

LEGISLATIVE BILL 133

Approved by the Governor March 29, 2017

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

A BILL FOR AN ACT relating to cities of the second class and villages; to amend sections 17-105, 17-106, 17-107, 17-108, 17-108.02, 17-112, 17-113, 17-114, 17-117, 17-118, 17-119, 17-120, 17-121, 17-122, 17-124, 17-126, 17-127, 17-129, 17-130, 17-131, 17-132, 17-134, 17-136, 17-137, 17-138, 17-139, 17-140, 17-141, 17-142, 17-143, 17-145, 17-146, 17-147, 17-148, 17-149, 17-150, 17-151, 17-153, 17-154, 17-155, 17-157, 17-158, 17-159, 17-160, 17-161, 17-162, 17-163, 17-164, 17-165, 17-166, 17-167, 17-168, 17-169, 17-170, 17-171, 17-172, 17-174, 17-201.01, 17-202, 17-204, 17-205, 17-206, 17-207.01, 17-208, 17-209, 17-209.02, 17-210, 17-211, 17-212, 17-213, 17-214, 17-215, 17-216, 17-217, 17-218, 17-219, 17-219.01, 17-219.02, 17-219.03, 17-220, 17-222, 17-223, 17-224, 17-225, 17-229, 17-230, 17-231, 17-301, 17-302, 17-303, 17-304, 17-308, 17-309, 17-310, 17-311, 17-401, 17-402, 17-403, 17-404, 17-405, 17-405.01, 17-405.02, 17-405.03, 17-405.04, 17-405.05, 17-406, 17-407, 17-412, 17-414, 17-415, 17-416, 17-417, 17-418, 17-419, 17-420, 17-421, 17-422, 17-423, 17-424, 17-425, 17-426, 17-501, 17-502, 17-503, 17-503.02, 17-504, 17-505, 17-507, 17-508, 17-508.02, 17-509, 17-513, 17-514, 17-515, 17-516, 17-518, 17-519, 17-520, 17-521, 17-522, 17-523, 17-524, 17-526, 17-527, 17-528, 17-528.02, 17-528.03, 17-529, 17-529.01, 17-529.02, 17-529.03, 17-529.05, 17-529.06, 17-529.07, 17-529.08, 17-530, 17-531, 17-532, 17-533, 17-534, 17-535, 17-536, 17-537, 17-538, 17-540, 17-541, 17-542, 17-543, 17-545, 17-546, 17-547, 17-548, 17-549, 17-550, 17-551, 17-552, 17-554, 17-556, 17-557, 17-558, 17-559, 17-560, 17-561, 17-564, 17-565, 17-566, 17-567, 17-568, 17-568.01, 17-568.02, 17-569, 17-570, 17-571, 17-572, 17-601.01, 17-601.02, 17-602, 17-603, 17-604, 17-607, 17-608, 17-609, 17-610, 17-611, 17-612, 17-613, 17-615, 17-616, 17-701, 17-702, 17-703, 17-706, 17-708, 17-709, 17-710, 17-711, 17-713, 17-714, 17-715, 17-718, 17-720, 17-801, 17-802, 17-802.01, 17-803, 17-804, 17-805, 17-806, 17-807, 17-808, 17-810, 17-903, 17-905, 17-905.01, 17-906, 17-907, 17-908, 17-909, 17-910, 17-911, 17-912, 17-914, 17-916, 17-917, 17-918, 17-919, 17-920, 17-922, 17-923, 17-924, 17-925, 17-925.01, 17-925.02, 17-925.03, 17-925.04, 17-926, 17-933, 17-935, 17-936, 17-937, 17-938, 17-939, 17-940, 17-942, 17-943, 17-946, 17-947, 17-948, 17-949, 17-950, 17-951, 17-952, 17-953, 17-953.01, 17-954, 17-955, 17-957, 17-958, 17-959, 17-960, 17-962, 17-963, 17-964, 17-965, 17-966, 17-967, 17-968, 17-969, 17-970, 17-973, 17-974, 17-976, and 17-1003, Reissue Revised Statutes of Nebraska, and sections 17-101, 17-104, 17-110, 17-111, 17-123, 17-123.01, 17-149.01, 17-201, 17-207, 17-306.01, 17-312, 17-313, 17-510, 17-511, 17-512, 17-525, 17-539, 17-555, 17-557.01, 17-563, 17-605, 17-606, 17-614, 17-913, 17-921, 17-934, 17-941, 17-945, 17-971, 17-1001, and 17-1002, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cities of the second class and villages; to clarify references relating to extraterritorial zoning; to correct or include references to city or village officials; to provide, change, and eliminate notice requirements; to provide and change powers and duties; to eliminate provisions relating to the regulation of business and amusements on Sunday and provisions relating to railroads; to eliminate obsolete provisions; to transfer sections; to provide duties for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 17-128, 17-133, 17-135, 17-144, and 17-915, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 17-101, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-101 ~~Each municipality~~ ~~All cities, towns, and villages~~ containing more than eight hundred and not more than five thousand inhabitants shall be a city ~~cities~~ of the second class and ~~be governed by sections 17-101 to 17-153 unless it adopts or retains they adopt or retain~~ a village form of government as provided in sections 17-306 to 17-312. The population of a city of the second class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Sec. 2. Section 17-104, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-104 Unless the city elects city council members at large as provided in section 32-554, each ward of each city of the second class shall have at least two city council members elected in the manner provided in the Election Act. The term of office shall begin on the first regular meeting of the city council in December following the statewide general election. No person shall be eligible to the office of city council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter.

Sec. 3. Section 17-105, Reissue Revised Statutes of Nebraska, is amended to read:

17-105 Regular meetings of the city council of a city of the second class shall be held at such times as the city council may provide by ordinance. A majority of all the members elected to the city council shall constitute a quorum for the transaction of any business, but a fewer number of members may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business.

Sec. 4. Section 17-106, Reissue Revised Statutes of Nebraska, is amended to read:

17-106 The mayor or any three city council members of a city of the second class councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the city council in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the city clerk.

Sec. 5. Section 17-107, Reissue Revised Statutes of Nebraska, is amended to read:

17-107 (1) A mayor of a city of the second class shall be elected in the manner provided in the Election Act. The mayor shall take office on the date of the first regular meeting of the city council held in December following the statewide general election. The mayor shall be a resident and registered voter of the city. If the president of the city council assumes the office of mayor for the unexpired term, there shall be a vacancy on the city council which vacancy shall be filled as provided in section 32-568.

(2) The mayor, with the consent of the city council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The terms of office for all officers, except regular police officers, appointed by the mayor and confirmed by the city council shall be established by the city council by ordinance. The ordinance shall provide that either (a) the officers hold the office to which they have been appointed until the end of the mayor's term of office and until their successors are appointed and qualified unless sooner removed or (b) the officers hold office for one year unless sooner removed.

(3)(a) The mayor, by and with the consent of the city council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the mayor and city council may be removed, demoted, or suspended at any time by the mayor as provided in subdivision (b) of this subsection. A police officer, including the chief of police, may appeal to the city council such removal, demotion, or suspension with or without pay. After a hearing, the city council may uphold, reverse, or modify the action.

(b) The city council shall by ordinance adopt rules and regulations governing the removal, demotion, or suspension with or without pay of any police officer, including the chief of police. The ordinance shall include a procedure for such removal, demotion, or suspension with or without pay of any police officer, including the chief of police, upon the written accusation of the police chief, the mayor, or any citizen or taxpayer. The city council shall establish by ordinance procedures for acting upon such written accusation, including: (i) Provisions for giving notice and a copy of the written accusation to the police officer; (ii) the police officer's right to have an attorney or representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation; (iii) the right of the police officer or his or her attorney or representative retained by the police officer to be heard and present evidence; and (iv) the right of the police officer as well as the individual imposing the action or their respective attorneys or representatives to record all hearings or proceedings regarding the written accusation. The ordinance shall also include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the action or their respective attorneys or representatives shall have the right at the hearing to be heard and to present evidence to the city council for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the city council shall vote to uphold, reverse, or modify the action. The failure of the city council to act within thirty days or the failure of a majority of the elected city council members to vote to reverse or modify the action shall be construed as a vote to uphold the action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(c) This subsection does not apply to a police officer during his or her probationary period.

Sec. 6. Section 17-108, Reissue Revised Statutes of Nebraska, is amended to read:

17-108 The officers and employees of a the city of the second class shall receive such compensation as the mayor and city council shall fix by ordinance.

Sec. 7. Section 17-108.02, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

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

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

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

Sec. 8. Section 17-110, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-110 The mayor shall preside at all meetings of the city council of a city of the second class. The mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the city council on any pending matter, legislation, or transaction, and the mayor shall, for the purpose of such vote, be deemed to be a member of the city council. He or she shall have superintendence and control of all the officers and affairs of the city and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with.

Sec. 9. Section 17-111, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-111 The mayor in any city of the second class shall have power to veto or sign any ordinance passed by the city council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it, and it shall become effective. If the mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the city council stating that the measure is vetoed. The mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the mayor issues the veto after the meeting, the mayor shall notify the city clerk of the veto in writing. The city clerk shall notify the city council in writing of the mayor's veto. Any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the mayor may be passed over his or her veto by a vote of two-thirds of the members of the city council. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim, but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The mayor may veto any item or items of any appropriation bill or any claims bill, and approve the remainder thereof, and the item or items vetoed may be passed by the city council over the veto as in other cases.

Sec. 10. Section 17-112, Reissue Revised Statutes of Nebraska, is amended to read:

17-112 The mayor in any city of the second class shall, from time to time, communicate to the city council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the police, health, security, ornament, comfort, and general prosperity of the city.

Sec. 11. Section 17-113, Reissue Revised Statutes of Nebraska, is amended to read:

17-113 The mayor in any city of the second class shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make reports to the city council, in writing, touching any subject or matter pertaining to his or her office.

Sec. 12. Section 17-114, Reissue Revised Statutes of Nebraska, is amended to read:

17-114 The mayor in any city of the second class shall have such jurisdiction as may be vested in him or her by ordinance, over all places

within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within the extraterritorial zoning jurisdiction one-half mile of the corporate limits of such said city.

Sec. 13. Section 17-117, Reissue Revised Statutes of Nebraska, is amended to read:

17-117 The mayor of a city of the second class shall have power to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.

Sec. 14. Section 17-118, Reissue Revised Statutes of Nebraska, is amended to read:

17-118 The police officers of a the city of the second class shall have the power to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as the county sheriff and to keep such offenders in the city prison, county jail, or other place of confinement to prevent their escape until trial can be had before the proper officer.

Sec. 15. Section 17-119, Reissue Revised Statutes of Nebraska, is amended to read:

17-119 The city overseer of the streets of a city of the second class shall, subject to the orders of mayor and city council, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the city, and shall perform such other duties as the city council may require.

Sec. 16. Section 17-120, Reissue Revised Statutes of Nebraska, is amended to read:

17-120 A city of the second class shall have the power to restrain, prohibit, and suppress houses of prostitution ~~and unlicensed tippling shops,~~ gambling and gambling houses, and other disorderly houses and practices, and all kinds of public indecencies, and all lotteries or fraudulent devices and practices for the purpose of obtaining money or property, except that nothing in this section shall be construed to apply to bingo, lotteries, lotteries by the sale of pickle cards, or raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State Lottery Act. The city ~~It~~ may license, regulate, or prohibit billiard halls and billiard tables, pool halls and pool tables, and bowling alleys.

Sec. 17. Section 17-121, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) In cities of the second class with a commission form of government as provided in Chapter 19, article 4, and cities of the second class with a city manager plan of government as provided in Chapter 19, article 6, a board of health shall be created consisting of five members: The mayor, who shall be chairperson, and four other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's medical advisor. If the city manager has appointed a chief of police, the chief of police shall serve on the board as secretary and quarantine officer.

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

(4) A majority of the such board of health shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such city, may enforce them, and may provide fines and punishments for the violation of such rules and regulations thereof. The board of health shall have power to and shall make all necessary needful rules and regulations relating to matters of sanitation of such city, including the removal of dead animals, the sanitary condition of the streets, alleys, vacant grounds, stockyards, ~~cattle and hog pens,~~ wells, cisterns, privies, waterclosets, cesspools, ~~stables,~~ and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate. The board of health ~~It~~ may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the state and ordinances of the city relating to nuisances ~~the same~~ or to matters of sanitation of such city. The board of health shall also have control of hospitals, dispensaries, places for treatment of sick, and related matters ~~relating to the same~~ under such restrictions and provisions as may be provided by ordinance of such city.

Sec. 18. Section 17-122, Reissue Revised Statutes of Nebraska, is amended to read:

17-122 A ~~second-class~~ city of the second class shall have the power to erect, establish, and regulate hospitals, and to provide for the government and support of such hospitals ~~the same~~.

Sec. 19. Section 17-123, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-123 A city of the second class shall have the power to make regulations to secure the general health of the city, to prevent and remove nuisances within the city and within its extraterritorial one-mile zoning jurisdiction, and to provide the city with water.

Sec. 20. Section 17-124, Reissue Revised Statutes of Nebraska, is amended to read:

17-124 A ~~second-class city of the second class~~ shall have the power to establish a night watch and police, and to define the duties and powers of such night watch and police the same.

Sec. 21. Section 17-126, Reissue Revised Statutes of Nebraska, is amended to read:

17-126 A ~~second-class city of the second class~~ shall have the power to purchase, hold, and own grounds for, and to erect, establish, and regulate market houses and market places.

Sec. 22. Section 17-127, Reissue Revised Statutes of Nebraska, is amended to read:

17-127 A ~~second-class city of the second class~~ shall have the power to provide for the erection and government of any useful or necessary building for the use of the city.

Sec. 23. Section 17-129, Reissue Revised Statutes of Nebraska, is amended to read:

17-129 A ~~second-class city of the second class~~ shall have the power to prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sec. 24. Section 17-130, Reissue Revised Statutes of Nebraska, is amended to read:

17-130 A ~~second-class city of the second class~~ shall have the power to regulate ~~prevent~~ the use of any opera house, city hall, church, or other building ~~used resorted to~~ by the people for worship, for amusement, or for public assemblages to ensure that, unless such opera house, city hall, church, or other building is shall be provided with suitable, ample, and sufficient fire escapes, and suitable, ample, and sufficient means of exit and entrance.

Sec. 25. Section 17-131, Reissue Revised Statutes of Nebraska, is amended to read:

17-131 A ~~second-class city of the second class~~ shall have the power to prescribe the thickness, strength, and manner of constructing stone, brick, and other buildings, and to prescribe and direct the number and construction of means of exit and entrance and the construction of fire escapes in such buildings.

Sec. 26. Section 17-132, Reissue Revised Statutes of Nebraska, is amended to read:

17-132 A ~~second-class city of the second class~~ shall have the power (1) to regulate, license, tax, and suppress places of amusement, (2) ~~and~~ to revoke the licenses of such places ~~therefor~~ when they ~~such~~ places are not provided with sufficient and ample means of exit and entrance, ~~and when the same are not safe for such uses,~~ or when the licensee has been convicted of any violation of the ordinances in relation to such places, and (3) to declare from time to time when such place or places are unsafe for such uses.

Sec. 27. Section 17-134, Reissue Revised Statutes of Nebraska, is amended to read:

17-134 A ~~second-class city of the second class~~ shall have the power by ordinance to license, tax, suppress, regulate, and prohibit hawkers, peddlers, pawnbrokers, ~~keepers of ordinaries,~~ theatrical and other exhibitions, shows, and other amusements, and to revoke such licenses for violation of such ordinances at pleasure.

Sec. 28. Section 17-136, Reissue Revised Statutes of Nebraska, is amended to read:

17-136 A ~~second-class city of the second class~~ shall have the power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, or boilers, ~~apparatus~~ used in and about any building ~~or manufactory~~ and to cause such the same to be removed or placed in a safe condition, as the city council may prescribe by ordinance, ~~when considered dangerous. Such city~~ ~~It may regulate and prevent by ordinance the carrying on of manufactories dangerous in causing and promoting fires. It may prevent~~ the deposit of ashes in unsafe places, and cause all dangerous such buildings and enclosures ~~as may be in a dangerous state~~ to be put in safe condition.

Sec. 29. Section 17-137, Reissue Revised Statutes of Nebraska, is amended to read:

17-137 A ~~second-class city of the second class~~ shall have the power to (1) regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the productions thereof and other material, (2) regulate ~~and~~ the use of lights in stables and shops and other places, (3) regulate ~~and~~ the building of bonfires, and (4) ~~It may~~ regulate, prohibit, and restrain the use of fireworks, firecrackers, Roman candles, sky rockets, and other pyrotechnic displays.

Sec. 30. Section 17-138, Reissue Revised Statutes of Nebraska, is amended to read:

17-138 A ~~second-class city of the second class~~ shall have the power by ordinance to prohibit and punish cruelty to animals.

Sec. 31. Section 17-139, Reissue Revised Statutes of Nebraska, is amended to read:

17-139 A ~~second-class city of the second class~~ shall have the power by

ordinance to regulate traffic and sales upon the streets, the sidewalks, and other public places.

Sec. 32. Section 17-140, Reissue Revised Statutes of Nebraska, is amended to read:

17-140 A ~~second-class city of the second class~~ shall have the power to regulate and prevent the use of streets, sidewalks, and public grounds for signs, sign posts, ~~telegraph or other poles,~~ racks, and the posting of handbills and advertisements.

Sec. 33. Section 17-141, Reissue Revised Statutes of Nebraska, is amended to read:

17-141 A ~~second-class city of the second class~~ shall have the power to regulate the use of sidewalks and all structures thereunder.

