters
20 or police officers who are included under an existing pension or
21 retirement system established by the municipality employing such
22 firefighters or police officers or the Legislature. If a city of the
23 first class decreases in population to less than five thousand, as
24 determined by the most recent federal decennial census or the most recent
25 revised certified count by the United States Bureau of the Census, any
26 police officer or firefighter employed by such city on or prior to the
27 date such city becomes a city of the second class shall retain the level
28 of benefits established by the Legislature for police officers or
29 firefighters employed by a city of the first class on the date such city
30 becomes a city of the second class.

31 Sec. 303. Section 19-3701, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3701 All ordinances for the government of any city of the first
3 class, city of the ~~or~~ second class, or of any village, adopted by the
4 voters of such said city or village after submission to them by either
5 initiative or referendum petition, shall become immediately effective
6 thereafter. No ~~;~~ ~~but no~~ ordinance for the government of any such city or
7 village except as provided in sections 16-405 and 17-613, which has been
8 adopted by such city or village without submission to the voters of such
9 city or village, shall go into effect until fifteen days after the
10 passage of such ordinance.

11 Sec. 304. Section 19-3801, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-3801 Any city of the first class, city of the ~~or~~ second class, or
14 any village may, under the provisions of the Interlocal Cooperation Act
15 or Joint Public Agency Act, enter into a contract with the county board
16 of its county for police services to be provided by the county sheriff.
17 The county board shall enter into such a contract when requested by a
18 village to do so. Whenever any such contract has been entered into, the
19 sheriff shall, in addition to his or her other powers and duties, have
20 all the powers and duties of peace officers within and for the city or
21 village so contracting.

22 Sec. 305. Section 19-4017, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 19-4017 Cities of the metropolitan class, primary class, first
25 class, and second class in the state at present have business areas in
26 need of improvement and development, but lack the funds with which to
27 provide and maintain such improvements. The purpose of the Business
28 Improvement District Act is to provide a means by which such cities may
29 raise the necessary funds to be used for the purpose of providing and
30 maintaining the improvements authorized by the act.

31 Sec. 306. Section 19-4017.01, Revised Statutes Cumulative

1 Supplement, 2016, is amended to read:

2 19-4017.01 For purposes of the Business Improvement District Act:

3 (1) Assessable unit means front foot, square foot, equivalent front
4 foot, or other unit of assessment established under the proposed method
5 of assessment set forth in the ordinance creating a business improvement
6 district ~~Record owner shall mean the fee owner of real property as shown~~
7 ~~in the records of the register of deeds office in the county in which the~~
8 ~~business area is located. A contract purchaser of real property shall be~~
9 ~~considered the record owner and the only person entitled to petition~~
10 ~~pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section~~
11 ~~19-4027 or 19-4029.04, if the contract is recorded in the register of~~
12 ~~deeds office in the county in which the business area is located;~~

13 (2) Business area means an established area of the city zoned for
14 business, public, or commercial purposes ~~Assessable unit shall mean front~~
15 ~~foot, square foot, equivalent front foot, or other unit of assessment~~
16 ~~established under the proposed method of assessment set forth in the~~
17 ~~ordinance creating a business improvement district;~~

18 (3) Record owner means the fee owner of real property as shown in
19 the records of the register of deeds office in the county in which the
20 business area is located. A contract purchaser of real property shall be
21 considered the record owner and the only person entitled to petition
22 pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section
23 19-4027 or 19-4029.04, if the contract is recorded in the register of
24 deeds office in the county in which the business area is located ~~Space~~
25 ~~shall mean the square foot space wherein customers, patients, clients, or~~
26 ~~other invitees are received and space from time to time used or available~~
27 ~~for use in connection with a business or profession of a user, excepting~~
28 ~~all space owned or used by political subdivisions; and~~

29 (4) Space means the square foot space wherein customers, patients,
30 clients, or other invitees are received and space from time to time used
31 or available for use in connection with a business or profession of a

1 ~~user, excepting all space owned or used by political subdivisions~~
2 ~~Business area shall mean an established area of the city zoned for~~
3 ~~business, public, or commercial purposes.~~

4 Sec. 307. Section 19-4018, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 19-4018 Pursuant to the Business Improvement District Act, cities of
7 the metropolitan class, primary class, first class, or second class may
8 impose (1) a special assessment upon the property within a business
9 improvement district in the city or (2) a general business occupation tax
10 on businesses and users of space within a business improvement district.
11 After March 27, 2014, any occupation tax imposed pursuant to this section
12 shall make a reasonable classification of businesses, users of space, or
13 kinds of transactions for purposes of imposing such tax, except that no
14 occupation tax shall be imposed on any transaction which is subject to
15 tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,
16 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section
17 77-2704.24. The proceeds or other available funds may be used for the
18 purposes stated in section 19-4019.

19 Sec. 308. Section 19-4019, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-4019 Any money available under section 19-4018 may be used for
22 any one or more of the following purposes:

23 (1) The acquisition, construction, maintenance, and operation of
24 public offstreet parking facilities for the benefit of the business
25 improvement district area;

26 (2) Improvement of any public place or facility in the business
27 improvement district area, including landscaping, physical improvements
28 for decoration or security purposes, and plantings;

29 (3) Construction or installation of pedestrian shopping malls or
30 plazas, sidewalks or moving sidewalks, parks, meeting and display
31 facilities, bus stop shelters, lighting, benches or other seating

1 furniture, sculptures, trash receptacles, shelters, fountains, skywalks,
2 and pedestrian and vehicular overpasses and underpasses, and any useful
3 or necessary public improvements in the business improvement district
4 area;

5 (4) Leasing, acquiring, constructing, reconstructing, extending,
6 maintaining, or repairing parking lots or parking garages, both above and
7 below ground, or other facilities for the parking of vehicles, including
8 the power to install such facilities in public areas, whether such areas
9 are owned in fee or by easement, in the business improvement district
10 area;

11 (5) Creation and implementation of a plan for improving the general
12 architectural design of public areas in the business improvement
13 district;

14 (6) The development of any public activities and promotion of public
15 events, including the management and promotion and advocacy of retail
16 trade activities or other promotional activities, in the business
17 improvement district area;

18 (7) Maintenance, repair, and reconstruction of any improvements or
19 facilities authorized by the Business Improvement District Act;

20 (8) Any other project or undertaking for the betterment of the
21 public facilities in the business improvement district area, whether the
22 project be capital or noncapital in nature;

23 (9) Enforcement of parking regulations and the provision of security
24 within the business improvement district area; and

25 (10) Employing or contracting for personnel, including
26 administrators for any improvement program under the act, and providing
27 for any service as may be necessary or proper to carry out the purposes
28 of the act.

29 Sec. 309. Section 19-4021, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 19-4021 The mayor, with the approval of the city council, shall

1 appoint a business improvement board consisting of property owners,
2 residents, business operators, or users of space within the business area
3 to be improved. The boundaries of the business area shall be declared by
4 resolution of the city council at or prior to the time of the appointment
5 of the business improvement board. The business improvement board shall
6 make recommendations to the city council for the establishment of a plan
7 or plans for improvements in the business area. If it is found that the
8 improvements to be included in one business area offer benefits that
9 cannot be equitably assessed together under the Business Improvement
10 District Act, more than one business improvement district as part of the
11 same plan for improvements for that business area may be proposed. The
12 business improvement board may make recommendations to the city as to the
13 use of any occupation tax funds collected, and may administer such funds
14 if so directed by the mayor and city council. The business improvement
15 board shall also review and make recommendations to the city regarding
16 expansion of the boundaries of the business improvement district under
17 sections 19-4029.02 to 19-4029.05.

18 Sec. 310. Section 19-4022, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-4022 The business improvement board shall consist of five or more
21 members to serve such terms as the city council, by resolution,
22 determines. The mayor, with the approval of the city council, shall fill
23 any vacancy for the term vacated. A board member may serve more than one
24 term. The board shall select from its members a chairperson and a
25 secretary.

26 Sec. 311. Section 19-4026, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 19-4026 In the event that the city council has not acted to call a
29 hearing to create a business improvement district as provided in section
30 19-4029, it shall do so when presented with a petition signed by the
31 record owners of thirty percent of the assessable front footage in a

1 business area or by the users of thirty percent of space in a business
2 area.

3 Sec. 312. Section 19-4027, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 19-4027 Whenever a hearing is held under section 19-4029, the city
6 council shall:

7 (1) Hear all protests and receive evidence for or against the
8 proposed action;

9 (2) Rule upon all written protests received prior to the close of
10 the hearing, which ruling shall be final; and

11 (3) Continue the hearing from time to time as the city council may
12 deem necessary.