Sec. 34. Section 17-142, Reissue Revised Statutes of Nebraska, is amended to read:

17-142 A ~~second-class city of the second class~~ shall have the power to regulate and prevent the moving of buildings through the streets, and to regulate and prohibit the piling of building material, or any excavation or obstruction of the streets.

Sec. 35. Section 17-143, Reissue Revised Statutes of Nebraska, is amended to read:

17-143 A ~~second-class city of the second class~~ shall have the power to provide for and change the location, grade, and crossing of any railroad.

Sec. 36. Section 17-145, Reissue Revised Statutes of Nebraska, is amended to read:

17-145 A ~~second-class city of the second class~~ shall have the power to construct and keep in repair culverts, drains, sewers, and cesspools, and to regulate the use of such culverts, drains, sewers, and cesspools thereof.

Sec. 37. Section 17-146, Reissue Revised Statutes of Nebraska, is amended to read:

17-146 A ~~second-class city of the second class~~ shall have the power to issue bonds in place of, or to supply means to meet its maturing bonds, or for the consolidation or funding of such bonds the same.

Sec. 38. Section 17-147, Reissue Revised Statutes of Nebraska, is amended to read:

17-147 A ~~second-class city of the second class~~ shall have the power to procure fire engines, hooks, ladders, buckets, and other apparatus, to organize fire engine, hook and ladder, and bucket companies, to prescribe rules of duty and the government of the fire department thereof with such penalties as the city council may deem proper, not exceeding one hundred dollars, and to make all necessary appropriations for the fire department therefor.

Sec. 39. Section 17-148, Reissue Revised Statutes of Nebraska, is amended to read:

17-148 In each city of the second class, the city ~~The~~ council shall elect one of its own body who shall be styled the president of the city council and who shall preside at all meetings of the city council in the absence of the mayor. In the absence of the president, the city council ~~it~~ shall elect one of its own body to occupy his or her place temporarily, who shall be styled acting president of the city council. The president, and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the city council; and all acts of the president or acting president, while so acting, shall be as binding upon the city council and upon the city as if done by the mayor.

Sec. 40. Section 17-150, Reissue Revised Statutes of Nebraska, is amended to read:

17-150 The city engineer in a city of the second class, when ordered to do so by the city council, shall make all surveys, estimates, and calculations necessary to be made for the establishment of a sewerage system, and of the cost of labor and materials for such system. ~~The therefor;~~ Provided, the mayor and city council may, ~~when they deem it expedient,~~ employ a special engineer to make or assist in making any such estimate or survey herein provided for, and any such estimate or survey made by such special engineer shall have the same validity, and serve in all respects as though made by the city engineer. Before the city council shall make any contract for building any such sewers or any part of such sewers thereof, an estimate of the cost of such sewers thereof shall be made by the city engineer, or by a special engineer as provided by this section above, and submitted to the city council, and no contract shall be entered into for the building of any such sewers or any part of such sewers thereof for a price exceeding such estimate. In advertising for bids for any such work or materials, the city council shall cause the amount of such estimate to be published with such therewith. ~~Such advertisement shall be for at least twenty days in a legal some newspaper in or of general circulation published in the city.~~

Sec. 41. Section 17-151, Reissue Revised Statutes of Nebraska, is amended to read:

17-151 Before submitting any proposition for borrowing money for the purposes mentioned in section 17-150, the mayor and city council of a city of the second class shall determine upon a system of sewerage and shall procure from the city engineer an estimate of the actual cost of such system and of the cost of the portion of such sewer so much thereof as the mayor and city council may propose to construct, with the amount proposed to be borrowed and the plans of such system. Such estimate shall be placed and remain in the hands of the city clerk, subject to public inspection during all the time such proposition to borrow money shall be pending. After such system shall have been adopted, no

change shall be made to such system therein involving an expense of more than one thousand dollars, nor shall any other system be adopted in lieu of such system thereof, unless authorized by a vote of the people.

Sec. 42. Section 17-153, Reissue Revised Statutes of Nebraska, is amended to read:

17-153 All taxes levied for the purpose of raising money to pay the interest or to create a sinking fund for the payment of the bonds provided for in section 17-925, shall be payable in money only. ~~Except ; and, except as herein otherwise provided,~~ no money so obtained shall be used for any other purpose than the payment of the interest or debt for the payment of which they shall have been raised. ~~Such ; Provided, such~~ sinking fund may, under the direction of the mayor and city council, be invested in any of the underdue bonds issued by such city of the second class, and such bonds may ; Provided, ~~they can~~ be procured by the city treasurer at such rate of premium as shall be prescribed by ordinance. Any due or overdue bond or coupon shall be a sufficient warrant or order for the payment of the same by the city treasurer, out of any fund specially created for that purpose, without any further order or allowance by the mayor and city council.

Sec. 43. Section 17-154, Reissue Revised Statutes of Nebraska, is amended to read:

17-154 In case of the refusal of the owner or owners or claimant or claimants of any lands or any right-of-way, or any easement in any lands through which cities of the second class propose to construct any sewer or drain or any outlet for any sewer or drain, to allow the passage of such sewer or drain thereof, the city proposing to construct such sewer or drain, and desiring the right-of-way may proceed to acquire such right-of-way same by the exercise of the power of eminent domain. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 44. Section 17-155, Reissue Revised Statutes of Nebraska, is amended to read:

17-155 In all cities of the second class in counties under township organization, the city council ~~and supervisors of such cities~~ shall constitute a board of equalization for such city, whose duty it shall be to meet and equalize the assessments of such city at the same time and in the same manner as ~~now~~ provided by law for townships in counties under township organization.

Sec. 45. Section 17-157, Reissue Revised Statutes of Nebraska, is amended to read:

17-157 The cost and expense of acquiring land for, erecting, equipping, furnishing, and maintaining a joint municipal and recreation building or joint recreational and athletic field under section 17-156 shall be borne by the such school district and city of the second class in the proportion determined by the board of education of the school district and the city council ~~of the city of the second class~~. The building shall not be erected or contracted to be erected, no land shall be acquired for such buildings therefor, and no bonds shall be issued or sold by the school district or the city of the second class until the school district and the city of the second class have each been authorized to issue bonds to defray its proportion of the cost of such land, building, equipment, and furnishings by the required number of electors of the school district and the city of the second class in the manner provided by sections 10-702 to 10-716 and 17-954. ~~When ; Provided, when~~ funds and property are available for such purpose, land may be acquired, buildings erected, or equipment and furnishings supplied by a joint resolution of the school district and the city of the second class without a vote of the people.

Sec. 46. Section 17-158, Reissue Revised Statutes of Nebraska, is amended to read:

17-158 The amount of indebtedness, authorized to be incurred by any school district or city of the second class for the payment of principal and interest for the bonds authorized by the provisions of sections 17-156 to 17-162, shall be in addition to and over and above any limits under applicable law ~~now fixed by law~~.

Sec. 47. Section 17-159, Reissue Revised Statutes of Nebraska, is amended to read:

17-159 The members of the board of education of the school district and the city council of the city of the second class, which board and city council have agreed to build a joint municipal and recreation building or joint recreational and athletic field under sections 17-156 to 17-162, shall be the building commission to purchase the land for the building and to contract for the erection, equipment, and furnishings of the building or the recreational and athletic field. After the completion of such building or field thereof, ~~the such~~ building commission shall be in charge of the maintenance and repair of such building or field thereof.

Sec. 48. Section 17-160, Reissue Revised Statutes of Nebraska, is amended to read:

17-160 The building commission shall cause to be prepared building plans and specifications for the joint building or joint recreational and athletic field and ~~It~~ may employ architects, engineers, ~~draftsmen~~, and such clerical help as may be deemed necessary for the purpose of preparing such plans and specifications. The compensation of such personnel shall be fixed by the commission and shall be paid in the same proportion as determined for defraying the cost of such building or field thereof, as provided for in section 17-157. The contract for erecting the building, for the equipment, and for furnishings shall be let by the commission in the same manner as for other public buildings. The members of the commission shall receive no compensation for

their services as members of the commission.

Sec. 49. Section 17-161, Reissue Revised Statutes of Nebraska, is amended to read:

17-161 The school district and the city of the second class shall each provide in their annual budgets an item for their proportion of the expense of maintaining any such joint municipal and recreation building or joint recreational and athletic field built pursuant to section 17-156.

Sec. 50. Section 17-162, Reissue Revised Statutes of Nebraska, is amended to read:

17-162 The building commission shall have the power to accept gifts, devises, and bequests of real and personal property to carry out the purposes of sections 17-156 to 17-162 and, to the extent of the powers conferred upon the building commission such board by the provisions of sections 17-156 to 17-162, to execute and carry out such conditions as may be annexed to any such gifts, devises, or bequests.

Sec. 51. Section 17-163, Reissue Revised Statutes of Nebraska, is amended to read:

17-163 The Legislature finds and declares that the great increase in the number of motor vehicles, buses, and trucks in Nebraska has created hazards to life and property in cities of the second class in the state. State recognition is hereby given to the hazard created in the streets of cities of the second class of Nebraska by the great increase in the number of motor vehicles, buses, and trucks. In order to remove or reduce such the hazards to life and property and the inconvenience of congested traffic on the streets in such cities in this state, it is hereby deemed necessary and of general benefit to the entire State of Nebraska to provide means for such cities in Nebraska to own offstreet vehicle parking facilities exclusively for the parking of motor vehicles.

Sec. 52. Section 17-164, Reissue Revised Statutes of Nebraska, is amended to read:

17-164 Any city of the second class in Nebraska is hereby authorized to own, purchase, construct, equip, lease, or operate within such city offstreet motor vehicle parking facilities for the use of the general public. This ~~The grant of power herein~~ does not include the power to engage, directly or indirectly, in the sale of gasoline, oil, or other merchandise or in the furnishing of any service other than that of parking motor vehicles as provided in this section herein. ~~Such~~ Any such city shall have the authority to acquire by grant, contract, purchase, or through the condemnation of property, as provided by law for such acquisition, all real or personal property, including a site or sites on which to construct such said facilities, necessary or convenient in the carrying out of this section. ~~Before grant of power;~~ Provided, that before any such city may commence a program to construct, purchase, or acquire by other means a proposed offstreet parking facility or facilities, notice shall be given, by publication in a legal newspaper in or of general circulation in the city once each week for not less than thirty days, inviting application for private ownership and operation of offstreet parking facilities. If, ~~if~~ no application or applications have been received or, if received, the application or applications ~~same~~ have been disapproved by the governing body of such city council within ninety days from the first date of publication, then such city may proceed in the exercise of the powers ~~herein~~ granted under this section.

Sec. 53. Section 17-165, Reissue Revised Statutes of Nebraska, is amended to read:

17-165 In order to pay the cost required by any purchase, construction, lease, or condemnation of property and equipping of parking such facilities, or the enlargement of presently owned parking facilities, a the city of the second class may issue revenue bonds to provide the funds for such improvements. Such revenue bonds shall not be payable from any general tax upon the issuing city municipality, but shall be a lien only upon the revenue and earnings of the parking facilities. Such revenue bonds shall mature in not to exceed forty years but may be optional prior to maturity at a premium as provided in the authorizing resolution or ordinance. Any such revenue bonds which may be issued shall not be included in computing the maximum amounts of bonds which the issuing city of ~~the second class~~ may be authorized to issue under its charter or any statute of this state. Such revenue bonds may be issued and sold or delivered to the contractor at par and accrued interest for the amount of work performed. If any city of the second class has installed or installs onstreet parking meters, it may pledge all or any part of the revenue of such parking meters, not previously pledged, as security for the bonds ~~herein~~ authorized under sections 17-163 to 17-173.

Sec. 54. Section 17-166, Reissue Revised Statutes of Nebraska, is amended to read:

17-166 Before the issuance of any revenue bonds under section 17-165, the city of the second class shall have an independent and qualified firm of engineers prepare plans and specifications for such improvements. In the preparation of the plans and specifications, the independent engineer shall collaborate and counsel with any city engineering or traffic departments so as to coordinate the program with the program for the control of traffic within such respective city.

Sec. 55. Section 17-167, Reissue Revised Statutes of Nebraska, is amended to read:

17-167 Before the issuance of any revenue bonds as provided under section 17-165, the city council of a ~~The governing body of any such city of the second class~~ shall make all necessary rules and regulations governing the use,

operation, and control of such improvements thereof. In carrying out sections 17-163 to 17-173 the exercise of the grant of power herein set forth, the city of the second class may make contracts with other departments of the city, or others, if such contracts are necessary and needed for the payment of the revenue bonds authorized under section 17-165 herein and for the successful operation of the parking facilities. The city council governing board shall also establish and maintain equitable rates or charges for such services sufficient in amount to pay for the cost of operation, repair, and upkeep of the facilities to be purchased, acquired, or leased, and the principal of and interest on any revenue bonds issued pursuant to the provisions of sections 17-163 to 17-173. The city council governing body may also make any other agreements with the purchasers of the bonds for the security of the issuing city and the purchasers of such bonds not in contravention with the provisions of sections 17-163 to 17-173.

Sec. 56. Section 17-168, Reissue Revised Statutes of Nebraska, is amended to read:

17-168 The mayor and city council of any a city of the second class may adopt by ordinance adopting the proposition to make such purchase, or to erect such facility or facilities, set forth in section 17-164, and before the purchase can be made or facility created, must submit the question to the electors of such city at a general municipal election or at a special an election duly called for that purpose and the such question must be approved by a majority of the electors voting on such question it. If the question is submitted at a special election, the vote for the purchase or acquisition of such real estate or the purchase or erection of such facility or facilities shall equal at least a majority of the votes cast at the last preceding general election. Notice of the time and place of the election shall be given by publication in a some legal newspaper in or of printed and in general circulation in such city three successive weeks prior to such election thereto.

Sec. 57. Section 17-169, Reissue Revised Statutes of Nebraska, is amended to read:

17-169 On the creation of a such motor vehicle parking facility as provided under section 17-164 for the use of the general public, the city of the second class may, if it desires, lease such facility to one or more operators to provide for the efficient operation of the facility. Such lease shall be let on a competitive basis, and no lease shall run for a period in excess of ten years. In granting any lease, the city shall retain such control of the facility as may be necessary to insure that the facility will be properly operated in the public interest and that the prices charged are reasonable. The provisions of sections 17-163 to 17-173 shall not be construed to authorize the city or the lessee of the facility to engage in the sale of any commodity, product, or service, or to engage in any business other than the purposes set forth in section 17-164.

Sec. 58. Section 17-170, Reissue Revised Statutes of Nebraska, is amended to read:

17-170 Property now used or hereafter acquired within the boundaries of a city of the second class for offstreet motor vehicle parking by a private operator shall not be subject to condemnation.

Sec. 59. Section 17-171, Reissue Revised Statutes of Nebraska, is amended to read:

17-171 The provisions of sections 17-163 to 17-173 and of any ordinance authorizing the issuance of bonds under the provisions of sections 17-163 to 17-173 shall constitute a contract with the holders of such bonds, and any holder of a bond or bonds or any of the coupons of any bond or bonds of such city municipality, issued under the provisions of sections 17-163 to 17-173, may either in law or in equity, by suit, action, mandamus, or other proceedings, enforce and compel the performance of all duties required by the provisions of sections 17-163 to 17-173 or by the ordinance authorizing the bonds, including the making and collection of sufficient charges and fees for service and the use thereof, and the application of income and revenue thereof.

Sec. 60. Section 17-172, Reissue Revised Statutes of Nebraska, is amended to read:

17-172 Any city of the second class is authorized to use any or all of the revenue from onstreet parking meters for the purpose set forth in section 17-164 if such revenue has not been pledged for the payment of revenue bonds authorized in sections 17-163 to 17-173 herein.

Sec. 61. Section 17-174, Reissue Revised Statutes of Nebraska, is amended to read:

17-174 A city of the second class shall have the power by ordinance to acquire, by the exercise of the power of eminent domain or otherwise, lease, purchase, construct, own, maintain, and operate, or contract for the operation of public passenger transportation systems, excluding railroad systems, including all property and facilities required for such public passenger transportation systems therefor, within and without the limits of the city, to redeem such property from prior encumbrance in order to protect or preserve the interest of the city in such property therein, to exercise all powers granted by the Constitution and laws of the State of Nebraska, including, but not limited to, receiving and accepting from the government of the United States or any agency thereof, from the State of Nebraska, or any subdivision thereof, and from any person or corporation, donations, devises, gifts, bequests, loans, or grants for or in aid of the acquisition, operation, and maintenance of such public passenger transportation systems, and to administer, hold, use, and apply the same for the purposes for which such donations, devises, gifts,

bequests, loans, or grants may have been made, to negotiate with employees and enter into contracts of employment, to employ by contract or otherwise individuals singularly or collectively, to enter into agreements authorized under the Interlocal Cooperation Act or the Joint Public Agency Act, and to exercise such other and further powers with respect thereto as may be necessary, incident, or appropriate to the powers of such city.

Sec. 62. Section 17-201, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-201 (1) Any ~~municipality town or village~~ containing not less than one hundred nor more than eight hundred inhabitants incorporated as a ~~city, town, or village~~ under the laws of this state, any village that votes to retain village government as provided in section 17-312, and any city of the second class that has adopted village government as provided by sections 17-306 to 17-309 shall be a village and shall have the rights, powers, and immunities granted by law to villages in sections 17-201 to 17-231, and none other, ~~except that all county seat towns shall have the powers and immunities granted in sections 17-201 to 17-231~~. The population of a village shall consist of the people residing within the territorial boundaries of such village and the residents of any territory duly and properly annexed to such village.

(2) Whenever a majority of the ~~taxable~~ inhabitants of any ~~town or~~ village, not incorporated under any laws of this state, shall present a petition to the county board of the county in which the petitioners reside, requesting praying that they may be incorporated as a village and designating the name they wish to assume and the metes and bounds of the proposed village, and a majority of the members of such county board are or majority of the members thereof shall be satisfied that a majority of the ~~taxable~~ inhabitants of the proposed village have signed such petition and that inhabitants to the number of one hundred or more are actual residents of the territory described in the petition, the county board shall declare the proposed village incorporated, enter the order of incorporation upon its records, and designate the metes and bounds of such village thereof. Thereafter the village shall be governed by the provisions of law applicable to the government of villages. The county board shall, at the time of the incorporation of the village, appoint five persons, having the qualifications provided in section 17-203, as the village board of trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors at the time and in the manner provided in section 17-202, except that the county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five miles of another a Nebraska incorporated municipality village or city of any class.

Sec. 63. Section 17-201.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-201.01 When a county board ~~has~~ shall have entered an order declaring any village within of the county as incorporated, it shall be conclusively presumed that such said incorporation and all proceedings in connection therewith are valid in all respects notwithstanding some defect or defects that may appear on the face of the record, or the absence of any record, unless an action shall be brought within one year from the date of entry of such order of the county board, attacking its validity.

Sec. 64. Section 17-202, Reissue Revised Statutes of Nebraska, is amended to read:

17-202 The corporate powers and duties of every village shall be vested in a the board of trustees which shall consist of five members. At the first statewide general election held after the incorporation of a village, two trustees shall be elected to serve two years and three trustees shall be elected to serve four years. Thereafter the board members shall be elected as provided in the Election Act. The terms shall begin on the first regular meeting of the board in December following the statewide general election. ~~The terms of board members holding office on April 27, 1995, shall be extended to the first regular meeting of the board in December following the statewide general election.~~ The changes made to this section by Laws 1994, LB 76, and Laws 1995, LB 194, shall not change the staggering of the terms of the board members in villages established prior to January 1, 1995.

Sec. 65. Section 17-204, Reissue Revised Statutes of Nebraska, is amended to read:

17-204 Every village trustee, before entering upon the duties of his or her office, shall take an oath to support the Constitution of the United States and the Constitution of Nebraska and faithfully and impartially to discharge the duties of his or her office. Every village board of trustees appointed by the county board shall meet within twenty days, organize, and appoint the officers required by law. All trustees elected to office shall qualify and meet on the first regular meeting of the village board of trustees in December thereafter, organize, elect a chairperson of the board of trustees, and appoint the officers required by law. The village board of trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the chairperson.

Sec. 66. Section 17-205, Reissue Revised Statutes of Nebraska, is amended to read:

17-205 At all meetings of the village board of trustees, a majority of the trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as prescribed by the village board of trustees by ordinance ~~may have previously prescribed~~.

Sec. 67. Section 17-206, Reissue Revised Statutes of Nebraska, is amended to read:

17-206 The village board of trustees shall keep a journal of the board's ~~their~~ proceedings, and, at the desire of any member, shall cause the yeas and nays to be taken and entered on the journal on any question or ordinance, and the proceedings shall be public.

Sec. 68. Section 17-207, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-207 The village board of trustees shall have power to pass ordinances: (1) To prevent and remove nuisances within the village or within its extraterritorial one-mile zoning jurisdiction; (2) to restrain and prohibit gambling; (3) to provide for licensing and regulating theatrical and other amusements within the village; (4) to prevent the introduction and spread of contagious diseases; (5) to establish and regulate markets; (6) to erect and repair bridges; (7) to erect, repair, and regulate wharves and the rates of wharfage; (8) to regulate the landing of watercraft; (9) to provide for the inspection of building materials to be used or offered for sale in the village; (10) to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining, and all excavations through and under, the sidewalks of the village; (11) and in addition to the special powers herein conferred and granted, to maintain the peace, good government, and welfare of the village and its trade and commerce, and ~~and~~ ~~manufactories,~~ and (12) to enforce all ordinances by inflicting penalties upon inhabitants or other persons, for the violation of such ordinances thereof, not exceeding five hundred dollars for any one offense, recoverable with costs. Nothing in this section shall be construed to apply to bingo, lotteries, lotteries by the sale of pickle cards, or raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State Lottery Act.

Sec. 69. Section 17-207.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-207.01 Any village ~~in Nebraska~~ is hereby authorized to own, purchase, construct, equip, lease, or operate within such village offstreet motor vehicle parking facilities for the use of the general public. ~~This~~ ~~The grant of power herein~~ does not include the power to engage, directly or indirectly, in the sale of gasoline, oil, or other merchandise or in the furnishing of any service other than that of parking motor vehicles as provided in this section herein. ~~Such~~ Any village shall have the authority to acquire by grant, contract, purchase, or through the condemnation of property, as provided by law for such acquisition, all real or personal property, including a site or sites on which to construct such said facilities, necessary or convenient in the carrying out of this section. Before grant of power; Provided, that before any village may commence a program to construct, purchase, or acquire by other means a proposed offstreet parking facility or facilities, notice shall be given, by publication in a legal newspaper in or of general circulation in the village once each week for not less than thirty days, inviting application for private ownership and operation of offstreet parking facilities. If no application or applications have been received or, if received, the application or applications same have been disapproved by the governing body of such village board of trustees within ninety days from the first date of publication, then such village may proceed in the exercise of the powers herein granted under this section.

Sec. 70. Section 17-208, Reissue Revised Statutes of Nebraska, is amended to read:

17-208 (1) The village board of trustees may appoint a village clerk, treasurer, attorney, engineer, overseer of the streets, and ~~marshal~~ or chief of police and other such officers as shall be required by ordinance or otherwise required by law.

(2)(a) The village ~~marshal~~ or chief of police or any other police officer may appeal to the village board of trustees his or her removal, demotion, or suspension with or without pay. After a hearing, the village board of trustees may uphold, reverse, or modify the action.

(b) The village board of trustees shall by ordinance adopt rules and regulations governing the removal, demotion, or suspension with or without pay of any police officer, including the village ~~marshal~~ or chief of police. The ordinance shall include a procedure for such removal, demotion, or suspension with or without pay of any police officer, including the village ~~marshal~~ or chief of police, upon the written accusation of the village ~~marshal~~ or chief of police, the chairperson of the village board of trustees, or any citizen or taxpayer. The village board of trustees shall establish by ordinance procedures for acting upon such written accusation, including: (i) Provisions for giving notice and a copy of the written accusation to the police officer; (ii) the police officer's right to have an attorney or representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation; (iii) the right of the police officer or his or her attorney or representative retained by the police officer to be heard and present evidence; and (iv) the right of the police officer as well as the individual imposing the action or their respective attorneys or representatives to record all hearings or proceedings regarding the written accusation. The ordinance shall also include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the action or

their respective attorneys or representatives shall have the right at the hearing to be heard and to present evidence to the village board of trustees for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the village board of trustees shall vote to uphold, reverse, or modify the action. The failure of the village board of trustees to act within thirty days or the failure of a majority of the elected board members to vote to reverse or modify the action shall be construed as a vote to uphold the action. The decision of the village board of trustees shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(c) This subsection does not apply to a police officer during his or her probationary period.

(3) The village board of trustees shall also appoint a board of health consisting of three members: The chairperson of the village board of trustees, who shall be chairperson, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's medical advisor to the board of health. If the village board of trustees has appointed a marshal or chief of police, the marshal or chief of police may be appointed to the board of health and serve as secretary and quarantine officer. A majority of the board of health shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such village and prevent nuisances and unsanitary conditions. The board of health shall enforce such rules and regulations the same and provide fines and punishments for violations.

(4) The village clerk, treasurer, attorney, engineer, overseer of the streets, members of the board of health, and other appointed officers, except regular police officers, shall hold office for one year unless removed by the chairperson of the village board of trustees with the advice and consent of the village board of trustees.

Sec. 71. Section 17-209, Reissue Revised Statutes of Nebraska, is amended to read:

17-209 The appointive officials and other employees of the village shall receive such compensation as the chairperson chairman and village board of trustees shall designate by ordinance; and the annual salary of the chairperson chairman and other members of the village board of trustees shall be fixed by ordinance.

Sec. 72. Section 17-209.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-209.02 The local governing body of a village board of trustees may by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time, except that trustees may perform and upon village board of trustees approval receive compensation for seasonal or emergency work subject to sections 49-14,103.01 to 49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

Sec. 73. Section 17-210, Reissue Revised Statutes of Nebraska, is amended to read:

17-210 The chairperson chairman of the village board of trustees shall cause the ordinances of the village board to be printed and published for the information of the inhabitants, and cause such ordinances the same to be carried into effect. In the absence of the chairperson chairman of the board from any meeting of the village board of trustees, the village such board of trustees shall have power to appoint a chairperson chairman pro tempore, who shall exercise and have the powers and perform the same duties as the regular chairperson chairman.

Sec. 74. Section 17-211, Reissue Revised Statutes of Nebraska, is amended to read:

17-211 The village municipal clerk shall give public notice of the time and place of holding each village election, the notice to be given not less than ten nor more than twenty days previous to the election in a legal newspaper in or of general circulation in the village.

Sec. 75. Section 17-212, Reissue Revised Statutes of Nebraska, is amended to read:

17-212 If, on any day appointed for holding any village election, any of the judges or clerks of election shall fail to attend, the electors present may fill such vacancies from among the qualified electors present.

Sec. 76. Section 17-213, Reissue Revised Statutes of Nebraska, is amended to read:

17-213 The village marshal shall be chief of police, and shall at all times have power to make or order an arrest with proper process, for any offense against the laws of the state or ordinances of the village, and bring the offender to trial before the proper officer, and to arrest without process in all cases where any such offense shall be committed or attempted to be committed in his or her presence.

Sec. 77. (1) The village engineer, when ordered to do so by the village board of trustees, shall make surveys, estimates, and calculations necessary to be made for the establishment and maintenance of public works by the village.

(2) The village board of trustees may, in lieu of appointing a village engineer, employ a special engineer to perform the duties that would otherwise be performed by the village engineer. Any work executed by such special engineer shall have the same validity and serve in all respects as though executed by the village engineer.

Sec. 78. Section 17-214, Reissue Revised Statutes of Nebraska, is amended to read:

17-214 The village overseer of streets shall, subject to the order of the village board of trustees such village, have general charge, direction, and control of all works on streets, sidewalks, culverts, and bridges of the village, and shall perform such other duties as the village board of trustees may direct.

Sec. 79. Section 17-215, Reissue Revised Statutes of Nebraska, is amended to read:

17-215 Any village ~~of the State of Nebraska~~ incorporated under the laws of this state shall abolish its incorporation whenever a majority of the registered voters of the village, voting on the question of such abolishment, shall so decide in the manner provided in sections 17-215 to 17-219.03.

Sec. 80. Section 17-216, Reissue Revised Statutes of Nebraska, is amended to read:

17-216 (1) Whenever a petition ~~or petitions~~ for submission of the question of the abolishment of incorporation to the registered voters of any village, signed by not less than one-third of the registered voters of the village, is filed in the office of the county clerk or election commissioner of the county in which such village is situated, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(2) Whenever two-thirds of the members of the village board of trustees of any village, by resolution following a public hearing, vote to submit the question of the abolishment of the incorporation of the village, the resolution shall be filed in the office of the county clerk or election commissioner of the county in which such village is situated and the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(3) If a petition or resolution is filed with the county clerk or election commissioner, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village at the next primary or general election which is scheduled to be held more than seventy days after the date upon which the petition or resolution is filed. If the petition or resolution calls for a vote on the question at a special election to be called for that purpose, the county clerk or election commissioner shall cause a special election to be called for the purpose of placing the question before the registered voters and the election shall be called not sooner than sixty days nor later than seventy days after the date of the filing of the petition or resolution. If a petition is filed at any time other than within one hundred eighty days prior to a primary or general election and the petition does not call for the question to be considered at a special election, the village board of trustees may, by majority vote, call for the county clerk or election commissioner to cause the matter to be placed upon the ballot at a special election on a date certain specified by the board, except that such date shall not be sooner than sixty days after the date upon which the petition was filed.

(4) If the question of abolishment of incorporation is submitted to the voters and such question receives a favorable vote by a majority of those voting on the issue, the village governing board of trustees such village shall file with the Secretary of State a certified statement showing the total votes for and against such measure.

Sec. 81. Section 17-217, Reissue Revised Statutes of Nebraska, is amended to read:

17-217 The form forms of the ballot for the question of the abolishment of incorporation of a village shall be, respectively, For abolishment of incorporation, and Against abolishment of incorporation, and the same shall be printed upon a separate ballot, and shall be counted and canvassed in the same manner as other ballots voted at the election.

Sec. 82. Section 17-218, Reissue Revised Statutes of Nebraska, is amended to read:

17-218 (1) If a majority of the registered voters of a village voting on the question vote in favor of the abolishment of the incorporation of a village it is decided at such election that incorporation of the village be abolished, then, from and after the effective date of the abolishment of the incorporation

as determined by the county board as provided in subsection (2) of this section, the incorporation of the village shall cease and be abolished, and the area formerly encompassed within the boundaries of the village shall thereafter be governed by county commissioners as provided by law for unincorporated areas within the county. Upon such date, the terms of office of all elected and appointed officers and employees of the village shall end.

(2) Within fifty days after the date of the election at which the registered voters of the village approve the abolishment of the village's incorporation, the county board of the county within which the village is located shall, by resolution, specify the month, day, and year upon which the abolishment of the incorporation becomes effective. The effective date shall not be later than (a) six calendar months following the date of the election or (b) if there are liabilities of the village which cannot be retired except by means of a continuing property tax levy by the village, the date such liabilities can be paid, whichever is later. The county clerk shall transmit a copy of the resolution to the Secretary of State.

Sec. 83. Section 17-219, Reissue Revised Statutes of Nebraska, is amended to read:

17-219 Upon the effective date of the abolishment of incorporation of a village, all corporate property and corporate records belonging to the village shall be transferred to the county board of the county in which the village is located. All funds of the village not otherwise disposed of shall be transferred to the county treasurer to be paid out by order of the county board as it sees fit.

Sec. 84. Section 17-219.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.01 Notwithstanding any more general law respecting revenue, the county board in any county in this state in which the incorporation of any village has been abolished according to law shall advertise and sell all corporate property of the village for which the county itself has no use or which remains unsold or undisposed of after the expiration of six months from the effective date of the abolishment of the incorporation of such village as provided by the county board for liquidation of any liabilities of the village. After the effective date of the abolishment of the incorporation of the village, the county board shall treat all real estate listed and described in the original plat of such village upon which the owner of such real estate thereof has failed and neglected to pay the taxes on such real estate thereon as if such taxes were originally levied by the county and, notwithstanding any other provision of law, the taxes shall be deemed to have been levied by the county as of the date of the original levy by the village and due and owing as provided by law to the county.

Sec. 85. Section 17-219.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.02 The county treasurer shall, before selling any property under section 17-219.01, give notice of the sale of such property thereof in the same manner as notice is given when lands are sold under execution by the county sheriff, and the sale shall likewise be conducted in the same manner as execution sales.

Sec. 86. Section 17-219.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.03 (1) On and after the date of a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the village board of trustees shall not expend any funds of the village, liquidate any village assets, whether such assets are real or personal property, or otherwise encumber or exercise any authority over the property or funds of the village without the prior approval of the county board of the county within which the village is located.

(2) Within ten days after a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the village board of trustees shall meet and approve a resolution setting out with particularity all of the assets and liabilities of the village, including a full and complete inventory of all property, real and personal, owned by the village. The resolution shall be transmitted to the county clerk of the county within which the village is located, and the county clerk shall provide copies to the members of the county board.

(3) If the liabilities of the village exceed the value of all the assets of the village, the county board shall, within twenty days after the receipt of the resolution by the county clerk, schedule a joint meeting between the village board of trustees and the county board to review the resolution and discuss how to liquidate the liabilities with the village board of trustees.

(4) Within thirty days after the date upon which the joint meeting is held pursuant to subsection (3) of this section, the county board shall adopt a plan for the liquidation of village assets to retire the liabilities of the village.

Sec. 87. Section 17-220, Reissue Revised Statutes of Nebraska, is amended to read:

17-220 A majority of the taxable inhabitants of any village situated in two or more counties may present a petition to the county board of any county in which any part of such village is situated, requesting praying that they may be incorporated as a village; and such county board shall act upon the petition the same as if the village were situated wholly within the county where the petition was shall be presented. If the county board shall declare such village

incorporated, the village shall thereafter be governed by the provisions of the statutes of this state applicable to the government of villages. The county clerk of ~~such said~~ county shall immediately certify the proceedings relating to the incorporation of such village to the county board of each other county in which any part of ~~such said~~ village is situated, and each county board to which ~~such the said~~ proceedings shall be certified shall enter such proceedings upon ~~its their~~ records.

Sec. 88. Section 17-222, Reissue Revised Statutes of Nebraska, is amended to read:

17-222 Any ~~incorporated~~ village situated in two or more counties may ~~have the right to~~ use the jails of any and all counties in which any part of such village is situated.

Sec. 89. Section 17-223, Reissue Revised Statutes of Nebraska, is amended to read:

17-223 Taxes levied for village purposes, in villages situated in two or more counties, shall be certified to the county clerk of each county in which any part of such village is situated, and ~~such said~~ county clerks shall place such certifications ~~the same~~ on the proper tax list.

Sec. 90. Section 17-224, Reissue Revised Statutes of Nebraska, is amended to read:

17-224 All notices and other publications, required by law to be published in any county in which any part of ~~a an incorporated~~ village is situated, may be published in any legal newspaper in or of general circulation ~~published~~ in such village, and such publication shall have the same force and effect as it would have if published in every county in which any part of such village is situated.