13 If a special assessment is to be used, proceedings shall terminate
14 if written protest is made prior to the close of the hearing by the
15 record owners of over fifty percent of the assessable units in the
16 proposed business improvement district. If an occupation tax is to be
17 used, proceedings shall terminate if protest is made by users of over
18 fifty percent of the space in the proposed business improvement district.

19 Sec. 313. Section 19-4028, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 19-4028 If the city council decides to change the boundaries of the
22 proposed business improvement district or to change the proposed
23 modifications to the boundaries of an existing business improvement
24 district or districts from those recommended by the business improvement
25 board, the hearing shall be continued to a time at least fifteen days
26 after such decision and the notice shall be given as prescribed in
27 section 19-4029.01, showing the boundary amendments. The city council may
28 not expand the proposed boundaries recommended by the business
29 improvement board without the city council's proposed boundaries being
30 considered by the business improvement board.

31 Sec. 314. Section 19-4029, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 19-4029 Upon receiving a the recommendation from a the business
3 improvement board, the city council may create one or more business
4 improvement districts. The city council, following a hearing, may
5 establish or reject any proposed business improvement district or
6 districts. If the city council decides to establish any business
7 improvement district, it shall adopt an ordinance to that effect. This
8 ordinance shall contain the following information:

9 (1) A statement that notice of hearing was given, including the date
10 or dates on which it was given, in accordance with section 19-4029.01;

11 (2) The time and place the hearing was held concerning the formation
12 of such business improvement district;

13 (3) A statement that a business improvement district has been
14 established;

15 (4) The purposes of the business improvement district, and the
16 public improvements and facilities to be included in such district;

17 (5) The description of the boundaries of the business improvement
18 ~~such~~ district;

19 (6) A statement that the businesses and users of space in the
20 business improvement district shall be subject to the general business
21 occupation tax or that the real property in the business improvement
22 district will be subject to the special assessment authorized by the
23 Business Improvement District Act;

24 (7) The proposed method of assessment to be imposed within the
25 business improvement district or the initial rate of the occupation tax
26 to be imposed; and

27 (8) Any penalties to be imposed for failure to pay the tax or
28 special assessment.

29 The ordinance shall recite that the method of raising revenue shall
30 be fair and equitable. In the use of a general occupation tax, the tax
31 shall be based primarily on the square footage of the owner's and user's

1 place of business. In the use of a special assessment, the assessment
2 shall be based upon the special benefit to the property within the
3 business improvement district.

4 Sec. 315. Section 19-4029.01, Revised Statutes Cumulative
5 Supplement, 2016, is amended to read:

6 19-4029.01 (1) At least ten days prior to the date of any hearing
7 under sections 19-4029, 19-4029.02, and 19-4029.03, notice of such
8 hearing shall be given by:

9 (a) One publication of the notice of hearing in a legal newspaper in
10 or of general circulation in the city;

11 (b) Mailing a copy of the notice of hearing to each owner of taxable
12 property as shown on the latest tax rolls of the county treasurer for
13 such county;

14 (c) Providing a copy of the notice of hearing to any neighborhood
15 association registered pursuant to subsection (2) of this section in the
16 manner requested by such neighborhood association; and

17 (d) If an occupation tax is to be imposed, mailing a copy of the
18 notice of hearing to each user of space in the proposed district.

19 (2) The notice required by subdivision (1)(c) of this section shall
20 be provided to any neighborhood association which is registered pursuant
21 to this subsection and whose area of concern is located, in whole or in
22 part, within a one-mile radius of the existing or proposed boundaries of
23 the district. Each neighborhood association desiring to receive such
24 notice shall register with the city the area of concern of such
25 association and provide the name of and contact information for the
26 individual who is to receive notice on behalf of such association and the
27 requested manner of service, whether by email or regular, certified, or
28 registered mail. The registration shall be in accordance with any rules
29 adopted and promulgated by the city.

30 (3) Any notice of hearing for any hearing required by section
31 19-4029 shall contain the following information:

1 (a) A description of the boundaries of the proposed business
2 improvement district;

3 (b) The time and place of a hearing to be held by the city council
4 to consider establishment of the business improvement district;

5 (c) The proposed public facilities and improvements to be made or
6 maintained within any business improvement ~~such~~ district; and

7 (d) The proposed or estimated costs for improvements and facilities
8 within the proposed business improvement district and the method by which
9 the revenue shall be raised. If a special assessment is proposed, the
10 notice shall also state the proposed method of assessment.

11 (4) Any notice of hearing for any hearing required by sections
12 19-4029.02 and 19-4029.03 shall contain the following information:

13 (a) A description of the boundaries of the area to be added to the
14 existing business improvement district and a description of the new
15 boundaries of the modified business improvement district;

16 (b) The time and place of a hearing to be held by the city council
17 to consider establishment of the modified business improvement district;

18 (c) The new public facilities and improvements, if any, to be made
19 or maintained within any business improvement ~~such~~ district; and

20 (d) The proposed or estimated costs for new and existing
21 improvements and facilities within the proposed modified business
22 improvement district and the method by which the revenue shall be raised.
23 If a special assessment is proposed, the notice shall also state the
24 proposed method of assessment.

25 Sec. 316. Section 19-4029.04, Revised Statutes Cumulative
26 Supplement, 2016, is amended to read:

27 19-4029.04 Whenever a hearing is held to expand business improvement
28 district boundaries under section 19-4029.02 or 19-4029.03, the city
29 council shall:

30 (1) Hear all protests and receive evidence for or against the
31 proposed action;

1 (2) Rule upon all written protests received prior to the close of
2 the hearing, which ruling shall be final; and

3 (3) Continue the hearing from time to time as the city council may
4 deem necessary.

5 If a special assessment is to be used, proceedings shall terminate
6 if written protest is made prior to the close of the hearing by the
7 record owners of over fifty percent of the assessable units in the
8 modified business improvement district as proposed. If an occupation tax
9 is to be used, proceedings shall terminate if protest is made by users of
10 over fifty percent of space in the modified business improvement district
11 as proposed.

12 Sec. 317. Section 19-4029.05, Revised Statutes Cumulative
13 Supplement, 2016, is amended to read:

14 19-4029.05 The city council, following a hearing under section
15 19-4029.02 or 19-4029.03, may expand the boundaries of any business
16 improvement district or districts. If the city council decides to expand
17 the boundaries, it shall adopt an ordinance to that effect. This
18 ordinance shall contain the following information:

19 (1) The name of the business improvement district whose boundaries
20 will be expanded;

21 (2) A statement that notice of hearing was given, including the date
22 or dates on which it was given, in accordance with section 19-4029.01;

23 (3) The time and place the hearing was held concerning the new
24 boundaries of the business improvement ~~such~~ district;

25 (4) The purposes of the boundary expansion and any new public
26 improvements and facilities to be included in the business improvement
27 ~~such~~ district;

28 (5) The description of the new boundaries of the business
29 improvement ~~such~~ district;

30 (6) A statement that the businesses and users of space in the
31 modified business improvement district established by the ordinance shall

1 be subject to the general business occupation tax or that the real
2 property in the modified business improvement district will be subject to
3 the special assessment authorized by the Business Improvement District
4 Act;

5 (7) The proposed method of assessment to be imposed within the
6 business improvement district or the initial rate of the occupation tax
7 to be imposed; and

8 (8) Any penalties to be imposed for failure to pay the tax or
9 special assessment.

10 The ordinance shall recite that the method of raising revenue shall
11 be fair and equitable. In the use of a general occupation tax, the tax
12 shall be based primarily on the square footage of the owner's and user's
13 place of business. In the use of a special assessment, the assessment
14 shall be based upon the special benefit to the property within the
15 business improvement district.

16 Sec. 318. Section 19-4030, Revised Statutes Supplement, 2017, is
17 amended to read:

18 19-4030 A city may levy a special assessment against the real estate
19 located in a business improvement district, to the extent of the special
20 benefit thereto, for the purpose of paying all or any part of the total
21 costs and expenses of performing any authorized work, except maintenance,
22 repair, and reconstruction costs, within the business improvement such
23 district. The amount of each special assessment shall be determined by
24 the city council sitting as a board of equalization. Assessments shall be
25 levied in accordance with the method of assessment proposed in the
26 ordinance creating the business improvement district. If the city council
27 finds that the proposed method of assessment does not provide a fair and
28 equitable method of apportioning costs, then it may assess the costs
29 under such method as the city council finds to be fair and equitable.
30 Notice of a hearing on any special assessments to be levied under the
31 Business Improvement District Act shall be given to the landowners in the

1 business improvement such district by publication of the description of
2 the land, the amount proposed to be assessed, and the general purpose for
3 which such assessment is to be made one time each week for three weeks in
4 a legal ~~daily or weekly~~ newspaper in or of general circulation published
5 in the city. The notice shall provide the date, time, and place of
6 hearing to hear any objections or protests by landowners in the business
7 improvement district as to the amount of assessment made against their
8 land. A direct appeal to the district court of the county in which such
9 city is located may be taken from the decision of the city council in the
10 same manner and under like terms and conditions as appeals may be taken
11 from the amount of special assessments levied in street improvement
12 districts in such city as now provided by law. All special assessments
13 levied under the act shall be liens on the property and shall be
14 certified for collection and collected in the same manner as special
15 assessments for improvements and street improvement districts of the city
16 are collected. If any part of a business improvement district overlaps
17 with a riverfront development district in which a special assessment is
18 already being levied pursuant to section 19-5313, the city creating the
19 business improvement district shall not impose the business improvement
20 district's special assessment within the overlapping area.

21 Sec. 319. Section 19-4031, Revised Statutes Supplement, 2017, is
22 amended to read:

23 19-4031 (1) In addition to or in place of the special assessments
24 authorized by the Business Improvement District Act, a city may levy a
25 general business occupation tax upon the businesses and users of space
26 within a business improvement district established for acquiring,
27 constructing, maintaining, or operating public offstreet parking
28 facilities and providing in connection therewith other public
29 improvements and facilities authorized by the Business Improvement
30 District Act, for the purpose of paying all or any part of the total cost
31 and expenses of any authorized improvement or facility within the

1 business improvement such district. Notice of a hearing on any such tax
2 levied under the Business Improvement District Act shall be given to the
3 businesses and users of space of the business improvement such districts,
4 and appeals may be taken, all in the manner provided in section 19-4030.

5 (2) After March 27, 2014, any occupation tax imposed pursuant to
6 this section shall make a reasonable classification of businesses, users
7 of space, or kinds of transactions for purposes of imposing such tax,
8 except that no occupation tax shall be imposed on any transaction which
9 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
10 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under
11 section 77-2704.24. The collection of a tax imposed pursuant to this
12 section shall be made and enforced in such a manner as the city council
13 shall by ordinance determine to produce the required revenue. The city
14 council may provide that failure to pay the tax imposed pursuant to this
15 section shall constitute a violation of the ordinance and subject the
16 violator to a fine or other punishment as provided by ordinance.

17 (3) If any part of a business improvement district overlaps with a
18 riverfront development district in which a general business occupation
19 tax is already being levied pursuant to section 19-5312, the city
20 creating the business improvement district shall not impose the business
21 improvement district's occupation tax within the overlapping area.

22 Sec. 320. Section 19-4032, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-4032 If, subsequent to the levy of taxes or assessments under the
25 Business Improvement District Act, the use of any parcel of land shall
26 change so that, had the new use existed at the time of making such levy,
27 the assessment or levy on such parcel would have been higher than the
28 levy or assessment actually made, an additional assessment or levy may be
29 made on such parcel by the city council taking into consideration the new
30 and changed use of the property. Reassessments or changes in the rate of
31 levy of assessments or taxes may be made by the city council after notice

1 and hearing as provided in section 19-4030. The city council shall adopt
2 a resolution of intention to change the rate of levy at least fifteen
3 days prior to the hearing required for changes. This resolution shall
4 specify the proposed change and shall give the time and place of the
5 hearing.

6 Sec. 321. Section 19-4033, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 19-4033 The total amount of special assessments or general business
9 occupation taxes levied under the Business Improvement District Act shall
10 not exceed the total costs and expenses of performing the authorized
11 work. The levy of any additional assessment or tax shall not reduce or
12 affect in any manner the assessments previously levied. The assessments
13 or taxes levied must be for the purposes specified in the ordinances and
14 the proceeds shall not be used for any other purpose.

15 Sec. 322. Section 19-4034, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 19-4034 A city may levy a general business occupation tax, or a
18 special assessment against the real estate located in a business
19 improvement district to the extent of special benefit to such real
20 estate, for the purpose of paying all or any part of the cost of
21 maintenance, repair, and reconstruction, including utility costs of any
22 improvement or facility in the business improvement district. Districts
23 created for taxation or assessment of maintenance, repair, and
24 reconstruction costs, including utility costs of improvements or
25 facilities which are authorized by the Business Improvement District Act,
26 but which were not acquired or constructed pursuant to the act, may be
27 taxed or assessed as provided in the act. Any occupation tax levied under
28 this section shall be limited to those improvements and facilities
29 authorized by section 19-4030. After March 27, 2014, any occupation tax
30 imposed pursuant to this section shall make a reasonable classification
31 of businesses, users of space, or kinds of transactions for purposes of

1 imposing such tax, except that no occupation tax shall be imposed on any
2 transaction which is subject to tax under section 53-160, 66-489,
3 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is
4 exempt from tax under section 77-2704.24. The city council may levy such
5 taxes or assessments under either of the following methods:

6 (1) The city council, sitting as a board of equalization, may, not
7 more frequently than annually, determine the costs of maintenance or
8 repair, and reconstruction₇ of a facility. Such costs shall be either
9 assessed to the real estate located in the business improvement such
10 district in accordance with the proposed method of assessment, or taxed
11 against the businesses and users of space in the business improvement
12 district, whichever may be applicable as determined by the ordinance
13 creating the business improvement district. However, if the city council
14 finds that the method of assessment proposed in the ordinance creating
15 the business improvement district does not provide a fair and equitable
16 method of apportioning such costs, then it may assess the costs under
17 such method as the city council finds to be fair and equitable. At the
18 hearing on such taxes or assessments, objections may be made to the total
19 cost and the proposed allocation of such costs among the parcels of real
20 estate or businesses in the business improvement ~~such~~ district; or

21 (2) After notice is given to the owners or businesses as provided in
22 section 19-4030 the city council may establish and may change from time
23 to time, the percentage of such costs for maintenance, repair, and
24 reconstruction which each parcel of real estate or each business or user
25 of space in any business improvement district shall pay. The city council
26 shall annually determine the total amount of such costs for each period
27 since costs were last taxed or assessed, and shall, after a hearing, tax
28 or assess such costs to the real estate in the business improvement
29 district in accordance with the percentages previously established at
30 such hearing. Notice of such hearing shall be given as provided in
31 section 19-4030 and shall state the total costs and percentage to be

1 taxed or assessed to each parcel of real estate. Unless objections are
2 filed with the city clerk at least five days before the hearing, all
3 objections to the amount of total costs and the assessment percentages
4 should be deemed to have been waived and the assessments shall be levied
5 as stated in such notice, except that the city council may reduce any
6 assessment percentage.

7 Sec. 323. Section 19-4035, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-4035 The city council may dissolve ~~disestablish~~ a business
10 improvement district by ordinance after a hearing before the city
11 council. The city council shall adopt a resolution of intention to
12 dissolve ~~disestablish~~ the business improvement district area at least
13 fifteen days prior to the hearing required by this section. The
14 resolution shall give the time and place of the hearing.

15 Sec. 324. Section 19-4036, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-4036 Upon dissolution ~~disestablishment~~ of a business improvement
18 district, any proceeds of any general business occupation the tax or the
19 special assessment, or assets acquired with such proceeds, shall be
20 subject to disposition as the city council shall determine.

21 Sec. 325. Section 19-4037, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 19-4037 ~~Any~~ The city which has established one or more business
24 improvement districts is authorized to receive, administer, and disburse
25 donated funds or grants of federal or state funds for the purposes of and
26 in the manner authorized by the Business Improvement District Act.

27 Sec. 326. Section 19-4629, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-4629 (1) ~~A~~ The resolution of intent pursuant to section 19-4628
30 shall describe the property subject to the proposed condemnation,
31 including the types of property and facilities to be subject to the

1 condemnation and the extent and amount of property to be appropriated.

2 The resolution of intent shall set forth one or more of the following:

3 (a) A description of the acts and omissions of the utility regarding
4 natural gas safety which the city believes have created or may create a
5 material threat to the health and safety of the public in the city and a
6 description of the nature of the threat;

7 (b) A description of the acts and omissions of the utility regarding
8 the terms, conditions, and quality of natural gas service to natural gas
9 ratepayers in the city which the city believes fail to meet generally
10 accepted standards of customer service within the natural gas industry;

11 (c) A comparison of the rates for natural gas charged by the utility
12 to ratepayers in the city and of the rates charged to similarly situated
13 ratepayers in comparably sized cities in Nebraska and neighboring states
14 which are served by the same or different utilities, which comparison the
15 city believes shows that the rates charged in the city are excessive; or

16 (d) A description of recent or contemporaneous events or disclosures
17 regarding the utility, including, but not limited to, changes in
18 ownership, corporate structure, financial stability, or debt rating or
19 any other factor which the city believes indicates financial instability
20 in the utility which may materially impair its ability to maintain
21 appropriate levels of safety and consumer service in the city.