Sec. 91. Section 17-225, Reissue Revised Statutes of Nebraska, is amended to read:

17-225 It shall be unlawful for any railroad company or for any of its officers, agents, ~~servants~~ or employees to obstruct with car or cars, with engine or engines, or with any other rolling stock, for more than ten minutes at a time, any public highway, street, or alley in any unincorporated ~~town or~~ village in the State of Nebraska. Any corporation, person, firm, or individual violating any provision of this section shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars.

Sec. 92. Section 17-229, Reissue Revised Statutes of Nebraska, is amended to read:

17-229 If the village board of trustees of a village in the State of Nebraska by a three-fourths vote of the members elected to the board ~~determines by a three-fourths vote ordinance~~ the necessity of initiating a street improvement ~~improvements~~ program within the village, which improvements are in the nature of a general benefit to the whole community and not of special benefit to adjoining or to abutting property and which consists of graveling, base stabilization, oiling, or other improvements to the streets, but which improvements do not consist of curb and gutter or asphalt or concrete pavings, the village chairperson and board of trustees ~~may, by such ordinance~~, provide for the levy and collection of a special tax not exceeding seventeen and five-tenths cents on each one hundred dollars on the taxable value of all the taxable property in the village for a period ~~of~~ not to exceed five years to create a fund for the payment of such improvements.

Sec. 93. Section 17-230, Reissue Revised Statutes of Nebraska, is amended to read:

17-230 Any ~~such~~ levy pursuant to section 17-229 shall not be considered within the limitation on the village for the levy of taxes as contained in section 17-702.

Sec. 94. Section 17-231, Reissue Revised Statutes of Nebraska, is amended to read:

17-231 In order to construct the improvements as outlined in section 17-229 ~~pursuant to such determination of necessity~~, the village chairperson and board of trustees ~~may proceed from time to time to make such improvements costing not exceeding eighty-five percent of the amount of taxes to be collected under the special tax levy~~. In order to allow the construction of the contemplated improvements immediately, the village chairperson and board of trustees ~~may issue warrants from time to time in the aggregate amount of eighty-five percent of the estimated taxes to be collected over the period of years provided for the levy, the amount of such warrants authorized to be issued to be based upon the amount of revenue to be raised by the tax to be levied and the taxable valuation of the taxable property in the village at the time the determination of necessity is made by ordinance multiplied by the number of years the tax has to run. Such~~ ~~The~~ warrants shall not bear interest in excess of six percent per annum, may be issued in such denominations as the village chairperson and board of trustees ~~may determine~~, and shall be paid from the collection of the special tax levy. Any unpaid amount of the levy after the payment of any such warrants in full, including both principal and interest, shall be transferred to the general fund.

Sec. 95. Section 17-301, Reissue Revised Statutes of Nebraska, is amended to read:

17-301 (1) This section applies to cities of the first class whose population is less than five thousand inhabitants but more than eight hundred inhabitants according to the federal decennial census conducted in the year 2010 or any subsequent federal decennial census.

(2)(a) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as

ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council ~~of the city~~ determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class. If the mayor and city council determine that it is in the best interests of such city to remain a city of the first class, they shall submit to the Secretary of State, within nine years after the certification is required to be submitted pursuant to this subdivision, an explanation of the city's plan to increase the city's population.

(b) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (a) of this subsection, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council ~~of the city~~ determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class.

(c) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (b) of this subsection, the mayor of the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

(3) If a city of the first class has a population of less than four thousand inhabitants but more than eight hundred inhabitants, as ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

(4) Beginning on the date upon which a city becomes a city of the second class pursuant to section 17-305, such city shall be governed by the laws of this state applicable to cities of the second class.

Sec. 96. Section 17-302, Reissue Revised Statutes of Nebraska, is amended to read:

17-302 The government of a city shall continue, as organized at the date of the declaration of the Secretary of State under section 17-301, until the reorganization of such city ~~the same~~ under section 17-305.

Sec. 97. Section 17-303, Reissue Revised Statutes of Nebraska, is amended to read:

17-303 The mayor and city council shall, within ninety days after the declaration of the Secretary of State under section 17-301, divide the city into not less than two nor more than six wards as may be provided by ordinance ~~of the mayor and city council thereof~~. Such wards shall contain, as nearly as practicable, an equal area and an equal number of legal voters. The ~~Such~~ division and boundaries of such wards, ~~as so to be~~ defined by ordinance, shall take effect on the first day of the first succeeding municipal year following the next general city election after such reorganization. Any city council member whose term continues, by reason of his or her prior election under the statutes governing cities of the first class, through another year or years beyond the date of the reorganization as a city of the second class shall continue to hold his or her office as city council member from the ward in which he or she is a resident as if elected for the same term under the statutes governing cities of the second class.

Sec. 98. Section 17-304, Reissue Revised Statutes of Nebraska, is amended to read:

17-304 After the terms of members of the city council in office at the time of reorganization as a city of the second class shall have expired, the city council shall consist of not less than four nor more than twelve citizens of such ~~said~~ city, who shall be qualified electors under the Constitution and laws of the State of Nebraska.

Sec. 99. Section 17-306.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-306.01 (1) The registered voters of a village which was reorganized under section 17-306 from a city of the second class to a village may vote to discontinue organization as a village and reorganize as a city of the second class under this section if the population exceeds eight hundred inhabitants. The issue may be placed before the voters by a resolution adopted by the village board of trustees of the village ~~of the village~~ or by petition signed by one-fourth of the registered voters of the village.

(2) The petitions under subsection (1) of this section shall conform to section 32-628. The Secretary of State shall design the form to be used for the petitions. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The village board of trustees shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures

shall be one-fourth of the number of voters registered in the village at the last statewide general election. The election commissioner or county clerk shall notify the village board of trustees within thirty days after receiving the petitions from the village board of trustees whether the required number of signatures has been gathered. The village shall reimburse the county for any costs incurred by the election commissioner or county clerk.

(3) If the village board of trustees determines that the petitions are in proper form and signed by the necessary number of registered voters or after adoption of the resolution by the village board of trustees, the village board of trustees shall submit the question to the voters of whether to organize as a city of the second class at a special election pursuant to section 32-559 or at the same time as a local or statewide primary or general election held in the village. The form of the ballot at such election shall be For reorganization of the Village of as a city of the second class and Against reorganization of the Village of as a city of the second class.

(4) If the majority of the votes cast are for reorganization as a city of the second class, the village board of trustees shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation ~~so declare and shall~~ declare such village to have become a city of the second class. After such proclamation, ~~Thereafter~~ such village shall become a city of the second class and such city shall be governed under the laws of this state applicable to cities of the second class. The government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the second class.

(5) Upon such proclamation, the village board of trustees ~~governing body of the city~~ shall call a special election for the purpose of electing new members of the city council ~~city's governing body~~ to be held not more than eight months after the proclamation is issued. At the initial election of the mayor and city council members ~~officers~~, the names of the candidates receiving the greatest number of votes at the primary election if one is held shall be placed on the general election ballot. One-half or the bare majority of the candidates for city council in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. Thereafter all members of the city council shall be nominated at the statewide primary election and elected at the statewide general election for four-year terms as provided in section 32-533. The members of the village board of trustees shall hold office only until the newly elected mayor and city council members ~~city officials~~ assume office.

(6) All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any village at the time of its incorporation as a city of the second class shall remain in full force and effect after such incorporation as a city of the second class until repealed or modified by such city within one year after the date of the filing of the certificate pursuant to subsection (4) of this section.

Sec. 100. Section 17-308, Reissue Revised Statutes of Nebraska, is amended to read:

17-308 If a city of the second class reorganizes as a village pursuant to section 17-306 ~~village government shall have been adopted as aforesaid,~~ the village board of trustees shall, at the expiration of sixty days from such said election, enter upon the duties of their offices; and all books, papers, records, money, and property of such city shall be delivered over to the village board of trustees; and the authority of the city council and all city officers shall cease from and after the taking effect of village government in such city.

Sec. 101. Section 17-309, Reissue Revised Statutes of Nebraska, is amended to read:

17-309 Upon reorganization of a city of the second class as a village pursuant to section 17-306, ~~all~~ All ordinances of the city shall remain and be in full force in the village until amended or repealed by the village board of trustees, and the village board of trustees shall provide for the payment of ~~the city indebtedness of the city~~ and levy necessary taxes for such indebtedness ~~therefor~~ as if the indebtedness ~~same~~ had been incurred by the village.

Sec. 102. Section 17-310, Reissue Revised Statutes of Nebraska, is amended to read:

17-310 Whenever any city of the second class decreases in population until it has a population of less than eight hundred inhabitants and more than one hundred inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, ~~by the State of Nebraska,~~ or by the authority of the mayor and council of such city, and the mayor and city council decide by ordinance to remain a city of the second class, the mayor shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation ~~so declare and shall~~ declare such city to remain a city of the second class. Such city shall continue to be governed by laws of this state applicable to cities of the second class.

Sec. 103. Section 17-311, Reissue Revised Statutes of Nebraska, is amended to read:

17-311 (1) Except as provided in section 17-312, whenever any village increases in population until it has a population of more than eight hundred inhabitants but less than five thousand inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the

United States, ~~by the State of Nebraska,~~ or by the authority of the village board of such village, the village board of trustees shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation ~~so declare and shall~~ declare such village to have become a city of the second class. After such proclamation, Thereafter such city shall be governed by the laws of this state applicable to cities of the second class. The government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the second class.

(2) If any village becomes a city of the second class, the village board of trustees governing body shall call a special election for the purpose of electing the mayor and city council members ~~new members of the city's governing body~~ to be held not more than eight months after the proclamation is issued. At the initial election of the mayor and city council members ~~officers~~, the names of the candidates receiving the greatest number of votes at the primary election if one is held shall be placed on the general election ballot. One-half or the bare majority of the candidates for city council in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The members of the village board of trustees shall hold office only until the newly elected mayor and city council members ~~officials~~ assume office.

(3) All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any village at the time of its incorporation as a city of the second class shall remain in full force and effect after such incorporation as a city of the second class until repealed or modified by such city within one year after the date of the filing of the certificate pursuant to subsection (1) of this section.

Sec. 104. Section 17-312, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-312 (1) Whenever any village attains a population exceeding eight hundred inhabitants, the registered voters of the village may vote to retain a village form of government. The issue may be placed before the voters by a resolution adopted by the village board of trustees ~~of the village~~ or by petition signed by one-fourth of the registered voters of the village.

(2) The petitions under subsection (1) of this section shall conform to section 32-628. The Secretary of State shall design the form to be used for the petitions. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The village board of trustees shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be one-fourth of the number of voters registered in the village at the last statewide general election. The election commissioner or county clerk shall notify the village board of trustees within thirty days after receiving the petitions from the village board of trustees whether the required number of signatures has been gathered. The village shall reimburse the county for any costs incurred by the election commissioner or county clerk.

(3) If the village board of trustees determines that the petitions are in proper form and signed by the necessary number of registered voters or after adoption of the resolution by the village board of trustees, the village board of trustees shall submit the question to the voters of whether to retain the village form of government at a special election pursuant to section 32-559 or at the same time as a local or statewide primary or general election held in the village. The form of the ballot at such election shall be For retention of village government and Against retention of village government. If the majority of the votes cast are for retention of village government, then such village shall remain a village and be governed under the laws of this state applicable to villages unless at some future election such village votes to reorganize as a city of the second class in the manner provided in section 17-313.

(4) If the question to retain a village form of government is submitted at a special election, such election shall be held not later than October 15 of an odd-numbered year. If the question is rejected, city of the second class officials shall be elected at the next regularly scheduled election.

(5) If the question to retain a village form of government is submitted at a regularly scheduled election, no village trustees shall be elected at such election, but village trustees whose terms are to expire following such election shall hold office until either their successors or a mayor and city council members ~~city officials~~ take office as follows:

(a) If the question is rejected, the village board of trustees shall call a special election, to be held not more than eight months after the election at which the question was rejected, for the purpose of electing a mayor and city council members ~~city officials~~ under the provisions of law relating to cities of the second class. The terms of office for such officials shall be established pursuant to section 17-311. The members of the village board of trustees shall hold office only until the newly elected mayor and city council members ~~city officials~~ assume office; and

(b) If the question is approved, the village board of trustees shall call a special election, to be held not more than eight months after the election at which the question was approved, for the purpose of electing successors to those members of the village board of trustees who held office beyond the normal expiration of their terms. Such special election shall be conducted under the provisions of law relating to villages. Persons so elected shall take office as soon after the completion of the canvass of the votes as is

practicable, and their terms of office shall be as if the holdovers had not occurred.

Sec. 105. Section 17-313, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-313 (1) The registered voters of a village may vote to discontinue organization as a village and organize as a city of the second class under this section if the population of the village exceeds eight hundred inhabitants and the prior vote pursuant to section 17-312 was in favor of retaining the village form of government. The issue may be placed before the voters by a resolution adopted by the village board of trustees of ~~the village~~ or by petition signed by one-fourth of the registered voters of the village.

(2) The petitions under subsection (1) of this section shall conform to section 32-628. The Secretary of State shall design the form to be used for the petitions. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The village board of trustees shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be one-fourth of the number of voters registered in the village at the last statewide general election. The election commissioner or county clerk shall notify the village board of trustees within thirty days after receiving the petitions from the village board of trustees whether the required number of signatures has been gathered. The village shall reimburse the county for any costs incurred by the election commissioner or county clerk.

(3) If the village board of trustees determines that the petitions are in proper form and signed by the necessary number of registered voters or after adoption of the resolution by the village board of trustees, the village board of trustees shall submit the question to the voters of whether to organize as a city of the second class at a special election pursuant to section 32-559 or at the same time as a local or statewide primary or general election held in the village. The form of the ballot at such election shall be For reorganization of the Village of as a city of the second class and Against reorganization of the Village of as a city of the second class.

(4) If the majority of the votes cast are for reorganization as a city of the second class, the village board of trustees shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation declare such village to have become a city of the second class. After such proclamation, Thereafter such village is a city of the second class, and such city shall be governed under the laws of this state applicable to cities of the second class. The government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the second class.

(5) Upon such proclamation, the village board of trustees governing body ~~of the city~~ shall call a special election for the purpose of electing a mayor and city council members ~~new members of the city's governing body~~ to be held not more than eight months after the proclamation is issued. At the initial election of the mayor and city council members ~~officers~~, the names of the candidates receiving the greatest number of votes at the primary election if one is held shall be placed on the general election ballot. One-half or the bare majority of the candidates for city council in each precinct or ward or at-large candidates, ~~as the case may be,~~ receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. Thereafter all members of the city council shall be nominated at the statewide primary election and elected at the statewide general election for four-year terms as provided in section 32-533. The members of the village board of trustees shall hold office only until the newly elected mayor and city council members ~~city officials~~ assume office.

(6) All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any village at the time of its incorporation as a city of the second class shall remain in full force and effect after such incorporation as a city of the second class until repealed or modified by such city within one year after the date of the filing of the certificate pursuant to subsection (4) of this section.

Sec. 106. Section 17-401, Reissue Revised Statutes of Nebraska, is amended to read:

17-401 Any two or more cities of the second class or villages, lying adjacent to each other, may consolidate and become one city or village municipal corporation, as the case may be, and under the name and with all the powers, obligations, and duties of the city or village municipal corporation whose name shall be assumed and adopted in the proceedings provided in sections 17-402 and 17-403.

Sec. 107. Section 17-402, Reissue Revised Statutes of Nebraska, is amended to read:

17-402 When any city or village shall desire to be annexed to another and contiguous city or village, the city council or village board of trustees of each city or village shall appoint three commissioners to arrange and report to such city council or village board of trustees respectively the terms and conditions on which the proposed annexation can be made. If ; and, if the city council or village board of trustees of each such city or village approves ~~approve~~ of the terms and conditions of such proposed annexation by ordinance, they shall, ~~by proper ordinance, so declare; and thereupon the city council or village board of trustees of each of such cities or villages shall by ordinance passed at least one month prior to the general annual election therein, may~~

submit the question of such annexation, upon the terms and conditions so proposed, to the electors of ~~the their~~ respective cities or villages. ~~If ; and~~ if a majority of the electors of each such city or village vote in favor of such annexation, the city council or village board of trustees of each shall, by proper ordinance, ~~so~~ declare such annexation. A certified copy of the whole proceedings of the city or village shall be filed with the city clerk of the city or village clerk to which the annexation is made.

Sec. 108. Section 17-403, Reissue Revised Statutes of Nebraska, is amended to read:

17-403 When certified copies of the proceedings for annexation are filed, as contemplated in section 17-402, the annexation shall be deemed complete; and the city or village to which annexation is made shall have the power to pass such ordinances, not inconsistent with law, as will carry into effect the terms of such annexation. ~~After such annexation, Thereafter~~ the annexed city or village annexed shall be governed as part of the city or village to which annexation is made. ~~Such ; Provided,~~ such annexation shall not affect or impair any rights or liabilities then existing for or against either of such cities or villages, but they may be enforced ~~the same~~ as if no such annexation had taken place.

Sec. 109. Section 17-404, Reissue Revised Statutes of Nebraska, is amended to read:

17-404 When a city or village is ~~thus~~ annexed to another pursuant to section 17-402, the property, both real and personal, ~~the~~ notes, bonds, obligations, accounts, demands, evidences of debt, rights, ~~and choses~~ in action, franchises, books, records, maps, plats, and effects of every nature, of and belonging to the city or village ~~two adjacent cities or municipal corporations~~ so annexed, shall be the property of and belong to the city or village corporation to which it is annexed.