22 (2) If the resolution of intent contains provisions as set out in
23 subdivision (1)(a) or (b) of this section, the resolution shall describe
24 the efforts by the city to inform the utility of the utility's acts or
25 omissions regarding safety or service and shall describe the
26 opportunities afforded the utility to remedy the stated defects.

27 (3) The resolution of intent shall not contain any provision
28 regarding nor make any references to any expected or anticipated revenue
29 to be derived by the city in consequence of the city's condemnation or
30 operation of the gas system.

31 Sec. 327. Section 19-4630, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-4630 (1) A The resolution of intent to pursue condemnation
3 pursuant to section 19-4628 shall be presented to the governing body of
4 the city at a regular meeting of such governing body. At that meeting the
5 governing body may adopt the resolution of intent and, if it does so,
6 shall set a time at least forty-five days after the date of the meeting
7 at which the resolution of intent was adopted at which time the governing
8 body of the city shall hold a public hearing.

9 (2) At the public hearing, the sole item of business to be conducted
10 shall be the public hearing on the resolution of intent at which the
11 public shall be permitted to comment on the proposed condemnation, the
12 utility shall be permitted to respond to the statements set out in the
13 resolution of intent and any comments made at the public hearing, and the
14 governing body may act as provided in section 19-4631.

15 (3) The city clerk ~~of the city~~ shall transmit a copy of the
16 resolution of intent and notice of the date and time of the public
17 hearing to the utility by United States registered mail with signature
18 confirmation within seven days after the meeting at which the resolution
19 of intent was adopted. At least thirty days prior to the public hearing,
20 the city shall publish notice of the time and place of the public hearing
21 and a summary of the resolution of intent in a legal newspaper published
22 in or of general circulation in the city.

23 (4) The utility may present to the city a description of portions of
24 the gas system which (a) are not described as part of the gas system
25 being condemned by the city and (b) are served through the town border
26 station of the city. The utility may require the city to include in its
27 description of the gas system being condemned any or all of those
28 portions of the system if the proposed condemnation would sever those
29 portions of the system from the utility's distribution facilities and
30 would require the utility to create new infrastructure to link these
31 portions to its existing delivery system outside the city. If the utility

1 chooses to require the city to include additional portions of the gas
2 system in the description of the property being condemned, it shall do so
3 prior to the adjournment of the public hearing.

4 Sec. 328. Section 19-4632, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-4632 Following the adoption of a the motion pursuant to section
7 19-4631, including an override of any veto, if necessary, the city clerk
8 ~~of the city~~ shall transmit to the Chief Justice of the Supreme Court
9 notice of the decision of the city to pursue condemnation of the gas
10 system. The Supreme Court shall, within thirty days after the receipt of
11 such notice, appoint three judges of the district court from three of the
12 judicial districts of the state to constitute a court of condemnation to
13 ascertain and find the value of the gas system being taken. The Supreme
14 Court shall enter an order requiring the judges to attend as a court of
15 condemnation at the county seat of the county in which the city is
16 located, within such time as may be stated in the order, except upon
17 stipulation by all necessary parties as to the value of the gas system
18 filed with the Supreme Court prior to such date. The judges shall attend
19 as ordered and at the first meeting shall select a presiding judge,
20 organize, and proceed with the court's duties. The court may adjourn from
21 time to time and shall fix a time for the appearance before it of all
22 such corporations or persons as the court may deem necessary to be made
23 parties to such condemnation proceedings or which the city or the utility
24 may desire to have made a party to the proceedings. If such time of
25 appearance shall occur after any proceedings have begun, the proceedings
26 shall be reviewed by the court, as it may direct, to give all parties
27 full opportunity to be heard. All corporations or persons, including all
28 mortgagees, bondholders, trustees for bondholders, leaseholders, or other
29 parties or persons claiming any interest in or lien upon the gas system,
30 may be made parties to the proceedings. All parties shall be served with
31 notice of the proceedings and the time and place of the meeting of the

1 court of condemnation in the same manner and for such length of time as
2 the service of a summons in cases begun in the district court, either by
3 personal service or service by publication, and actual personal service
4 of notice within or without the state shall supersede the necessity of
5 notice by publication.

6 Sec. 329. Section 19-4633, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-4633 In all proceedings before it, the court of condemnation
9 shall appoint a reporter of its proceedings who shall report and preserve
10 all evidence introduced before it. The clerk of the district court, in
11 the county where the city is located, shall attend upon the court of
12 condemnation and perform the duties of the clerk thereof, as the court of
13 condemnation may direct. The sheriff of the county or any of his or her
14 deputies shall attend upon the court of condemnation and shall have power
15 to serve summonses, subpoenas, and all other orders or papers ordered to
16 be served by the court. In case of a vacancy on the court, the vacancy
17 shall be filled by the Supreme Court if the vacancy occurs while the
18 Supreme Court is in session, and if it occurs while the Supreme Court is
19 not in session, then by the Chief Justice. The judges constituting the
20 court of condemnation shall be paid by the city a per diem for their
21 services in an amount to be established by rule of the Supreme Court and
22 the city shall pay their necessary traveling expenses, accommodation
23 bills, and all other necessary expenses incurred while in attendance upon
24 the sittings of the court of condemnation, with reimbursement for
25 expenses to be made as provided in sections 81-1174 to 81-1177. The city
26 shall pay the reporter that is appointed by the court of condemnation the
27 amount that is set by such ~~the~~ court. The sheriff shall serve all
28 summonses, subpoenas, or other orders or papers ordered issued or served
29 by the court of condemnation at the same rate and compensation for which
30 he or she serves like papers issued by the district court, but shall
31 account to the county for all compensation as required of him or her

1 under the law governing his or her duties as sheriff.

2 Sec. 330. Section 19-4634, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-4634 (1) In ascertaining the value of the gas system, the court
5 of condemnation shall have full power to summon witnesses, administer
6 oaths, take evidence, order the taking of depositions, and require the
7 production of any and all books and papers deemed necessary for a full
8 investigation and ascertainment of the value of any portion of the gas
9 system. When part of the gas system appropriated under the Municipal
10 Natural Gas System Condemnation Act extends beyond the territory within
11 which the city exercising the power of eminent domain has a right to
12 operate the gas system, the court of condemnation, in determining the
13 damages caused by the appropriation, shall take into consideration the
14 fact that the portion of the gas system beyond that territory is being
15 detached and not appropriated by the city, and the court of condemnation
16 shall award damages by reason of the detachment and the destruction in
17 value and usefulness of the detached and unappropriated property as it
18 will remain and be left after the detachment and appropriation. The court
19 of condemnation shall have all the necessary powers and perform all the
20 necessary duties in the condemnation and ascertainment of the value and
21 in making an award of the value of the gas system.

22 (2) The court of condemnation shall have power to apportion the
23 costs of the proceedings before it between the city and the utility and
24 the city shall provide for and pay the costs as ordered by such the
25 court. The city shall make provisions for the necessary funds and
26 expenses to carry on the proceedings of the court of condemnation while
27 the proceedings are in progress. If the governing body of the city elects
28 to abandon the condemnation proceedings, the city shall pay all the costs
29 made before the court of condemnation.

30 (3) If the services of expert witnesses or attorneys are secured by
31 the utility, their fees or compensation as billed to the utility are to

1 be taxed and paid as costs by the city to the extent that the court of of
2 condemnation determines that the fees and compensation sought (a) reflect
3 the prevailing industry or professional charges for such services in
4 cases of the size involved in the condemnation and (b) were reasonably
5 necessary to a just and accurate determination of the value of the gas
6 system. The costs of any appeal shall be adjudged against the party
7 defeated in the appeal in the same degree and manner as is done under the
8 general court practice relating to appellate proceedings.

9 Sec. 331. Section 19-4636, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-4636 Upon the hearing of an ~~the~~ appeal pursuant to section
12 19-4635 in the district court, judgment shall be pronounced, as in
13 ordinary cases, for the value of the gas system. The city or utility may
14 appeal the judgment to the Supreme Court. All actions and proceedings
15 under the Municipal Natural Gas System Condemnation Act which are heard
16 by the district court or the Supreme Court shall be expedited for hearing
17 and decision by the appropriate court as soon as the issues and parties
18 are properly before such court. Such proceedings and actions shall be
19 preferred over all other civil cases irrespective of their position on
20 the calendar.

21 Sec. 332. Section 19-4638, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-4638 If an ~~the~~ election pursuant to section 19-4637 at which the
24 question is submitted is a special election and sixty percent of the
25 votes cast upon such proposition are in favor, or if such ~~the~~ election at
26 which the question is submitted is a general election and a majority of
27 the votes cast upon such proposition are in favor, then the officer
28 possessing the power and duty to ascertain and declare the result of the
29 election shall certify the result immediately to the governing body of
30 the city. The governing body of the city may then proceed to tender the
31 amount of the value and award made by the court of condemnation, the

1 district court, or the Supreme Court to the utility owning the gas system
2 and shall have the right and power to take immediate possession of the
3 gas system upon the tender.

4 Sec. 333. Section 19-4701, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-4701 A city of the metropolitan class or primary class may
7 acquire, purchase, and operate a professional baseball organization.

8 Sec. 334. Section 19-5001, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-5001 (1) A city of the first class, city of the ~~or~~ second class,
11 or village shall provide written notice of a proposed annexation to the
12 owners of property within the area proposed for annexation in the manner
13 set out in this section.

14 (2) Initial notice of the proposed annexation shall be sent to the
15 owners of property within the area proposed for annexation by regular
16 United States mail, postage prepaid, to the address of each owner of such
17 property as it appears in the records of the office of the register of
18 deeds or as the address is determined from another official source,
19 postmarked at least ten working days prior to the planning commission's
20 public hearing on the proposed change with a certified letter to the
21 clerk of any sanitary and improvement district if the annexation includes
22 property located within the boundaries of such district. Such notice
23 shall describe the area proposed for annexation, including a map showing
24 the boundaries of the area proposed for annexation, and shall contain the
25 date, time, and location of the planning commission's hearing and how
26 further information regarding the annexation can be obtained, including
27 the telephone number of the pertinent city or village official and an
28 electronic mail or Internet address if available.

29 (3) A second notice of the proposed annexation shall be sent to the
30 same owners of property who were provided with notice under subsection
31 (2) of this section. Such notice shall be sent by regular United States

1 mail, postage prepaid, to the owner's address as it appears in the
2 records of the office of the register of deeds or as the address is
3 determined from another official source, postmarked at least ten working
4 days prior to the public hearing of the city council or village board of
5 trustees on the annexation. Such notice shall describe the area proposed
6 for annexation, including a map showing the boundaries of the area
7 proposed for annexation, and shall contain the date, time, and location
8 of the hearing and how further information regarding the annexation can
9 be obtained, including the telephone number of the pertinent city or
10 village official and an electronic mail or Internet address if available.

11 (4) No additional or further notice beyond that required by
12 subsections (2) and (3) of this section shall be necessary if the
13 scheduled public hearing by the planning commission or city council or
14 village board of trustees on the proposed annexation is adjourned,
15 continued, or postponed until a later date.

16 (5) Except for a willful or deliberate failure to cause notice to be
17 given, no annexation decision made by a city of the first class, city of
18 the ~~or~~ second class, or village to accept or reject a proposed
19 annexation, either in whole or in part, shall be void, invalidated, or
20 affected in any way because of any irregularity, defect, error, or
21 failure on the part of the city or village or its employees to cause
22 notice to be given as required by this section if a reasonable attempt to
23 comply with this section was made. No action to challenge the validity of
24 the acceptance or rejection of a proposed annexation on the basis of this
25 section shall be filed more than one year following the date after the
26 formal acceptance or rejection of the annexation by the city council or
27 village board of trustees.

28 (6) Except for a willful or deliberate failure to cause notice to be
29 given, the city of the first class, city of the ~~or~~ second class, or
30 village and its employees shall not be liable for any damage to any
31 person resulting from failure to cause notice to be given as required by

1 this section if a reasonable attempt was made to provide such notice. No
2 action for damages resulting from the failure to cause notice to be
3 provided as required by this section shall be filed more than one year
4 following the date of the formal acceptance or rejection of the proposed
5 annexation, either in whole or in part, by the city council or village
6 board of trustees.

7 (7) For purposes of this section, owner means the owner of a piece
8 of property as indicated on the records of the office of the register of
9 deeds as provided to or made available to the city of the first class,
10 city of the ~~or~~ second class, or village no earlier than the last business
11 day before the twenty-fifth day preceding the public hearing by the
12 planning commission on the annexation proposed for the subject property.

13 Sec. 335. Section 19-5203, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 19-5203 For purposes of the Nebraska Municipal Land Bank Act:

16 (1) Board means the board of directors of a land bank;

17 (2) Land bank means a land bank established in accordance with the
18 act;

19 (3) Municipality means any city or village of this state ~~that is~~
20 ~~located (a) within a county in which a city of the metropolitan class is~~
21 ~~located or (b) within a county in which at least three cities of the~~
22 ~~first class are located~~; and

23 (4) Real property means lands, lands under water, structures, and
24 any and all easements, air rights, franchises, and incorporeal
25 hereditaments and every estate and right therein, legal and equitable,
26 including terms for years and liens by way of judgment, mortgage, or
27 otherwise, and any and all fixtures and improvements located thereon.

28 Sec. 336. Section 19-5205, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 19-5205 (1) If a land bank is created by a single municipality, the
31 board of such land bank shall meet the following requirements:

1 (a) The board shall consist of:

2 (i) Seven voting members appointed by the mayor or chairperson of
3 the village board of trustees of the municipality that created the land
4 bank and confirmed by a two-thirds vote of the governing body of such
5 municipality;

6 (ii) The planning director of the municipality that created the land
7 bank or his or her designee, or in the case of a village, a person
8 designated by the village board of trustees, as a nonvoting, ex officio
9 member;

10 (iii) One member of the governing body of the municipality that
11 created the land bank, appointed by such governing body, as a nonvoting,
12 ex officio member; and

13 (iv) Such other nonvoting members as are appointed by the mayor or
14 chairperson of the village board of trustees of the municipality that
15 created the land bank;

16 (b) The seven voting members of the board shall be residents of the
17 municipality that created the land bank;

18 (c) If the governing body of the municipality creating the land bank
19 has any of its members elected by district or ward, then at least one
20 voting member of the board shall be appointed from each such district or
21 ward. Such voting members shall represent, to the greatest extent
22 possible, the racial and ethnic diversity of the municipality creating
23 the land bank;

24 (d) The seven voting members of the board shall have, collectively,
25 verifiable skills, expertise, and knowledge in market-rate and affordable
26 residential, commercial, industrial, and mixed-use real estate
27 development, financing, law, purchasing and sales, asset management,
28 economic and community development, and the acquisition of tax sale
29 certificates;

30 (e) The seven voting members of the board shall include:

31 (i) At least one member representing a chamber of commerce;

- 1 (ii) At least one member with experience in banking;
- 2 (iii) At least one member with experience in real estate
3 development;
- 4 (iv) At least one member with experience as a realtor;
- 5 (v) At least one member with experience in nonprofit or affordable
6 housing; and
- 7 (vi) At least one member with experience in large-scale residential
8 or commercial property rental; and
- 9 (f) A single voting member may satisfy more than one of the
10 requirements provided in subdivision (1)(e) of this section if he or she
11 has the required qualifications. It is not necessary that there be a
12 different member to fulfill each such requirement.
- 13 (2) If a land bank is created by more than one municipality pursuant
14 to an agreement under the Interlocal Cooperation Act, the board of such
15 land bank shall meet the following requirements:
- 16 (a) The board shall consist of:
- 17 (i) An odd number of voting members, totaling at least seven,
18 appointed by the mayors or chairpersons of the village boards of trustees
19 of the municipalities that created the land bank, as mutually agreed to
20 by such mayors or chairpersons, and confirmed by a two-thirds vote of the
21 governing body of each municipality that created the land bank;
- 22 (ii) The planning director of each municipality that created the
23 land bank or his or her designee, or in the case of a village, a person
24 designated by the village board of trustees, as nonvoting, ex officio
25 members;
- 26 (iii) One member of the governing body of each municipality that
27 created the land bank, appointed by the governing body on which such
28 member serves, as nonvoting, ex officio members; and
- 29 (iv) Such other nonvoting members as are appointed by the mayors or
30 chairpersons of the village boards of trustees of the municipalities that
31 created the land bank, as mutually agreed to by such mayors or

1 chairpersons;

2 (b) Each voting member of the board shall be a resident of one of
3 the municipalities that created the land bank, with at least one voting
4 member appointed from each such municipality;

5 (c) If the governing body of the largest municipality creating the
6 land bank has any of its members elected by district or ward, then at
7 least one voting member of the board shall be appointed from each such
8 district or ward. Such voting members shall represent, to the greatest
9 extent possible, the racial and ethnic diversity of the largest
10 municipality creating the land bank;

11 (d) The voting members of the board shall have, collectively,
12 verifiable skills, expertise, and knowledge in market-rate and affordable
13 residential, commercial, industrial, and mixed-use real estate
14 development, financing, law, purchasing and sales, asset management,
15 economic and community development, and the acquisition of tax sale
16 certificates;

17 (e) The voting members of the board shall include:

18 (i) At least one member representing a chamber of commerce;

19 (ii) At least one member with experience in banking;

20 (iii) At least one member with experience in real estate
21 development;

22 (iv) At least one member with experience as a realtor;

23 (v) At least one member with experience in nonprofit or affordable
24 housing; and

25 (vi) At least one member with experience in large-scale residential
26 or commercial property rental; and

27 (f) A single voting member may satisfy more than one of the
28 requirements provided in subdivision (2)(e) of this section if he or she
29 has the required qualifications. It is not necessary that there be a
30 different member to fulfill each such requirement.