Sec. 110. Section 17-405.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.01 (1) Except as provided in subsection (2) of this section and section 17-407, the mayor and city council of any city of the second class or the chairperson and members of the village board of trustees ~~of any village~~ may by ordinance, except as provided in sections 13-1111 to 13-1118, at any time, include within the corporate limits of such city or village any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power to extend the limits of any city of the second class or village municipality over any agricultural lands which are rural in character.

(2) The mayor and city council of any city of the second class or the chairperson and members of the village board of trustees ~~of any village~~ may, by ordinance, annex any lands, lots, tracts, streets, or highways which constitute a redevelopment project area so designated by the city or village or its community redevelopment authority in accordance with the provisions of the Community Development Law and sections 18-2145 to 18-2154 when such annexation is for the purpose of implementing a lawfully adopted redevelopment plan containing a provision dividing ad valorem taxes as provided in subsection (1) of section 18-2147 and which will involve the construction or development of an agricultural processing facility, notwithstanding that such lands, lots, tracts, streets, or highways are not contiguous or adjacent or are not urban or suburban in character. Such annexation shall comply with all other provisions of law relating to annexation generally for cities of the second class and villages. The city or village shall not, in consequence of the annexation under this subsection of any noncontiguous land, exercise the authority granted to it by statute to extend its extraterritorial zoning jurisdiction beyond its corporate boundaries for purposes of planning, zoning, or subdivision development without the agreement of any other city, village, or county currently exercising zoning ~~such~~ jurisdiction over the area surrounding the annexed redevelopment project area. The annexation of any noncontiguous land undertaken pursuant to this subsection shall not result in any change in the service area of any electric utility without the express agreement of the electric utility serving the annexed noncontiguous area at the time of annexation, except that at such time following the annexation of the noncontiguous area as the city or village lawfully annexes sufficient intervening territory so as to directly connect the noncontiguous area to the main body of the city or village, such noncontiguous area shall, solely for the purposes of section 70-1008, be treated as if it had been annexed by the city or village on the date upon which the connecting intervening territory had been formally annexed.

(3) For ~~the~~ purposes of subsection (2) of this section, agricultural processing facility means a plant or establishment where value is added to agricultural commodities through processing, fabrication, or other means and where eighty percent or more of the direct sales from the facility are to other than the ultimate consumer of the processed commodities. A facility shall not qualify as an agricultural processing facility unless its construction or development involves the investment of more than one million dollars derived from nongovernmental sources.

Sec. 111. Section 17-405.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.02 For purposes of section 17-405.01, lands ~~Lands~~, lots, tracts, streets, or highways shall be deemed contiguous although a stream, roadway, embankment, strip, or parcel of land not more than five hundred feet wide lies

between such lands, lots, tracts, streets, or highways ~~the same~~ and the corporate limits of a city of the second class or village.

Sec. 112. Section 17-405.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.03 Any extraterritorial zoning regulations, property use regulations, or other laws, codes, rules, or regulations imposed upon any annexed lands by the city of the second class or village municipality before such annexation shall continue in full force and effect until otherwise changed.

Sec. 113. Section 17-405.04, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.04 The inhabitants of territories annexed under the ~~provisions of~~ sections 17-405.01 to 17-405.05 shall receive substantially the benefits of other inhabitants of such city of the second class or village municipality as soon as practicable, and adequate plans and necessary city council or village board of trustees action to furnish such benefits as police, fire, snow removal, and water service must be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such city or village, except municipality; ~~Provided,~~ that such one-year period shall be tolled pending final court decision in any court action to contest such annexation.

Sec. 114. Section 17-405.05, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.05 When any city of the second class or village situated in two or more counties shall desire to annex to its corporate limits any contiguous territory, whether within the counties within which such said city or village is situated or otherwise, such territory may be annexed in the manner provided by sections 17-405.01 to 17-405.04.

Sec. 115. Section 17-407, Reissue Revised Statutes of Nebraska, is amended to read:

17-407 (1) The provisions of this section shall govern annexation by a city of the second class or village located in whole or in part within the boundaries of a county having a population in excess of one hundred thousand inhabitants but less than two hundred thousand inhabitants.

(2) The mayor and city council of any city of the second class or the chairperson and members of the village board of trustees of any village described in subsection (1) of this section may by ordinance, except as provided in sections 13-1111 to 13-1118, at any time include within the corporate limits of such city or village any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power to extend the limits of any such municipality over any agricultural lands which are rural in character.

(3) Not later than fourteen days prior to the public hearing before the planning commission on a proposed annexation by the city or village, the city clerk or village clerk shall send notice of the proposed annexation by certified mail, return receipt requested, to any of the following entities serving customers in such city or village or in the area proposed for annexation: Any natural gas public utility as defined in section 66-1802; any natural gas utility owned or operated by the city or village; any metropolitan utilities district; any public power district; any public power and irrigation district; any municipality; any electric cooperative; and any other governmental entity providing electric service. Such notice shall include a copy of the proposed annexation ordinance, the date, time, and place of the public hearing before the planning commission on the proposed annexation ordinance, and a map showing the boundaries of the area proposed for annexation.

(4) Prior to the final adoption of the annexation ordinance, the minutes of the meeting of the city council or village board of trustees ~~meeting~~ at which such final adoption was considered shall reflect formal compliance with the ~~provisions of~~ subsection (3) of this section.

(5) No additional or further notice beyond that required by subsection (3) of this section shall be necessary in the event (a) that the scheduled public hearing of the city council or village board of trustees ~~public hearing~~ on the proposed annexation is adjourned, continued, or postponed until a later date or (b) that subsequent to providing such notice the ordinance regarding such proposed annexation was amended, changed, or rejected by action of the city council or village board of trustees prior to formal passage of the annexation ordinance.

(6) Except for a willful or deliberate failure to cause notice to be given, no annexation decision made by a city of the second class or village either to accept or reject a proposed annexation, either in whole or in part, shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the city or village or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with this section was made.

(7) Except for a willful or deliberate failure to cause notice to be given, the city or village and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed

annexation, either in whole or in part, by the city council or village board of trustees.

(8) No action to challenge the validity of the acceptance or rejection of a proposed annexation on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the annexation by the city council or village board of trustees.

Sec. 116. Section 17-414, Reissue Revised Statutes of Nebraska, is amended to read:

17-414 Whenever a majority of the legal voters residing on any territory within and adjacent to the corporate limits of any city of the second class or village or the owner or owners of any unoccupied territory so situated desire to have the territory disconnected from such the city or village, they may file a petition in the district court of the county in which such city or village is situated requesting ~~praying~~ that such territory be detached. The petitioners shall, within ten days after the filing of such petition, cause a copy of such petition ~~thereof~~ to be served on such city or village in the manner provided by law for the service of summons in a civil action. If the ~~any~~ city or village by a majority vote of all members of the city council or village board of trustees consents that such territory be disconnected, the court shall enter a decree disconnecting the territory, and in such case no costs shall be taxed against such city or village. In case such a city or village desires to contest such petition, it shall file its answer to such petition ~~thereto~~ within thirty days after the service of a copy of the petition, and upon such filing thereupon ~~issue~~ shall be joined to the issue and the cause shall be tried by the court as a suit in equity. If the court finds in favor of the petitioners and that justice and equity require that such territory, or any part thereof, be disconnected from such city or village, it shall enter a decree accordingly. In all cases such a decree disconnecting part or all of such territory shall particularly describe the territory affected and a certified copy of such decree ~~thereof~~ shall be recorded in the office of the register of deeds or county clerk of the county in which such territory is situated. A certified copy of such decree ~~thereof~~ shall also be forwarded to and filed in the office of the affected city clerk or village clerk ~~of the city or village affected thereby~~. Either party may prosecute an appeal from the finding and decree of the district court to the Court of Appeals.

Sec. 117. Section 17-501, Reissue Revised Statutes of Nebraska, is amended to read:

17-501 Cities of the second class and villages shall be bodies corporate and politic, ~~and shall have power~~ (1) to sue and be sued; (2) to contract or be contracted with; (3) to acquire and hold real and personal property within or without the limits of the city or village, for the use of the city or village, convey property, real or personal, and lease, lease with option to buy, or acquire by gift or devise real or personal property; and (4) to receive and safeguard donations in trust and may, by ordinance, supervise and regulate such property and the principal and income constituting the foundation or community trust property in conformity with the instrument or instruments creating such trust. The city council of any city of the second class, ~~or the village board of trustees of any village,~~ may elect a board of five members, to be known as a board of public trust, who shall be residents of such city or village and whose duties shall be defined by ordinance and who shall have control and management of such donations in trust, in conformity with such ordinance. At ; except that ~~at~~ the time of the establishment of the board of public trust, one member shall be elected for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter one member shall be elected each year for a term of five years. Vacancies in the membership of the board of public trust shall be filled in like manner as regular members of the board of public trust are elected.

Sec. 118. Section 17-502, Reissue Revised Statutes of Nebraska, is amended to read:

17-502 Each city of the second class or village ~~Such cities or villages~~ shall have a common seal, which it ~~they~~ may change and alter at pleasure, and such other powers as may be conferred by law.

Sec. 119. Section 17-503, Reissue Revised Statutes of Nebraska, is amended to read:

17-503 (1) Except as provided in section 17-503.01, the power of any city of the second class or village to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale at public auction or by sealed bid of such property and the manner and terms of such sale ~~thereof~~, except that such property shall not be sold at public auction or by sealed bid when:

(a) Such property is being sold in compliance with the requirements of federal or state grants or programs;

(b) Such property is being conveyed to another public agency; or

(c) Such property consists of streets and alleys.

(2) The governing body of any such city or village may establish a minimum price for real property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(3) After the passage of the resolution directing the sale, notice of all proposed sales of property described in subsection (1) of this section and the terms of such sales ~~thereof~~ shall be published once each week for three consecutive weeks in a legal newspaper ~~published~~ in or of general circulation in such city or village.

(4) If within thirty days after the third publication of the notice a remonstrance petition against such sale is signed by registered voters of the city or village equal in number to thirty percent of the registered voters of the city or village voting at the last regular municipal election held in such city or village therein and is filed with the governing body of such city or village, such property shall not then, nor within one year thereafter, be sold. If the date for filing the petition remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Upon the receipt of the petition remonstrance, the governing body of such city or village, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the petition remonstrance. The governing body of such city or village shall deliver the petition remonstrance to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the petition remonstrance, the election commissioner or county clerk shall issue to the governing body a written receipt that the petition remonstrance is in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing the petition remonstrance with the voter registration records to determine if each signer was a registered voter on or before the date on which the petition remonstrance was filed with the governing body. The election commissioner or county clerk shall also compare the signer's printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the election commissioner or county clerk determines that the printed name, street and number or voting precinct, and city, village, or post office address matches the registration records and that the registration was received on or before the date on which the petition remonstrance was filed with the governing body. The determinations of the election commissioner or county clerk may be rebutted by any credible evidence which the governing body finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the petition remonstrance, the sufficiency of the petition remonstrance, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition remonstrance process. Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reason for the invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to the petition remonstrance and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall certify to the governing body the number of valid signatures necessary to constitute a valid petition remonstrance. The election commissioner or county clerk shall deliver the petition remonstrance and the certifications to the governing body within forty days after the receipt of the petition remonstrance from the governing body. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than twenty signatures on one signature page shall be counted.

The governing body shall, within thirty days after the receipt of the petition remonstrance and certifications from the election commissioner or county clerk, hold a public hearing to review the petition remonstrance and certifications and receive testimony regarding them. The governing body shall, following the hearing, vote on whether or not the petition remonstrance is valid and shall uphold the petition remonstrance if sufficient valid signatures have been received.

(5) Real estate now owned or hereafter owned by a city of the second class or a village may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of sections 18-1001 to 18-1006.

(6) Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

Sec. 120. Section 17-503.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-503.02 (1) The power of any city of the second class or village to convey any personal property owned by it shall be exercised by resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the city or village for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than five thousand dollars, notice of the sale

shall also be published once in a legal newspaper published in or of general circulation in such city or village at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale.

(2) Personal property may be conveyed notwithstanding the procedure in subsection (1) of this section when (a) such property is being sold in compliance with the requirements of federal or state grants or programs or (b) such property is being conveyed to another public agency.

Sec. 121. Section 17-504, Reissue Revised Statutes of Nebraska, is amended to read:

17-504 The corporate name of each city of the second class or village shall be the City (or Village) of, and all and every process and notice whatever affecting such city or village corporation shall be served in the manner provided for service of a summons in a civil action.

Sec. 122. Section 17-505, Reissue Revised Statutes of Nebraska, is amended to read:

17-505 In addition to those their special powers specifically granted by law, cities of the second class and villages shall have the power to make all such ordinances, bylaws, rules, regulations, and resolutions, not inconsistent with the laws of the state, as may be expedient for maintaining the peace, good government, and welfare of the city or village corporation and its trade and commerce, and manufactories, and to enforce all ordinances by inflicting fines or penalties for the breach of such ordinances thereof, not exceeding five hundred dollars for any one offense, recoverable with costs.

Sec. 123. If a city of the second class or village is required to publish a notice or advertisement in a legal newspaper in or of general circulation in the city or village, and if there is no legal newspaper in or of general circulation in such city or village, then the city or village shall publish such notice or advertisement in a legal newspaper in or of general circulation in the county in which such city or village is located. If there is no legal newspaper in or of general circulation in such county, then the city or village shall publish such notice or advertisement by posting a written or printed copy thereof in each of three public places in the city or village for the same period of time such city or village is required to publish the notice or advertisement in a legal newspaper.

Sec. 124. Section 17-507, Reissue Revised Statutes of Nebraska, is amended to read:

17-507 Cities of the second class ~~Second-class cities~~ and villages shall have power to levy any other tax or special assessment authorized by law.

Sec. 125. Section 17-508, Reissue Revised Statutes of Nebraska, is amended to read:

17-508 Cities of the second class ~~Second-class cities~~ and villages shall have the power to provide for the grading and repair of any street, avenue, or alley and the construction of bridges, culverts, and sewers. No street, avenue, or alley shall be graded unless such street, avenue, or alley ~~the same~~ shall be ordered to be done by the affirmative vote of two-thirds of the city council or village board of trustees.

Sec. 126. Section 17-508.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-508.02 For purposes of section 17-508, cities ~~Cities~~ of the second class and villages shall have power to levy in any one year ~~for such purposes~~ not to exceed ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property within the limits of such cities and villages.

Sec. 127. Section 17-509, Reissue Revised Statutes of Nebraska, is amended to read:

17-509 The governing body of any city of the second class or village may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravels, macadamize, remacadamize, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any streets, alleys, public grounds, public ways, entirely or partially, and streets which divide the city or village corporate limits area and the area adjoining the city or village; construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and construct sidewalks and improve the sidewalk space. These projects may be funded at public cost or by the levy of special assessments on the property especially benefited in proportion to such benefits, except as provided in sections 19-2428 to 19-2431. The governing body may by ordinance create ~~paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement~~ districts, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more types of the improvements authorized under this section in a single district in one proceeding. All of the improvements which are to be funded by a levy of special assessment on the property especially benefited shall be ordered as provided in sections 17-510 to 17-512, unless the governing body improves a street which divides the city or village corporate area and the area adjoining the city or village. Whenever the governing body of any city of the second class or village improves any street which divides the city or village corporate limits area and the area adjoining the city or village, the governing body shall determine the sufficiency of petition as set forth in section 17-510 by the owners of the record title representing more than sixty percent of the front footage of the property directly abutting upon the street to be improved,

rather than sixty percent of the resident owners. Whenever the governing body shall deem it necessary to make any of the improvements authorized under named ~~in~~ this section on a street which divides the city or village corporate limits area and the area adjoining the city or village, the governing body shall by ordinance create the improvement district pursuant to section 17-511 and the right of remonstrance shall be limited to owners of record title, rather than resident owners.

Sec. 128. Section 17-510, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-510 If a petition is signed by the owners of the record title representing more than sixty percent of the front footage of ~~the~~ property directly abutting upon the streets, alleys, public ways, or public grounds proposed to be improved in an improvement district created pursuant to section 17-509 and presented and filed with the city clerk or village clerk, ~~petitioning therefor,~~ the governing body of the city or village shall by ordinance create an a paving, graveling, or other improvement district, cause such work to be done or such improvement to be made, contract for such improvement therefor, and levy special assessments on the lots and parcels of land abutting on or adjacent to such streets or alleys specially benefited by such improvement thereby in such district in proportion to such benefits, except as provided in sections 19-2428 to 19-2431, to pay the cost of such improvement. The governing body may deny the formation of the proposed improvement district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the governing body denies a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.

Sec. 129. Section 17-511, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-511 Whenever the governing body of a city of the second class or village deems it necessary to make the improvements in section 17-509 which are to be funded by a levy of special assessment on the property specially benefited, such governing body shall by ordinance create an a paving, graveling, or other improvement district and, after the passage, approval, and publication of such ordinance, shall publish notice of the creation of any such district for six days in a legal newspaper in or of general circulation in the city or village if such legal newspaper it is a daily newspaper or for two consecutive weeks if such legal newspaper it is a weekly newspaper. ~~If no legal newspaper is published in the city or village, the publication shall be in a legal newspaper of general circulation in the city or village.~~ If the owners of the record title representing more than fifty percent of the front footage of the property directly abutting on the street or alley to be improved file with the city clerk or ~~the~~ village clerk within twenty days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance, but such ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the governing body shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy special assessments on the lots and parcels of land abutting on or adjacent to such street or alley specially benefited thereby in such district in proportion to such benefits to pay the cost of such improvement.