31 (3) The members of the board shall select annually from among

1 themselves a chairperson, a vice-chairperson, a treasurer, and such other
2 officers as the board may determine.

3 (4) A public official or public employee shall be eligible to be a
4 member of the board.

5 (5) A vacancy on the board among the appointed board members shall
6 be filled in the same manner as the original appointment.

7 (6) Board members shall serve without compensation.

8 (7) The board shall meet in regular session according to a schedule
9 adopted by the board and shall also meet in special session as convened
10 by the chairperson or upon written notice signed by a majority of the
11 voting members. The presence of a majority of the voting members of the
12 board shall constitute a quorum.

13 (8) Except as otherwise provided in subsections (9) and (11) of this
14 section and in sections 19-5210 and 19-5214, all actions of the board
15 shall be approved by the affirmative vote of a majority of the voting
16 members present and voting.

17 (9) Any action of the board on the following matters shall be
18 approved by a majority of the voting members:

19 (a) Adoption of bylaws and other rules and regulations for conduct
20 of the land bank's business;

21 (b) Hiring or firing of any employee or contractor of the land bank.
22 This function may, by majority vote of the voting members, be delegated
23 by the board to a specified officer or committee of the land bank, under
24 such terms and conditions, and to the extent, that the board may specify;

25 (c) The incurring of debt;

26 (d) Adoption or amendment of the annual budget; and

27 (e) Sale, lease, encumbrance, or alienation of real property,
28 improvements, or personal property with a value of more than fifty
29 thousand dollars.

30 (10) Members of a board shall not be liable personally on the bonds
31 or other obligations of the land bank, and the rights of creditors shall

1 be solely against such land bank.

2 (11) The board shall adopt policies and procedures to specify the
3 conditions that must be met in order for the land bank to give an
4 automatically accepted bid as authorized in sections 19-5217 and 19-5218.
5 The adoption of such policies and procedures shall require the approval
6 of two-thirds of the voting members of the board. At a minimum, such
7 policies and procedures shall ensure that the automatically accepted bid
8 shall only be given for one of the following reasons:

9 (a) The real property substantially meets more than one of the
10 following criteria as determined by two-thirds of the voting members of
11 the board:

12 (i) The property is not occupied by the owner or any lessee or
13 licensee of the owner;

14 (ii) There are no utilities currently being provided to the
15 property;

16 (iii) Any buildings on the property have been deemed unfit for human
17 habitation, occupancy, or use by local housing officials;

18 (iv) Any buildings on the property are exposed to the elements such
19 that deterioration of the building is occurring;

20 (v) Any buildings on the property are boarded up;

21 (vi) There have been previous efforts to rehabilitate any buildings
22 on the property;

23 (vii) There is a presence of vermin, uncut vegetation, or debris
24 accumulation on the property;

25 (viii) There have been past actions by the municipality to maintain
26 the grounds or any building on the property; or

27 (ix) The property has been out of compliance with orders of local
28 housing officials;

29 (b) The real property is contiguous to a parcel that meets more than
30 one of the criteria in subdivision (11)(a) of this section or that is
31 already owned by the land bank; or

1 (c) Acquisition of the real property by the land bank would serve
2 the best interests of the community as determined by two-thirds of the
3 voting members of the board. In determining whether the acquisition would
4 serve the best interests of the community, the board shall take into
5 consideration the hierarchical ranking of priorities for the use of real
6 property conveyed by a land bank established pursuant to subsection (5)
7 of section 19-5210, if any such hierarchical ranking is established.

8 Sec. 337. Section 19-5207, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 19-5207 (1) A land bank shall have the following powers:

11 (a) To adopt, amend, and repeal bylaws for the regulation of its
12 affairs and the conduct of its business;

13 (b) To sue and be sued in its own name and plead and be impleaded in
14 all civil actions;

15 (c) To borrow money from private lenders, from municipalities, from
16 the state, or from federal government funds as may be necessary for the
17 operation and work of the land bank;

18 (d) To issue negotiable revenue bonds and notes according to the
19 provisions of the Nebraska Municipal Land Bank Act;

20 (e) To procure insurance or guarantees from the state or federal
21 government of the payments of any debts or parts thereof incurred by the
22 land bank and to pay premiums in connection therewith;

23 (f) To enter into contracts and other instruments necessary,
24 incidental, or convenient to the performance of its duties and the
25 exercise of its powers, including, but not limited to, agreements under
26 the Interlocal Cooperation Act for the joint administration of multiple
27 land banks or the joint exercise of powers under the Nebraska Municipal
28 Land Bank Act;

29 (g) To enter into contracts and other instruments necessary,
30 incidental, or convenient to the performance of functions by the land
31 bank on behalf of municipalities or agencies or departments of

1 municipalities, or the performance by municipalities or agencies or
2 departments of municipalities of functions on behalf of the land bank;

3 (h) To make and execute contracts and other instruments necessary or
4 convenient to the exercise of the powers of the land bank;

5 (i) To provide foreclosure prevention counseling and re-housing
6 assistance;

7 (j) To procure insurance against losses in connection with the real
8 property, assets, or activities of the land bank;

9 (k) To invest money of the land bank, at the discretion of the
10 board, in instruments, obligations, securities, or property determined
11 proper by the board and name and use depositories for its money;

12 (l) To enter into contracts for the management of, the collection of
13 rent from, or the sale of real property of the land bank;

14 (m) To design, develop, construct, demolish, reconstruct,
15 rehabilitate, renovate, relocate, and otherwise improve real property or
16 rights or interests in real property of the land bank;

17 (n) To fix, charge, and collect fees and charges for services
18 provided by the land bank;

19 (o) To fix, charge, and collect rents and leasehold payments for the
20 use of real property of the land bank for a period not to exceed twelve
21 months, except that such twelve-month limitation shall not apply if the
22 real property of the land bank is subject to a lease with a remaining
23 term of more than twelve months at the time such real property is
24 acquired by the land bank;

25 (p) To grant or acquire a license, easement, lease, as lessor and as
26 lessee, or option with respect to real property of the land bank;

27 (q) To enter into partnerships, joint ventures, and other
28 collaborative relationships with municipalities and other public and
29 private entities for the ownership, management, development, and
30 disposition of real property; and

31 (r) To do all other things necessary or convenient to achieve the

1 objectives and purposes of the land bank or other laws that relate to the
2 purposes and responsibilities of the land bank.

3 (2) A land bank shall neither possess nor exercise the power of
4 eminent domain.

5 Sec. 338. Section 23-206, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 23-206 In the event any city having one thousand inhabitants or more
8 as determined by the most recent federal decennial census or the most
9 recent revised certified count by the United States Bureau of the Census
10 shall have enough inhabitants to form one supervisor district, then such
11 city shall constitute one district, or in case the number of inhabitants
12 is less than the number in the other districts, then so much contiguous
13 territory shall be added to such city to give it sufficient inhabitants
14 for one supervisor district. Villages may be enumerated with general
15 districts, counting all the inhabitants therein as being within the
16 districts wherein such town or village is situated. No ; ~~Provided, no~~
17 village, or any part thereof, shall be included in or made a part of any
18 supervisor district containing a city having one thousand inhabitants or
19 more as determined by the most recent federal decennial census or the
20 most recent revised certified count by the United States Bureau of the
21 Census, or containing any part of such city.

22 Sec. 339. Section 23-339, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 23-339 The county board of any county in which any city or cities
25 are located having over twenty-five thousand and less than one hundred
26 thousand inhabitants as determined by the most recent federal decennial
27 census or the most recent revised certified count by the United States
28 Bureau of the Census ~~is situated~~ is hereby authorized and empowered,
29 whenever the road fund or funds of such ~~said~~ county will warrant it, to
30 aid in the grading, paving, or otherwise improving of any street, avenue,
31 or boulevard leading into such ~~said~~ city and within the corporate limits

1 thereof, by providing for the payment of not exceeding one-half of the
2 cost of such grading, and not exceeding the cost of the paving of
3 intersections. It shall also be authorized and empowered to grade, pave,
4 or otherwise improve any street, avenue, boulevard, or road, or any
5 portion thereof leading into or adjacent to any such city outside, or
6 partly inside and partly outside the corporate limits thereof, including
7 any portion thereof leading into or across any village or town, and for
8 such improvements outside of the corporate limits of any such city as
9 herein authorized and directed.