Sec. 130. Section 17-512, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-512 The city council of a city of the second class or village board of trustees may, by a three-fourths vote of all members of such city council or village board of trustees, enact an ordinance creating an a paving, graveling, or other improvement district, order such work to be done without petition upon any federal or state highways in the city or village or upon a street or route, designated by the mayor and city council or village board of trustees as a main thoroughfare, that connects to either a federal or state highway or a county road, and shall contract for such work therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley specially benefited thereby in such district in proportion to such benefits, to pay the cost of such improvement.

Sec. 131. Section 17-513, Reissue Revised Statutes of Nebraska, is amended to read:

17-513 Before proceeding with any ~~such~~ improvement under section 17-509, the sufficiency of the protests or petitions or of the existence of the required facts and conditions shall be determined by the city council or village board of trustees at a hearing of which notice shall be given to all persons who may become liable for assessments by one publication in each of two successive weeks in a legal newspaper in or of having general circulation in the city or village. Appeal from the action of the city council or village board of trustees may be made to the district court of the county in which the proposed district is situated. The sufficiency of the protests or petitions referred to in sections 17-510 and 17-511, as to the ownership of the property, shall be determined by the record in the office of the county clerk or register of deeds at the time of the adoption of such said ordinance. In determining the sufficiency of the petitions or objections, intersections shall be disregarded, and any lot or ground owned by the city or village shall not be counted for or against such improvement.

Sec. 132. Section 17-514, Reissue Revised Statutes of Nebraska, is amended to read:

17-514 All assessments under sections 17-509 to 17-512 shall be a lien on the property on which levied from the date of levy, and shall thereupon be certified by direction of the city council or village board of trustees to the city treasurer of such city or village treasurer for collection. Except as provided in section 18-1216, such assessment shall be due and payable to such treasurer until the first day of November thereafter, or until the delivery of the tax list for such year to the county treasurer of the county in which such city or village ~~is~~ may be situated, at and after which time such assessment ~~the same~~ shall be due and payable to such county treasurer. The city council or village board of trustees of such city or village shall, within the time provided by law, cause such assessments, or portion thereof then remaining unpaid, to be certified to the county clerk ~~of the county~~ for entry upon the proper tax lists. If the city treasurer or village treasurer collects any assessment or portion of such assessment thereof so certified while such assessment ~~the same~~ shall be payable to the county treasurer, the city treasurer or village treasurer shall certify the assessment or portion of such assessment thereof to the county treasurer at once, and the county treasurer shall correct the record to show such payment.

Sec. 133. Section 17-515, Reissue Revised Statutes of Nebraska, is amended to read:

17-515 (1) All ~~such~~ assessments as provided in sections 17-509 to 17-512, except for paving, repaving, construction of malls and plazas, and the landscaping and permanent facilities of such malls and plazas thereof, graveling, or curbing and guttering, shall draw interest until such assessments ~~the same~~ become delinquent, at a rate set by the city council or village board of trustees from the date of levy, and shall become delinquent on the first day of May subsequent to the date of levy, and shall thereafter draw interest at a rate not exceeding the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature.

(2) Such assessments for paving, repaving, construction of malls and plazas, and the landscaping and permanent facilities of such malls and plazas thereof, or curbing and guttering shall become delinquent in equal annual installments over such period of years, not to exceed fifteen, as the city council or village board of trustees may determine at the time of making the levy, the first such equal installment to become delinquent in fifty days after the date of such levy.

(3) As to such assessments for graveling, one-third of the total amount assessed against each lot or parcel of land shall become delinquent in fifty days after the date of such levy; one-third in one year; and one-third in two years.

(4) Each of the installments, referred to in subsections (2) and (3) of this section, except the first, shall draw interest at a rate set by the city council or village board of trustees, from the time of the ~~aforsaid~~ levy until such installment ~~the same~~ shall become delinquent; and after such installment ~~the same~~ becomes delinquent, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon. Should there be three or more of such installments delinquent and unpaid on the same property, the city council or village board of trustees may by resolution declare all future installments on such delinquent property to be due on a fixed future date. All of such installments may be paid at one time on any lot or land within fifty days from the date of the levy without interest and, if so paid, such lot or land shall be exempt from any lien or charge for the levy therefor.

Sec. 134. Section 17-516, Reissue Revised Statutes of Nebraska, is amended to read:

17-516 For the purpose of paying the cost of constructing, landscaping, and equipping malls and plazas, paving, repaving, macadamizing or graveling, curbing, guttering, or otherwise improving streets, avenues, or alleys in any improvement district, the mayor and city council of a city of the second class or village board of trustees shall have the power and may, by ordinance, cause to be issued bonds of the city or village to be called District Improvement Bonds of District No., payable in not exceeding fifteen years from date, and to bear interest payable annually or semiannually with interest coupons attached or may issue its warrants, as other warrants are issued, to be called District Improvement Warrants of District No., payable in the order of their number, to be issued in such denominations as may be deemed advisable, and to bear interest. When warrants are issued for the payment of such cost, special taxes and assessments shall be levied sufficient to pay such warrants and the interest thereon within three years from the date of issuance.

Sec. 135. Section 17-518, Reissue Revised Statutes of Nebraska, is amended to read:

17-518 Pending final redemption of warrant or warrants, or bond or bonds for paving issued under section 17-516, the city treasurer or village treasurer is ~~hereby~~ authorized to invest such sinking fund in interest-bearing time certificates of deposit in depositories approved and authorized to receive county funds ~~money~~, but in no greater amount in any depository than such depository ~~the same~~ is authorized to receive deposits of county funds; and the interest arising from such certificate of deposit shall be credited to its respective sinking fund as ~~hereinbefore~~ provided by law.

Sec. 136. Section 17-519, Reissue Revised Statutes of Nebraska, is amended to read:

17-519 If in any ~~second-class city of the second class~~ or village, there shall be any real estate belonging to any county, school district, city,

~~village, or other political subdivision or municipal or other quasi-municipal corporation,~~ adjacent to or abutting upon the street or other public way whereon paving, repaving, graveling, or other special improvement has been ordered, it shall be the duty of the governing body of the political subdivision ~~board of county commissioners, board of education or other proper officers,~~ to provide for the payment of such special assessments or taxes as may be assessed against the real estate so adjacent or abutting, or within an ~~such~~ improvement district ~~belonging to the county, school district or municipal or quasi-municipal corporation.~~ In the event of the neglect or refusal so to do, the city or village may recover the amount of such special taxes or assessments in any proper action, and the judgment thus obtained may be enforced in the usual manner.

Sec. 137. Section 17-520, Reissue Revised Statutes of Nebraska, is amended to read:

17-520 In cities of the second class and villages, ~~for~~ For all paving and improvements of the intersections and areas formed by the crossing of streets, avenues, or alleys, and one-half of the streets adjacent to real estate owned by the United States, the State of Nebraska, or the city or village, the assessment shall be made upon all of the taxable property of such ~~the~~ city or village; and for the payment of such paving or improvements the mayor and city ~~city~~ council or the village ~~village~~ board of trustees are hereby authorized to issue paving bonds of the city or village, in such denominations as they deem proper to be called Intersection Paving Bonds payable in not to exceed fifteen years from the date of such ~~said~~ bonds, and to bear interest payable annually or semiannually. Such bonds shall not be issued until the work is completed and then not in excess of the cost of such ~~said~~ improvements. For the purpose of making partial payments as the work progresses in paving, repaving, macadamizing or graveling, curbing, and guttering or improvements of streets, avenues, alleys, or intersections and areas formed by the crossing of streets, avenues, or alleys, or one-half of the streets adjacent to real estate owned by the United States, the State of Nebraska, or the city or village, warrants may be issued by the mayor and city ~~city~~ council, or the village ~~village~~ board of trustees, upon certificates of the engineer in charge showing the amount of the work completed and materials necessarily purchased and delivered for the orderly and proper continuation of the project, in a sum not exceeding ninety-five percent of the cost thereof, and upon completion and acceptance of the work issue a final warrant for the balance of the amount due the contractor, which warrants shall be redeemed and paid upon the sale of bonds authorized by law. The city or village shall pay to the contractor interest, at the rate of eight percent per annum on the amounts due on partial and final payments, beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the governing body and running until the date that the warrant is tendered to the contractor. Nothing in this section herein shall be construed as authorizing the mayor and city ~~city~~ council or village ~~village~~ board of trustees to pave or gravel any intersections or areas formed by the crossing of streets, avenues, or alleys, unless in connection with one or more blocks of street paving or graveling of which the paving or graveling of such intersection or area shall form a part.

Sec. 138. Section 17-521, Reissue Revised Statutes of Nebraska, is amended to read:

17-521 Any street or other railway company, occupying with any track any street, avenue, or alley or portion thereof, which may be ordered paved, repaved, macadamized, or graveled, may be charged with the expense of such improvement of such ~~said~~ portion of such street, avenue, or alley so occupied by it between its tracks, between its rails, and for one foot beyond the outer rails; and the cost of such improvement thereof may be collected and enforced against such company in such manner as may be provided by ordinance; or the mayor and city ~~city~~ council or village ~~village~~ board of trustees may by ordinance require such company to pave, repave, macadamize, or gravel such portion of such street, avenue, or alley occupied by such ~~said~~ tracks and for one foot beyond its outside rails.

Sec. 139. Section 17-522, Reissue Revised Statutes of Nebraska, is amended to read:

17-522 (1) The mayor and city council of a city of the second class or village ~~village~~ board of trustees ~~of a village~~ may construct and repair sidewalks or cause the construction and repair of sidewalks in such manner as the mayor and city council or village ~~village~~ board of trustees deems necessary and assess the expense of such construction or repairs thereof on the property in front of which such construction or repairs are made, after having given notice (a) by publication in one issue of a legal newspaper in or of general circulation in such city or village and (b) by either causing a written notice to be served upon the occupant in possession of the property involved or to be posted upon such premises ten days prior to the commencement of such construction or repair. The powers conferred under this section are in addition to those provided in sections 17-509 to 17-521 and may be exercised without creating an improvement district.

(2) If the owner of any property abutting any street or avenue or part thereof fails to construct or repair any sidewalk in front of the owner's property within the time and in the manner as directed and requested by the mayor and city ~~city~~ council or village ~~village~~ board of trustees, after having received due notice to do so, the mayor and city ~~city~~ council or village ~~village~~ board of trustees may cause the sidewalk to be constructed or repaired and may assess the cost of such construction or repairs thereof against the property.

Sec. 140. Section 17-523, Reissue Revised Statutes of Nebraska, is amended to read:

17-523 Cities of the second class ~~Second-class cities~~ and villages shall have the power to provide for the laying of temporary plank, brick, stone or concrete sidewalks, upon the natural surface of the ground, without regard to grade, on streets not permanently improved, at a cost for plank walks not exceeding fifty cents a linear foot, or for brick, stone or concrete walks not exceeding one dollar and twenty-five cents a linear foot, and to provide for the assessment of the cost of such temporary sidewalks thereof on the property in front of which such sidewalks ~~the same~~ shall be laid.

Sec. 141. Section 17-524, Reissue Revised Statutes of Nebraska, is amended to read:

17-524 Assessments made under the provisions of sections 17-509 to 17-523 shall be made and assessed in the following manner:

(1) Such assessment shall be made by the city council or village board of trustees at a special meeting, by a resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements, and the amount charged against the same, which, with the vote thereon by yeas and nays, shall be recorded in spread at length upon the minutes. Notice ; ~~and notice~~ of the time of holding such meeting and the purpose for which it is to be held, shall be published in a legal ~~some~~ newspaper in published or of general circulation in the said city or village at least four weeks before the meeting is same ~~shall be held~~ or, in lieu of such notice thereof, personal service may be made ~~had~~ upon persons owning or occupying property to be assessed; and

(2) All such assessments shall be known as special assessments for improvements, ~~and~~ shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other city or village taxes.

Sec. 142. Section 17-525, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-525 Cities of the second class ~~Second-class cities~~ and villages shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city or village, ~~and regulate such occupation or business the same~~ by ordinance. After March 27, 2014, any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section 77-2704.24. The occupation tax shall be imposed in the manner provided in section 18-1208, except that section 18-1208 does not apply to an occupation tax subject to section 86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the city or village.

Sec. 143. Section 17-526, Reissue Revised Statutes of Nebraska, is amended to read:

17-526 Cities of the second class ~~Second-class cities~~ and villages may, by ordinance ~~entered at large on the proper journal or record of proceedings of such municipality,~~ impose a license tax in an amount which shall be determined by the governing body of such second-class city of the second class or village for each dog or other animal, on the owners and harborers of dogs and other animals, and enforce such license tax ~~the same~~ by appropriate penalties, and cause the destruction of any dog or other animal, for which the owner or harborer shall refuse or neglect to pay such license tax. Any licensing provision shall comply with subsection (2) of section 54-603 for service animals. Such municipality may regulate, license, or prohibit the running at large of dogs and other animals and guard against injuries or annoyances from such animals therefrom and authorize the destruction of such animals ~~the same~~ when running at large contrary to the provisions of any ordinance.

Sec. 144. Section 17-527, Reissue Revised Statutes of Nebraska, is amended to read:

17-527 Cities of the second class ~~Second-class cities~~ and villages shall have power to prescribe the manner of conducting all municipal elections, ~~and the return of such elections thereof,~~ and for holding special elections for any purpose provided by law.

Sec. 145. Section 17-528, Reissue Revised Statutes of Nebraska, is amended to read:

17-528 Cities of the second class ~~Second-class cities~~ and villages shall have power to grant a franchise, for a period of not to exceed twenty-five years, to any person, company, corporation, or association, whether publicly or privately owned, to furnish light and power to the residents, citizens, and corporations doing business in such city or village, and to make contracts, for a period of not to exceed five years, with such person, company, or association for the furnishing of light for the streets, lanes, alleys, and other public places and property of such said city or village, and the inhabitants of such city or village thereof, the furnishing of electricity to pump water or similar services for such city or village, and to levy a tax for the purpose of paying the costs of such lighting of the streets, lanes, alleys, and other public places and property of such said city or village. No public service company,

whether publicly or privately owned, shall sell to any city of the second class or village, now generating its own electric current for all or the major portion of its electric requirements, unless first authorized so to do by a vote of the electors of such city or village, in the same manner and subject to the same conditions as are set forth in section 18-412. ~~If ; Provided, that if~~ no tax or issuance of bonds is required, any city of the second class or village may by resolution of the city council or village board of trustees contract for the furnishing of electricity at retail to such city or village, or to any electric plant within such city or village, with any public power district, or an electric cooperative which cooperative has an approved retail service area adjoining such city or village.

Sec. 146. Section 17-528.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-528.02 Cities of the second class ~~Second-class cities~~ and villages shall have power to grant a franchise, subject to the conditions of this section and section 17-528.03, for a period not exceeding twenty-five years to any person, company, or association, whether publicly or privately owned, and to his, her, or its assigns, to lay and maintain gas mains, pipes, service, and all other necessary structures in the streets, lanes, alleys, and public places of such city or village for the purpose of transporting gas on, under, or along any streets, lanes, alleys, and public places of such said city or village and for furnishing gas ~~the same~~ to the inhabitants of such city or village thereof. ~~The~~ Such city or village may make any reasonable regulation with reference to any person, firm, or corporation holding such franchise as to charges for such gas. Such city or village is authorized to contract, lease, or rent the gas plant from any person, firm, or corporation furnishing gas within such city or village. Such contract, lease, or rental agreement shall not be for a period longer than five years. Such city or village ~~It~~ may levy a tax to pay the rent under such ~~the above-mentioned~~ lease or to pay for any gas used for street lighting or for other necessary purposes.

Sec. 147. Section 17-528.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-528.03 Cities of the second class ~~Second-class cities~~ and villages shall have power to grant a franchise subject to the conditions of this section or section 17-528.02. Such franchise may run for a period not exceeding twenty-five years, ~~and it~~ ~~It~~ may be granted to any person, company, or association, whether publicly or privately owned, and to his, her, or its assigns. Such franchise may permit the person, company, or association ~~it~~ to erect and maintain poles, lines, wires, and conductors for electricity in the streets, lanes, alleys, and public places of such said city or village and for furnishing electricity ~~the same~~ to the inhabitants of such city or village thereof. Such franchise may establish the amount that may be charged during such period for electricity and provide that such city or village may, after such period, make any reasonable regulation with reference to any person, firm, or corporation holding such franchise either as to charges for electricity or otherwise. Such city or village is further authorized to contract, lease, or rent the plant, from any person, firm, or corporation, furnishing electricity, within such city or village, for power or the lighting of streets, lanes, alleys, and public places of such city or village, but not for a period longer than five years. Such city or village ~~It~~ may levy a tax for the purpose of paying the cost of such lighting of streets, lanes, alleys, or public places of such city or village or to pay the rent under such ~~the above-mentioned~~ lease. No public service company, whether publicly or privately owned, shall sell to any city of the second class or village, now generating its own electric energy for all or a major portion of its electric requirements, unless first authorized so to do by a vote of the electors of such city or village, in the same manner and subject to the same conditions as are set forth in section 18-412. ~~If ; Provided, that if~~ no tax or issuance of bonds is required, any city of the second class or village may by resolution of the city council or village board of trustees contract for the furnishing of electricity at retail to such city or village, or to any electric plant within such city or village, with any public power district, or an electric cooperative which cooperative has an approved retail service area adjoining such city or village.

Sec. 148. Section 17-529, Reissue Revised Statutes of Nebraska, is amended to read:

17-529 Cities of the second class ~~Second-class cities~~ and villages shall have power (1) to establish and alter the channel of watercourses, and to wall them and cover them over, (2) to establish, ~~and~~ regulate, ~~and provide for the~~ filling of wells, cisterns and windmills, aqueducts, and reservoirs of water, ~~(3) to provide for filling the same,~~ and (3) (4) to erect and maintain a dike or dikes as protection against flood or surface waters.