10 Sec. 340. Section 31-505, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 31-505 Upon the organization of any such sanitary district, the
13 county board shall call an election for the election of trustees, who
14 shall hold their offices until their successors are elected and
15 qualified. Where such sanitary district does not contain a city of more
16 than forty thousand inhabitants as determined by the most recent federal
17 decennial census or the most recent revised certified count by the United
18 States Bureau of the Census, there shall be three trustees, and where
19 such sanitary district contains a city of more than forty thousand
20 inhabitants as so determined, there shall be five trustees. In districts
21 having three trustees, at the first general state election held in
22 November after the organization of the district, there shall be elected
23 one trustee for a term of two years and two trustees for a term of four
24 years, and thereafter their respective successors shall be elected for a
25 term of four years at the general state election held in November
26 immediately prior to the expiration of their respective terms. In
27 districts having five trustees, at the first general state election held
28 in November after the organization of the district, there shall be
29 elected two trustees for a term of two years and three trustees for a
30 term of four years, and thereafter their respective successors shall be
31 elected for a term of four years at the general state election held in

1 November immediately prior to the expiration of their respective terms.
2 At the first meeting after election of one or more members, the board
3 shall elect one of their number president and, in case they fail to
4 elect, then the member who at his or her election received the highest
5 number of votes shall be president of such board. Such district shall be
6 a body corporate and politic by name of Sanitary District
7 of, with power to sue, be sued, contract, acquire and hold
8 property, and adopt a common seal.

9 Sec. 341. Section 32-538, Revised Statutes Supplement, 2017, is
10 amended to read:

11 32-538 (1) In a city which adopts the city manager plan of
12 government pursuant to the City Manager Plan of Government Act sections
13 ~~19-601 to 19-610~~, the number of city council members shall be determined
14 by the class and population of the city. In cities having one thousand or
15 more but not more than forty thousand inhabitants as determined by the
16 most recent federal decennial census or the most recent revised certified
17 count by the United States Bureau of the Census, there shall be five
18 members, and in cities having more than forty thousand but less than two
19 hundred thousand inhabitants as determined by the most recent federal
20 decennial census or the most recent revised certified count by the United
21 States Bureau of the Census, there shall be seven members, except that in
22 cities having between twenty-five thousand and forty thousand inhabitants
23 as determined by the most recent federal decennial census or the most
24 recent revised certified count by the United States Bureau of the Census,
25 the city council may by ordinance provide for seven members. Council
26 members shall be elected from the city at large unless the city council
27 by ordinance provides for the election of all or some of its council
28 members by wards, the number and boundaries of which are provided for in
29 section 16-104. Council members shall serve for terms of four years or
30 until their successors are elected and qualified. The council members
31 shall meet the qualifications found in sections 19-613 and 19-613.01.

1 The first election under an ordinance changing the number of council
2 members or their manner of election shall take place at the next regular
3 city election. Council members whose terms of office expire after the
4 election shall continue in office until the expiration of the terms for
5 which they were elected and until their successors are elected and
6 qualified. At the first election under an ordinance changing the number
7 of council members or their manner of election, one-half or the bare
8 majority of council members elected at large, as the case may be, who
9 receive the highest number of votes shall serve for four years and the
10 other or others, if needed, for two years. At such first election, one-
11 half or the bare majority of council members, as the case may be, who are
12 elected by wards shall serve for four years and the other or others, if
13 needed, for two years, as provided in the ordinance. If only one council
14 member is to be elected at large at such first election, such member
15 shall serve for four years.

16 (2) Commencing with the statewide primary election in 1976, and
17 every two years thereafter, those candidates whose terms will be expiring
18 shall be nominated at the statewide primary election and elected at the
19 statewide general election.

20 Sec. 342. Section 32-539, Revised Statutes Supplement, 2017, is
21 amended to read:

22 32-539 (1) In a city which adopts the commission plan of government
23 pursuant to the Municipal Commission Plan of Government Act sections
24 ~~19-401 to 19-433~~, the number of city council members shall be determined
25 by the class and population of the city. In cities having two thousand or
26 more but not more than forty thousand inhabitants as determined by the
27 most recent federal decennial census or the most recent revised certified
28 count by the United States Bureau of the Census, there shall be five
29 members, in cities of the primary class, there shall be five members, and
30 in cities of the metropolitan class, there shall be seven members.
31 Council members shall be elected from the city at large. ~~In cities of the~~

1 ~~primary class, three excise members shall be elected in addition to the~~
2 ~~five council members.~~ Nomination and election of all council members
3 shall be by nonpartisan ballot. The mayor shall be elected for a four-
4 year term.

5 (2) ~~In cities containing two thousand or more but not more than~~
6 ~~forty thousand inhabitants as determined by the most recent federal~~
7 ~~decennial census or the most recent revised certified count by the United~~
8 ~~States Bureau of the Census, at the city council election in 1980, the~~
9 ~~council member elected as the commissioner of the department of public~~
10 ~~works and the council member elected as the commissioner of the~~
11 ~~department of parks and recreation shall each serve a term of four years.~~
12 If a city elects to adopt the commission plan of government ~~after 1980,~~
13 the council member elected as the commissioner of the department of
14 public works and the council member elected as the commissioner of the
15 department of public accounts and finances shall each serve a term of
16 four years and the council member elected as the commissioner of the
17 department of streets, public improvements, and public property and the
18 council member elected as the commissioner of the department of parks and
19 recreation shall each serve a term of two years. Upon the expiration of
20 such terms, all council members shall serve terms of four years and until
21 their successors are elected and qualified.

22 (3) Commencing with the statewide primary election in 2000, and
23 every two years thereafter, candidates shall be nominated at the
24 statewide primary election and elected at the statewide general election
25 except as otherwise provided in section 19-405.

26 Sec. 343. Section 77-2602, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 77-2602 (1) Every stamping agent engaged in distributing or selling
29 cigarettes at wholesale in this state shall pay to the Tax Commissioner
30 of this state a special privilege tax. This shall be in addition to all
31 other taxes. It shall be paid prior to or at the time of the sale, gift,

1 or delivery to the retail dealer in the several amounts as follows: On
2 each package of cigarettes containing not more than twenty cigarettes,
3 sixty-four cents per package; and on packages containing more than twenty
4 cigarettes, the same tax as provided on packages containing not more than
5 twenty cigarettes for the first twenty cigarettes in each package and a
6 tax of one-twentieth of the tax on the first twenty cigarettes on each
7 cigarette in excess of twenty cigarettes in each package.

8 (2) Beginning October 1, 2004, the State Treasurer shall place the
9 equivalent of forty-nine cents of such tax in the General Fund. The State
10 Treasurer shall reduce the amount placed in the General Fund under this
11 subsection by the amount prescribed in subdivision (3)(d) of this
12 section. For purposes of this section, the equivalent of a specified
13 number of cents of the tax shall mean that portion of the proceeds of the
14 tax equal to the specified number divided by the tax rate per package of
15 cigarettes containing not more than twenty cigarettes.

16 (3) The State Treasurer shall distribute the remaining proceeds of
17 such tax in the following order:

18 (a) First, beginning July 1, 1980, the State Treasurer shall place
19 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation
20 Development Cash Fund. For fiscal year distributions occurring after
21 FY1998-99, the distribution under this subdivision shall not be less than
22 the amount distributed under this subdivision for FY1997-98. Any money
23 needed to increase the amount distributed under this subdivision to the
24 FY1997-98 amount shall reduce the distribution to the General Fund;

25 (b) Second, beginning July 1, 1993, the State Treasurer shall place
26 the equivalent of three cents of such tax in the Health and Human
27 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal
28 year distributions occurring after FY1998-99, the distribution under this
29 subdivision shall not be less than the amount distributed under this
30 subdivision for FY1997-98. Any money needed to increase the amount
31 distributed under this subdivision to the FY1997-98 amount shall reduce

1 the distribution to the General Fund;

2 (c) Third, beginning October 1, 2002, and continuing until all the
3 purposes of the Deferred Building Renewal Act have been fulfilled, the
4 State Treasurer shall place the equivalent of seven cents of such tax in
5 the Building Renewal Allocation Fund. The distribution under this
6 subdivision shall not be less than the amount distributed under this
7 subdivision for FY1997-98. Any money needed to increase the amount
8 distributed under this subdivision to the FY1997-98 amount shall reduce
9 the distribution to the General Fund;

10 (d) Fourth, until July 1, 2009, the State Treasurer shall place in
11 the Municipal Infrastructure Redevelopment Fund the sum of five hundred
12 twenty thousand dollars each fiscal year to carry out the Municipal
13 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate
14 the sum of five hundred twenty thousand dollars each year for fiscal year
15 2003-04 through fiscal year 2008-09;

16 (e) Fifth, beginning July 1, 2001, and continuing until June 30,
17 2008, the State Treasurer shall place the equivalent of two cents of such
18 tax in the Information Technology Infrastructure Fund. The distribution
19 under this subdivision shall not be less than two million fifty thousand
20 dollars. Any money needed to increase the amount distributed under this
21 subdivision to two million fifty thousand dollars shall reduce the
22 distribution to the General Fund;

23 ~~(f) Sixth, beginning July 1, 2001, and continuing until June 30,~~
24 ~~2016, the State Treasurer shall place one million dollars each fiscal~~
25 ~~year in the City of the Primary Class Development Fund. If necessary, the~~
26 ~~State Treasurer shall reduce the distribution of tax proceeds to the~~
27 ~~General Fund pursuant to subsection (2) of this section by such amount~~
28 ~~required to fulfill the one million dollars to be distributed pursuant to~~
29 ~~this subdivision;~~

30 ~~(g) Seventh, beginning July 1, 2001, and continuing until June 30,~~
31 ~~2016, the State Treasurer shall place one million five hundred thousand~~

1 ~~dollars each fiscal year in the City of the Metropolitan Class~~
2 ~~Development Fund. If necessary, the State Treasurer shall reduce the~~
3 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~
4 ~~(2) of this section by such amount required to fulfill the one million~~
5 ~~five hundred thousand dollars to be distributed pursuant to this~~
6 ~~subdivision;~~

7 (f) ~~Sixth~~ (h) ~~Eighth~~, beginning July 1, 2008, and continuing until
8 June 30, 2009, the State Treasurer shall place the equivalent of two
9 million fifty thousand dollars of such tax in the Nebraska Public Safety
10 Communication System Cash Fund. Beginning July 1, 2009, and continuing
11 until June 30, 2016, the State Treasurer shall place the equivalent of
12 two million five hundred seventy thousand dollars of such tax in the
13 Nebraska Public Safety Communication System Cash Fund. Beginning July 1,
14 2016, and every fiscal year thereafter, the State Treasurer shall place
15 the equivalent of three million eight hundred twenty thousand dollars of
16 such tax in the Nebraska Public Safety Communication System Cash Fund. If
17 necessary, the State Treasurer shall reduce the distribution of tax
18 proceeds to the General Fund pursuant to subsection (2) of this section
19 by such amount required to fulfill the distribution pursuant to this
20 subdivision; and

21 (g) ~~Seventh~~ (i) ~~Ninth~~, beginning July 1, 2016, and every fiscal year
22 thereafter, the State Treasurer shall place the equivalent of one million
23 two hundred fifty thousand dollars of such tax in the Nebraska Health
24 Care Cash Fund. If necessary, the State Treasurer shall reduce the
25 distribution of tax proceeds to the General Fund pursuant to subsection
26 (2) of this section by such amount required to fulfill the distribution
27 pursuant to this subdivision.

28 (4) If, after distributing the proceeds of such tax pursuant to
29 subsections (2) and (3) of this section, any proceeds of such tax remain,
30 the State Treasurer shall place such remainder in the Nebraska Capital
31 Construction Fund.

1 (5) The Legislature hereby finds and determines that the projects
2 funded from the Municipal Infrastructure Redevelopment Fund and the
3 Building Renewal Allocation Fund are of critical importance to the State
4 of Nebraska. It is the intent of the Legislature that the allocations and
5 appropriations made by the Legislature to such funds or, in the case of
6 allocations for the Municipal Infrastructure Redevelopment Fund, to the
7 particular municipality's account not be reduced until all contracts and
8 securities relating to the construction and financing of the projects or
9 portions of the projects funded from such funds or accounts of such funds
10 are completed or paid or, in the case of the Municipal Infrastructure
11 Redevelopment Fund, the earlier of such date or July 1, 2009, and that
12 until such time any reductions in the cigarette tax rate made by the
13 Legislature shall be simultaneously accompanied by equivalent reductions
14 in the amount dedicated to the General Fund from cigarette tax revenue.
15 Any provision made by the Legislature for distribution of the proceeds of
16 the cigarette tax for projects or programs other than those to (a) the
17 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,
18 (c) the Health and Human Services Cash Fund, (d) the Municipal
19 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation
20 Fund, (f) the Information Technology Infrastructure Fund, (g) ~~the City of~~
21 ~~the Primary Class Development Fund, (h) the City of the Metropolitan~~
22 ~~Class Development Fund, (i) the Nebraska Public Safety Communication~~
23 ~~System Cash Fund, and (h) (j) the Nebraska Health Care Cash Fund shall~~
24 not be made a higher priority than or an equal priority to any of the
25 programs or projects specified in subdivisions (a) through (h) (j) of
26 this subsection.

27 Sec. 344. Section 77-2701, Revised Statutes Supplement, 2017, is
28 amended to read:

29 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
30 77-27,236, and 77-27,238 and section 346 of this act shall be known and
31 may be cited as the Nebraska Revenue Act of 1967.

1 Sec. 345. Section 77-2701.04, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and
4 section 346 of this act, unless the context otherwise requires, the
5 definitions found in sections 77-2701.05 to 77-2701.55 shall be used.

6 Sec. 346. (1) For purposes of this section, online hosting platform
7 means a marketplace connected by computer to one or more other computers
8 or networks, as through a commercial electronic information service or
9 the Internet, through which (a) a seller or hotel operator may rent or
10 furnish any room or rooms, lodgings, or accommodations in a hotel, a
11 motel, an inn, a tourist camp, a tourist cabin, or any other place, (b)
12 such room or rooms, lodgings, or accommodations may be advertised or
13 listed, and (c) a purchaser or occupant may arrange for the occupancy of
14 such room or rooms, lodgings, or accommodations.

15 (2) The Tax Commissioner may enter into an agreement with an online
16 hosting platform to permit the online hosting platform to collect and pay
17 the applicable sales taxes imposed under the Local Option Revenue Act,
18 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,
19 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
20 seller or hotel operator otherwise required to collect such taxes for
21 transactions consummated through the online hosting platform. Upon
22 entering into such agreement with the online hosting platform, the Tax
23 Commissioner shall waive the tax collection responsibility of a seller or
24 hotel operator for transactions consummated through the online hosting
25 platform for which the online hosting platform has assumed this
26 responsibility. The online hosting platform shall give written notice to
27 each seller or hotel operator which is covered by the agreement between
28 the online hosting platform and the Tax Commissioner.

29 (3) Upon entering into an agreement with the Tax Commissioner under
30 this section, the online hosting platform shall report aggregate
31 information on the tax return prescribed by the Tax Commissioner,

1 including an aggregate of gross receipts, exemptions, adjustments, and
2 taxable receipts of all transactions subject to the agreement.

3 Sec. 347. Section 90-106, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 90-106 The official slogan and official symbol, either separately or
6 in conjunction with each other, shall be used by all agencies of the
7 state whenever appropriate in the promotion of the state. ~~They shall be~~
8 ~~imprinted on all state letterheads and the reverse side of all mailing~~
9 ~~envelopes as new supplies are acquired.~~

10 Sec. 348. The Revisor of Statutes shall assign section 104 of this
11 act to Chapter 18.

12 Sec. 349. Original sections 8-205, 13-1302, 14-403.01, 15-1102,
13 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629,
14 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, 16-808, 18-1720,
15 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413,
16 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502,
17 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609,
18 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617,
19 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701,
20 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710,
21 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908,
22 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915,
23 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927,
24 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301,
25 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309,
26 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501,
27 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839,
28 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201,
29 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405,
30 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417,
31 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426,

1 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904,
2 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303,
3 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311,
4 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317,
5 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325,
6 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035,
7 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638,
8 19-4701, 19-5001, 23-206, 23-339, 31-505, and 90-106, Reissue Revised
9 Statutes of Nebraska, sections 16-119, 16-238, 16-304, 16-305, 16-308,
10 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321,
11 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404,
12 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618,
13 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646,
14 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662,
15 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01,
16 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712,
17 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723,
18 16-727, 16-728, 18-2705, 19-922, 19-2402, 19-2404, 19-2407, 19-2418,
19 19-2427, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027,
20 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4033, 19-4034,
21 19-4037, 19-5203, 19-5205, 19-5207, 77-2602, and 77-2701.04, Revised
22 Statutes Cumulative Supplement, 2016, and sections 13-2705, 17-108.02,
23 17-121, 18-2709, 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101,
24 19-1102, 19-1827, 19-3501, 19-4030, 19-4031, 32-538, 32-539, and 77-2701,
25 Revised Statutes Supplement, 2017, are repealed.

26 Sec. 350. The following sections are outright repealed: Sections
27 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska,
28 sections 90-552 and 90-553, Revised Statutes Cumulative Supplement, 2016,
29 and sections 19-102 and 19-103, Revised Statutes Supplement, 2017.