Sec. 149. Section 17-529.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.01 In connection with the power to establish and alter the channel of watercourses and the power to erect and maintain dikes against flood waters and surface waters, such cities of the second class and villages shall be empowered to exercise the power of eminent domain to acquire easements and rights-of-way over real estate situated either within or not more than two miles outside the corporate limits of ~~any~~ such city or village, for the purpose of constructing either a ditch or a dike to prevent flooding of such city or village. The procedure for taking and condemning real estate for such purpose shall be exercised in the manner set forth in sections 76-704 to 76-724. In connection with such condemnation proceedings, the city or village shall be

liable not only for the land actually taken but for consequential damages to other lands damaged by the construction of such improvement, and shall be authorized to pay such damages out of any available funds on hand or by the issuance of bonds as provided by law.

Sec. 150. Section 17-529.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.02 Cities of the second class ~~Such cities~~ and villages may cooperate with the United States Government in protecting against floods and enter into agreements with such government for that purpose. Such cities and villages ~~They~~ may, in order to obtain federal funds for protecting against floods ~~that purpose~~, consent to requirements of the Congress of the United States that such city or village (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of flood control projects, (2) hold and save the United States free and harmless from damages due to the construction works, and (3) maintain and operate all the flood control works after completion in accordance with regulations prescribed by the Secretary of the Army of the United States.

Sec. 151. Section 17-529.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.03 For purposes of ~~As used in~~ sections 17-529.03 to 17-529.07:

(1) The term old city or village shall mean a city of the second class or village at its old location, and is not used in the sense that it is another or different city or village after its removal to a new site;

(2) ~~The~~ the term new city or village shall mean a city of the second class or village at its new location, and is not used in the sense that it is another or different city or village than it was before its removal from an old site;

(3) ~~The~~ the term county board shall mean ~~the and include a~~ board of county commissioners or a board of supervisors of a county, ~~as the case may be~~; and

(4) ~~The~~ the term governing board shall mean the city council of a city of the second class, or the village board of trustees ~~of a village, as the case may be~~.

Sec. 152. Section 17-529.05, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.05 Whenever a petition is filed with the county clerk of any county, signed by either the governing board of any city of the second class or village or by one hundred or more electors of any city of the second class or village within such county setting forth: (1) That the United States Government has acquired, or is about to acquire, by purchase or eminent domain or both, the entire site upon which such city or village is located; (2) that the petitioners desire such city or village removed to another site and the corporate identity retained; (3) that a new site has been acquired, or contracted to be acquired, to which the old city or village can be removed; (4) that the petitioners intend to become residents of the new city or village when it is removed to the proposed new site; and (5) offer to pay all costs of the proceedings to effectuate such removal, the county board of such county shall enter an order setting such petition down for hearing not less than thirty nor more than sixty days after the filing of such petition, and shall cause notice of such hearing thereof to be given by publication three successive weeks prior to the such hearing in a legal newspaper in or of general circulation in such county.

Sec. 153. Section 17-529.06, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.06 Upon the hearing held pursuant to section 17-529.05, if the county board finds ~~shall find~~ that the statements set forth in the petition are true and that it is in for the best interests of the old city or village to authorize such removal, the county board ~~it~~ shall enter an order granting such petition.

Sec. 154. Section 17-529.07, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.07 The order granting a such petition under section 17-529.05 shall have the following effect:

(1) The name and corporate identity of the old city or village shall be retained by the new city or village.

(2) The officers of the old city or village shall continue to be the officers of the new city or village until their successors are elected and qualified at the time and in the manner provided by law.

(3) The funds and property of the old city or village shall be retained by and belong to the new city or village.

(4) The proceeds from the sale or condemnation of municipally owned property of the old city or village shall accrue and be paid to the new city or village, except that any outstanding bonded indebtedness of or judgments against the old city or village shall be paid to the holders of such bonds or judgments who shall demand payment thereof and are not willing to permit such bonds or judgments to continue as an indebtedness due from the new city or village.

(5) The ordinances of the old city or village shall continue in full force and effect as the ordinances of the new city or village.

(6) The proceeds from the sale or condemnation of any public school buildings and grounds, ~~either grade or high school or both~~, situated within the old city or village shall be used for the purchase and construction of a new school building and grounds at the new site, if the new site is located within the same school district as the old site, and if not, the proceeds shall be apportioned between the school district in which the new city or village is

located and the school district in which the old city or village was located in the proportion that the actual valuation of the property purchased and condemned by the United States Government in such school district bears to the valuation of the property remaining in such school district not condemned or purchased by the United States Government.

(7) The proceeds from the sale or condemnation of any public buildings and grounds of any township in which the old city or village was located shall be used for the purchase and construction of similar buildings and grounds at the new site, if the new site is located within the same township as the old site, and if not, the proceeds shall be apportioned between the township in which the new city or village is located and the township in which the old city or village was located in the proportion that the actual valuation of the property purchased and condemned by the United States Government in such township bears to the actual valuation of the property remaining in such township not condemned or purchased by the United States Government.

Sec. 155. Section 17-529.08, Reissue Revised Statutes of Nebraska, is amended to read:

17-529.08 (1) For the purpose of paying the costs and expenses in implementing sections 17-529.01 and 17-529.02, cities of the second class and villages may borrow money or issue bonds in an amount not to exceed five percent of the taxable valuation of all the taxable property within such city or village according to the most recent last preceding assessment thereof.

(2) Such cities or villages may levy and collect a general tax in the same manner as other municipal taxes are levied and collected in an amount sufficient to pay the interest and principal of the bonds referred to in subsections (1) and (3) of this section, as the same mature, upon the taxable value of all the taxable property within such city or village as shown upon the assessment roles, in addition to the sum authorized to be levied under section 17-506.

(3) No money shall be borrowed or bonds issued as referred to in subsections (1) and (2) of this section unless authorized by a majority of the legal votes cast for and against the proposition at an election held for that purpose. Notice of the election shall be given by publication in a legal ~~some~~ newspaper ~~in published~~ or of general circulation in such city or village for at least two weeks prior to the date of such election. The bonds shall be the bonds of such city or village, shall become due in not to exceed twenty years from their date of issue, and shall draw interest payable semiannually or annually.

Sec. 156. Section 17-530, Reissue Revised Statutes of Nebraska, is amended to read:

17-530 Cities of the second class ~~Second-class cities~~ and villages shall have power to make contracts with and authorize any person, company, or corporation to erect and maintain a system of waterworks and water supply, and to give such contractors the exclusive privilege for a term not exceeding twenty-five years to lay down in the streets and alleys of such city or village water mains and supply pipes, and to furnish water to such city or village, and the residents of such cities or villages thereof, under such regulations as to price, supply, and rent of water meters, as the city council or village board of trustees may from time to time prescribe by ordinance for the protection of the city or ~~village or people~~. The right to supervise and control such person, company, or corporation shall not be waived or set aside.

Sec. 157. Section 17-531, Reissue Revised Statutes of Nebraska, is amended to read:

17-531 Cities of the second class ~~Second-class cities~~ and villages shall have power to provide for the purchase of ~~steam engines or fire-extinguishing apparatus~~ and for a supply of water for the purpose of fire protection and public use and for the use of the inhabitants of such cities and villages by the purchase, erection, or construction of a system of waterworks, water mains, or extensions of any system of waterworks established or situated in whole or in part within such city or village, and for maintaining such fire-extinguishing apparatus or system of water works the same.

Sec. 158. Section 17-532, Reissue Revised Statutes of Nebraska, is amended to read:

17-532 Cities of the second class ~~Second-class cities~~ and villages shall have power to require any person, firm, or corporation operating any public water supply in such city or village to connect with and furnish water to such city or village from its mains located within such city or village therein, and to provide by ordinance for connections of such mains with the mains or portion of water system constructed or operated by such city or village, under such regulations and under such penalties as may be prescribed by ordinance therein.

Sec. 159. Section 17-533, Reissue Revised Statutes of Nebraska, is amended to read:

17-533 All contracts for the construction of any ~~such work pursuant to sections 17-530 to 17-532, or any portion of such work part thereof~~, shall be let to the lowest responsible bidder ~~therefor~~, and upon not less than twenty days' published notice of the terms and conditions upon which the contract is to be let having been given by publication in a legal newspaper published in or of general circulation in such said city or village. In ~~and if no newspaper is published therein, then in some newspaper published in the county; Provided, in all cases the city council or village board of trustees, as the case may be,~~ shall have the right to reject any and all bids that may not be satisfactory ~~to them~~.

Sec. 160. Section 17-534, Reissue Revised Statutes of Nebraska, is amended

to read:

17-534 (1) Cities of the second class and ~~Such cities or~~ villages may borrow money or issue bonds in an amount not to exceed twelve percent of the taxable valuation of all the taxable property within such city or village according to the most recent last preceding assessment thereof, for the purchase of ~~steam engines or fire-extinguishing apparatus~~ and for the purchase, construction, and maintenance of such waterworks, mains, portion, or extension of any system of waterworks or water supply or to pay for water furnished such city or village under contract, when authorized as is provided for by subsection (3) of this section.

(2) Such cities or villages may levy and collect a general tax in the same manner as other municipal taxes are levied and collected in an amount sufficient to pay the interest and principal of the bonds referred to in subsections (1) and (3) of this section, as the same mature, upon the taxable value of all the taxable property within such city or village ~~as shown upon the assessment rolls~~, in addition to the sum authorized to be levied under section 17-506. All taxes raised by such a levy shall be retained in a fund known as the water fund.

(3) No money shall be borrowed or bonds issued as referred to in subsections (1) and (2) of this section unless authorized by a majority of the legal voters votes of such city or village voting on ~~cast for and against~~ the proposition at an election held for that purpose. Notice of the election shall be given by publication in a legal ~~some~~ newspaper in ~~published~~ or of general circulation in such city or village for at least two weeks prior to the date of such election. The requirement of this section of a vote of the electors shall not apply when the proceeds of the bonds will be used solely for the maintenance, extension, improvement, or enlargement of any existing system of waterworks or water supply owned by the city or village and the bonds have been ordered issued by a vote of not less than three-fourths of all the city council or village board of trustees as the case may be. The bonds shall be the bonds of such city or village and be called water bonds. The bonds ~~They~~ shall become due in not to exceed forty years from the date of issue and shall draw interest payable semiannually or annually.

Sec. 161. Section 17-535, Reissue Revised Statutes of Nebraska, is amended to read:

17-535 For the purpose of erecting, constructing, locating, maintaining, or supplying ~~such~~ waterworks, mains, portion, or extension of any system of waterworks or water supply as provided in sections 17-530 to 17-532, any ~~such~~ city of the second class or village may go beyond its extraterritorial zoning jurisdiction territorial limits and may take, hold, or ~~acquire~~ rights, property, and real estate by purchase or otherwise, and may for this purpose, take, hold, and condemn any and all necessary property. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 162. Section 17-536, Reissue Revised Statutes of Nebraska, is amended to read:

17-536 The jurisdiction of a city of the second class ~~such city or village~~, to prevent any pollution or injury to the stream or source of water for the supply of ~~such~~ waterworks constructed under sections 17-530 to 17-532, shall extend fifteen miles beyond its corporate limits.

Sec. 163. Section 17-537, Reissue Revised Statutes of Nebraska, is amended to read:

17-537 The city council of a city of the second class or village board of trustees ~~of such cities and villages~~ shall have power to make and enforce all necessary ~~needful~~ rules and regulations in the construction, use, and management of ~~such~~ waterworks, mains, portion, or extension of any system of waterworks or water supply and for the use of the water from such system ~~therefrom~~.

Sec. 164. Section 17-538, Reissue Revised Statutes of Nebraska, is amended to read:

17-538 Cities of the second class ~~Such cities~~ and villages shall have the right and power to tax, assess, and collect from the inhabitants of such cities and villages thereof such tax, rent, or rates for the use and benefit of water used or supplied to them by such waterworks, mains, portion, or extension of any system of waterworks or water supply as the city council or village board of trustees shall deem just or expedient. All ~~;~~ ~~and all~~ such water rates, taxes, or rent shall be a lien upon the premises, or real estate, upon or for which such water ~~the same~~ is used or supplied; and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the city council or village board of trustees shall provide by ordinance ~~direct and provide~~.

Sec. 165. Section 17-539, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-539 The expense of erecting, locating, and constructing reservoirs and hydrants for the purpose of fire protection and the expense of constructing and laying water mains, pipes, or such parts of such mains or pipes thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited by such reservoirs, hydrants, mains, or pipes ~~thereby~~, if any, as a special assessment in such manner as may be provided for the making of special assessments for other public improvements in ~~such~~ cities of the second class and villages.

Sec. 166. Section 17-540, Reissue Revised Statutes of Nebraska, is amended to read:

17-540 All income received by such cities of the second class or villages from public utilities and from the payment and collection of water taxes, rents, rates, or assessments shall be applied to the payment of running expenses, interest on bonds or money borrowed, and the erection and construction of public utilities. ~~If ; should there is be any surplus income, such income~~ it shall be placed annually ~~created~~ into a sinking fund for the payment of public utility bonds or for the improvements of the works, or into the general fund as the city council or village board of trustees may direct. The surplus remaining, if any, may, if the city council or village board of trustees so directs, be invested in interest-bearing bonds or obligations of the United States.

Sec. 167. Section 17-541, Reissue Revised Statutes of Nebraska, is amended to read:

17-541 As soon as a system of waterworks or mains or portion or extension of any system of waterworks or water supply has been established by a any city of the second class or village, the mayor of such city or the chairperson of the village board of trustees ~~of such village~~ shall nominate and, by and with the advice and consent of the city council or village board of trustees, ~~as the case may be,~~ shall appoint any competent person who shall be known as the water commissioner of such city or village and whose term of office shall be for one fiscal year or until his or her successor is appointed and qualified. Annually at the first regular meeting of the city council or village board of trustees in December, the water commissioner shall be appointed as provided in this section. The water commissioner may at any time, for sufficient cause, be removed by a two-thirds vote of the city council or village board of trustees. Any vacancy occurring in the office of water commissioner by death, resignation, removal from office, or removal from the city or village may be filled in the manner provided in this section for the appointment of such commissioner.

The water commissioner shall, before he or she enters upon the discharge of his or her duties, execute a bond or provide evidence of equivalent insurance to such city or village in a sum to be fixed by the mayor and city council or the village board of trustees, but not less than five thousand dollars, conditioned upon the faithful discharge of his or her duties, and such bond shall be signed by two or more good and sufficient sureties, to be approved by the mayor and city council or village board of trustees or executed by a corporate surety.

The water commissioner, subject to the supervision of the mayor and city council or village board of trustees, shall have the general management and control of the system of waterworks or mains or portion or extension of any system of waterworks or water supply in the city or village. In a city of the second class or village where no board of public works exists, and such city or village municipality has other public utilities than its waterworks system, the mayor and city council or the village board of trustees, ~~as the case may be,~~ shall by ordinance designate the water commissioner as public works commissioner with authority to manage not only the system of waterworks but also other public utilities, and all of the provisions of this section applying to the water commissioner shall apply to the public works commissioner.

Sec. 168. Section 17-542, Reissue Revised Statutes of Nebraska, is amended to read:

17-542 The city council of a city of the second class or village board of trustees, ~~as the case may be,~~ is hereby expressly given the power to fix the rates to be paid by water consumers of such said city or village for the use of water from the waterworks of such said city or village, including herein the power to require, as a condition precedent to the use of such water, the furnishing of water meters at the expense of such water consumers as may be provided by ordinance of such city or village.

Sec. 169. Section 17-543, Reissue Revised Statutes of Nebraska, is amended to read:

17-543 The water commissioner in a city of the second class or village shall collect all money received by such the city or village on account of its system of waterworks, and shall faithfully account for and pay over such money the same to the city treasurer of such city or village treasurer, taking his or her receipt for such money therefor in duplicate and ~~, filing a receipt one of the same~~ with the city clerk or village clerk. The water commissioner ~~He or she~~ shall make a detailed report to the city council or village board of trustees, at least once every six months, of the condition of the water system, of all mains, pipes, hydrants, reservoirs, and machinery, and such improvements, repairs, and extension of such system thereof as he or she may think proper. The report shall show the amount of receipts and expenditures on account of such system thereof for the preceding six months. No money shall be expended for improvements, repairs, or extension of the waterworks system except upon recommendation of the water commissioner. The water commissioner shall perform such other duties as may be prescribed by ordinance. The water commissioner shall be paid such salary as the city council or village board of trustees may by ordinance provide, and upon his or her written recommendation, the mayor and city council or chairperson and village board of trustees shall employ such laborers and clerks as deemed may to them seem necessary. Neither the mayor nor any member of the city council in a city of the second class shall be eligible to the office of water commissioner during the term for which he or she was elected. If the city or village involved owns public utilities other than the waterworks system, and the water commissioner has been designated by ordinance as the public works commissioner under the authority of section 17-541, then

all provisions of this section in reference to a water commissioner shall apply to the public works commissioner.

Sec. 170. Section 17-545, Reissue Revised Statutes of Nebraska, is amended to read:

17-545 Every city of the second class and village in the State of Nebraska which owns its own water plant and a system of hydrants in connection with such water plant therewith is hereby authorized and empowered to provide a fund upon the presentation to the city council or village board of trustees of a petition signed by sixty percent of the legal voters of the city or village, in addition to the general fund of such city or village, by making a levy at the time authorized by law, not to exceed two and one-tenth cents on each one hundred dollars upon the taxable value of all the taxable property of the city or village, for the purpose of paying the expense or aiding in paying the expense of maintaining such system of hydrants and pumping and supplying through them water for public purposes.

Sec. 171. Section 17-546, Reissue Revised Statutes of Nebraska, is amended to read:

17-546 The right and power to provide the fund mentioned in section 17-545 for such purposes of paying the expense of maintaining a system of hydrants shall in no way prevent said cities of the second class and villages from providing in whole or in part for the expense of such hydrants, and of pumping and supplying through them water for public purposes, in any other manner ~~now~~ provided by law.

Sec. 172. Section 17-547, Reissue Revised Statutes of Nebraska, is amended to read:

17-547 Cities of the second class ~~Second-class cities~~ and villages shall have power to regulate the running at large of cattle, hogs, horses, mules, sheep, goats, dogs, and other animals, and to cause such animals as may be running at large to be impounded and sold to discharge the cost and penalties provided for the violation of such regulations ~~prohibitions~~, and the expense of impounding and keeping such animals the same, and of such sales ~~sale~~.

Sec. 173. Section 17-548, Reissue Revised Statutes of Nebraska, is amended to read:

17-548 Cities of the second class ~~Second-class cities~~ and villages shall have power to provide for the erection of all needful pens and pounds within or without their corporate city limits, to appoint and compensate keepers of such pens and pounds thereof, and to establish and enforce rules governing such pens and pounds the same.

Sec. 174. Section 17-549, Reissue Revised Statutes of Nebraska, is amended to read:

17-549 Cities of the second class ~~Second-class cities~~ and villages shall have power to regulate the construction of and order the suppression and cleaning of fireplaces, chimneys, stoves, stovepipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory or business, or enterprise which may be dangerous in causing or promoting fires, and to prescribe the limits within which no dangerous or obnoxious and offensive business or enterprise may be conducted ~~carried on~~.

Sec. 175. Section 17-550, Reissue Revised Statutes of Nebraska, is amended to read:

17-550 Cities of the second class ~~Second-class cities~~ and villages shall have power to prescribe and alter limits within which no buildings shall be constructed except of brick, stone, or other incombustible material, with fireproof roof. After ; and, after such limits are established, no special permits shall be given for the erection of buildings of combustible material within such said limits.

Sec. 176. Section 17-551, Reissue Revised Statutes of Nebraska, is amended to read:

17-551 Cities of the second class ~~Second-class cities~~ and villages shall have power to regulate levees, depots, depot grounds, and places for storing freight and goods, and to provide for and regulate the passage of railways through streets and public grounds of the city or village.

Sec. 177. Section 17-552, Reissue Revised Statutes of Nebraska, is amended to read:

17-552 Cities of the second class ~~Second-class cities~~ and villages shall have power to regulate the crossing of railway tracks and ~~to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars, or trucks within the corporate limits of such said city or village, and prescribe rules relating thereto,~~ and to govern the speed of such engines, cars, or trucks thereof, and to make any other and further provisions, rules, and restrictions to prevent accidents at crossings and on the tracks of railways, ~~and to prevent fires from engines~~.

Sec. 178. Section 17-554, Reissue Revised Statutes of Nebraska, is amended to read:

17-554 Cities of the second class ~~Second-class cities~~ and villages shall have power to (1) provide for the inspection and weighing of hay, grain, and coal, and the measuring of wood and fuel to be used in the city or village, (2) ~~and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale of~~ hay, coal, and wood, ~~;~~ and (3) to fix the fees and duties of persons authorized to perform inspections under the duties named in this section.

Sec. 179. Section 17-555, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-555 (1) Cities of the second class or villages may remove all

obstructions from the sidewalks, curbstones, gutters, and crosswalks at the expense of the person placing them there or at the expense of the city or village and require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.

(2) Cities of the second class or villages may by ordinance declare it to be a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits or within the extraterritorial ~~its one-mile~~ zoning jurisdiction of the city or village. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any. The city or village shall establish the method of notice by ordinance. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city or village to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the city clerk or village clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by an elected or appointed officer as designated in the ordinance. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city or village may have the work done to abate and remove the dead or diseased trees. If the owner or occupant of the lot or piece of ground does not request a hearing with the city or village within five days after receipt of such notice or fails to comply with the order to abate and remove the nuisance, the city or village may have such work done. The city or village may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment.

(3) Cities of the second class or villages may regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, ~~hitching posts and rails,~~ lampposts, awning posts, all other structures projecting upon or over and adjoining, and all other excavations through and under the sidewalks in the city or village.

Sec. 180. Section 17-556, Reissue Revised Statutes of Nebraska, is amended to read:

17-556 Cities of the second class and villages shall have the power to (1) prevent and restrain riots, routs, noises, disturbances, or disorderly assemblages, (2) ~~to~~ regulate, prevent, restrain, or remove nuisances ~~in residential parts of municipalities~~ and to designate what shall be considered a nuisance, (3) ~~to~~ regulate, punish, and prevent the discharge of firearms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings, (4) ~~to~~ regulate, prevent, and punish the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act, ~~and~~ (5) ~~to~~ arrest, regulate, punish, or fine, ~~or set at work on the streets or elsewhere~~ all vagrants and persons found without means of support or some legitimate business.

Sec. 181. Section 17-557, Reissue Revised Statutes of Nebraska, is amended to read:

17-557 Cities of the second class ~~Second-class cities~~ and villages shall have power to (1) prevent and remove all encroachments, including snow, ice, mud, or other obstructions, into and upon all sidewalks, streets, avenues, alleys, and other city or village property, (2) ~~and to~~ punish and prevent all horseracing, fast driving, or riding in the streets, highways, alleys, bridges, or places in the city or village, (3) regulate ~~and~~ all games, practices, or amusements within the city or village ~~therein~~ likely to result in damage to any person or property, ~~and~~ (4) ~~to~~ regulate and prevent ~~and punish~~ the riding, driving, or passing of horses, mules, cattle, or other animals ~~teams or any vehicle drawn thereby,~~ over, upon, or across sidewalks, or along any street of the city or village.

Sec. 182. Section 17-558, Reissue Revised Statutes of Nebraska, is amended to read:

17-558 (1) Cities of the second class and villages shall have power to open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the city or village and also to create, open, and improve any new street, avenue, alley, or lane. All damages sustained by the citizens of the city or village, or by the owners of the property therein, shall be ascertained in such manner as shall be provided by ordinance.

(2) Whenever any street, avenue, alley, or lane is vacated, such street, avenue, alley, or lane ~~the same~~ shall revert to the owners of the abutting real estate, one-half on each side thereof, and become a part of such property, unless the city or village reserves title in the ordinance vacating such street or alley. If title is retained by the city or village, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city or village.

(3) When a portion of a street, avenue, alley, or lane is vacated only on one side of the center thereof, the title to such land shall vest in the owner of the abutting property and become a part of such property unless the city or village reserves title in the ordinance vacating a portion of such street, avenue, alley, or lane ~~or alley~~. If title is retained by the city or village, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city or village.

(4) When the city or village vacates all or any portion of a street,

avenue, alley, or lane, the city or village shall, within thirty days after the effective date of the vacation, file a certified copy of the vacating ordinance or resolution with the register of deeds for the county in which the vacated property is located to be indexed against all affected lots.

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

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

(b) There is reserved to the city or village, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

Sec. 183. Section 17-557.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-557.01 If the abutting property owner refuses or neglects, after five days' notice by publication or, in place thereof, personal service of such notice, to remove all encroachments from sidewalks, as provided in section 17-557, the city of the second class or village through the proper officers may cause such encroachments to be removed and the cost of removal shall be paid out of the street fund. The city council or village board of trustees shall assess the cost of the notice and removal of the encroachment against such abutting property as a special assessment. Such special assessment shall be known as a special sidewalk assessment and, together with the cost of notice, shall be levied and collected as a special assessment in addition to the general revenue taxes and shall be subject to the same penalties as other special assessments and shall draw interest from the date of the assessment. Upon payment of the assessment, the assessment shall be credited to the street fund.

Sec. 184. Section 17-559, Reissue Revised Statutes of Nebraska, is amended to read:

17-559 Cities of the second class ~~Second-class cities~~ and villages shall have power to (1) create, open, widen, or extend any street, avenue, alley, offstreet parking area, or other public way, or annul, vacate, or discontinue such street, avenue, alley, area, or public way, ~~(2) the same;~~ to take private property for public use for the purpose of erecting or establishing market houses, market places, parks, swimming pools, airports, gas systems, including distribution facilities, water systems, power plants, including electrical distribution facilities, sewer systems, or for any other needed public purpose; ~~and~~ (3) to exercise the power of eminent domain within or without the city or village limits for the purpose of establishing and operating power plants including electrical distribution facilities to supply such city or village with public utility service, and for sewerage purposes, water supply systems, or airports. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is applicable. For purposes of this section, electrical distribution facilities shall be located within the retail service area of such city or village as approved by and on file with the Nebraska Power Review Board, pursuant to Chapter 70, article 10.

Sec. 185. Section 17-560, Reissue Revised Statutes of Nebraska, is amended to read:

17-560 Cities of the second class ~~Second-class cities~~ and villages shall have power to borrow money on the credit of the city, and pledge the credit, revenue, and public property of the city for the payment of debts thereof, when authorized in the manner ~~hereinafter~~ provided by law.

Sec. 186. Section 17-561, Reissue Revised Statutes of Nebraska, is amended to read:

17-561 Cities of the second class and villages shall have the power, ~~by ordinance,~~ to require the lighting of the railroad track of any ~~steam~~ railway within the city or village in such manner as prescribed by ordinance. ~~If any they shall prescribe; and in case the company owning or operating such railway fails shall fail~~ to comply with such requirements, the city council or village board of trustees may cause such lighting the same to be done and may assess the expense of such lighting thereof against such company. Such assessment ~~and the same~~ shall constitute a lien upon any real estate belonging to such company and lying within such city or village, and may be collected in the same manner as taxes for general purposes.

Sec. 187. Section 17-563, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-563 (1) A city of the second class ~~or and~~ village by ordinance (a) may require lots or pieces of ground within the city or village or within its extraterritorial one-mile zoning jurisdiction to be drained or filled so as to prevent stagnant water or any other nuisance accumulating on such lot or piece of ground thereon, (b) may require the owner or occupant of any lot or piece of ground within the city or village or within its extraterritorial one-mile zoning jurisdiction to keep the lot or piece of ground and the adjoining streets and alleys free of excessive growth of weeds, grasses, or worthless

vegetation, and (c) may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or village or within its extraterritorial one-mile zoning jurisdiction.

(2) Any city of the second class ~~or and~~ village may by ordinance declare it to be a nuisance to permit or maintain excessive growth of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles. The city or village shall establish by ordinance the height at which weeds, grasses, or worthless vegetation are a nuisance.

(3) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating any ordinance authorized under this section, be guilty of a Class V misdemeanor.

(4) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any. The city or village shall establish the method of notice by ordinance. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city or village to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the city clerk or village clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by an elected or appointed officer as designated in the ordinance. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city or village may have such work done. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or village or fails to comply with the order to abate and remove the nuisance, the city or village may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city or village may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment in the same manner as other special assessments for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(5) For purposes of this section:

(a) Litter includes, but is not limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) ~~offal~~ and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds includes, but is not limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

Sec. 188. Section 17-564, Reissue Revised Statutes of Nebraska, is amended to read:

17-564 Fines for violation of an ordinance of a city of the second class or village may, in all cases, and in addition to any other mode provided, be recovered by suit or action before a court of competent jurisdiction, in the name of the state. In any such suit or action, where pleading is necessary, it shall be sufficient to declare generally for the amount claimed to be due in respect to the violation of the ordinance, referring to its title and the date of its adoption or passage, and showing as nearly as may be the facts of the alleged violation.

Sec. 189. Section 17-565, Reissue Revised Statutes of Nebraska, is amended to read:

17-565 All suits for the recovery of any fine, and prosecutions for the commission of any offense made punishable by ordinance of a city of the second class or village as herein provided, shall be barred in one year after the commission of the offense for which the fine is sought to be recovered, or the prosecution is commenced.

Sec. 190. Section 17-566, Reissue Revised Statutes of Nebraska, is amended to read:

17-566 Any city of the second class or village shall have the right to use the county jail in of the county in which the city or village is located for the confinement of such persons as may be imprisoned under the ordinances of such city or village. The city or village shall be liable to the county for the cost of keeping such prisoners as provided by section 47-120.

Sec. 191. Section 17-567, Reissue Revised Statutes of Nebraska, is amended to read:

17-567 (1) The city council of a city of the second class or village board of trustees shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within such the city or village, and shall cause such highways, bridges, streets, alleys, public squares, and commons the same to be kept open and in repair, and free

from nuisances.

(2) All public bridges exceeding sixty feet in length, over any stream crossing a state or county highway, shall be constructed and kept in repair by the county. ~~When ; Provided, when~~ any city of the second class or village has constructed a bridge over sixty feet span, on any county or state highway within the corporate limits of such city or village, and has incurred a debt for such bridge ~~the same~~, the county treasurer of the county in which such bridge is located shall pay to the city treasurer or village treasurer ~~of the city or village~~ seventy-five percent of all bridge taxes collected in the city or village until such debt, and interest thereon, is fully paid.

(3) The city council or village board of trustees may appropriate a sum not exceeding five dollars per linear foot to aid in the construction of any county bridge within the limits of such city or village, or may appropriate a like sum to aid in the construction of any bridge contiguous to the city or village, on a highway leading to the same, or any bridge across any unnavigable river which divides the county, in which the city or village is located, from another state.

(4) No street or alley ~~which shall hereafter~~ be dedicated to public use, by the proprietor of ground in any city of the second class or village, shall be deemed a public street or alley, or shall be under the use or control of the city council or village board of trustees, unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose.

Sec. 192. Section 17-568, Reissue Revised Statutes of Nebraska, is amended to read:

17-568 The mayor and city council of a city of the second class or village board of trustees may, ~~when they deem it expedient~~, employ a special engineer to make, or assist in making, any estimate necessary or to perform any other duty provided for in section 17-568.01. Any work executed by such special engineer shall have the same validity and serve in all respects as though executed by the city engineer or village engineer.

Sec. 193. Section 17-568.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-568.01 (1) The city engineer in a city of the second class or village engineer shall, when requested by the mayor, city council, or village board of trustees, make estimates of the cost of labor and material which may be done or furnished by contract with the city or village and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, the building of culverts, sewers, electric light systems system, waterworks, power plants plant, public heating systems system, bridges, curbing, and gutters, the improvement of streets, and the erection and repair of buildings and shall perform such other duties as the city council or village board of trustees may require.

When a city of the second class has appointed a board of public works, and the mayor and city council have by ordinance so authorized, ~~the such~~ board of public works may utilize its own engineering staff and may hire consulting engineers for the design and installation of extensions and improvements of the works under the jurisdiction of the board of public works. Whenever the mayor and city council have authorized the same, the board of public works may purchase material and employ labor for the enlargement or improvement of the systems and works under the jurisdiction of the board of public works.

(2) Except as provided in section 18-412.01, no contract for enlargement or general improvements, such as water extensions, sewers, public heating systems system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, costing over thirty thousand dollars shall be made unless it is first approved by the city council or village board of trustees.

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

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

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

(6) The advertisement provided for in subsections (3) and (4) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the city or village and, if there is no legal newspaper published in or of general circulation in such city or village, then in some newspaper of general circulation published in the county wherein such city or village is located, and if there is no legal newspaper of general circulation published in the county wherein such city or village is located then in a newspaper, designated by the county board, having a general circulation within the county where bids are required, and if no newspaper is published in the city, village, or county, or if no newspaper has general circulation in the county, then by posting a written or printed copy thereof in each of three public places in the city or village at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by section 17-613 when adopted by a three-fourths vote of the city council or village board of trustees and entered of record.

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

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

Sec. 194. Section 17-568.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-568.02 Any municipal bidding procedure may be waived by the city council, village board of trustees, or board of public works (1) when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in sections 81-145 to 81-162, (2) when the contract is negotiated directly with a sheltered workshop pursuant to section 48-1503, or (3) when required to comply with any federal grant, loan, or program.

Sec. 195. Section 17-569, Reissue Revised Statutes of Nebraska, is amended to read:

17-569 Before any sale of abandoned real estate is made by a city of the second class or village, the city council or village board of trustees shall by ordinance set forth the date of the purchase, gift, or condemnation, a description of the property, the purpose for which such real estate the same was acquired, the abandonment of the same, and that a sale is deemed expedient; ~~and shall fix the time, place, terms, and manner of sale; and shall reserve the right to reject any and all bids.~~

Sec. 196. Section 17-570, Reissue Revised Statutes of Nebraska, is amended to read:

17-570 No sale under section 17-569 shall be had until at least thirty days' notice shall have been given by publication in a legal ~~some~~ newspaper published in or of general circulation in the city or village or, in case no newspaper is published in the city or village, by posting notices in four public places.

Sec. 197. Section 17-571, Reissue Revised Statutes of Nebraska, is amended to read:

17-571 ~~Any~~ The sale under section 17-569 shall be by sealed bids; and upon approval of the sale by a two-thirds vote of the city council or village board of trustees, the mayor or chairperson ~~chairman~~ of the village board of trustees shall, in the name of the city or village, execute and deliver a deed to the purchaser, which deed shall be attested by the city clerk or village clerk bearing ~~;~~ ~~and the seal of the city or village shall be thereon impressed.~~

Sec. 198. Section 17-572, Reissue Revised Statutes of Nebraska, is amended to read:

17-572 Cities of the second class and villages may contract with a person including such person's parent or guardian if such person is a minor to loan money to such person while such person pursues a course of study at an accredited college or university leading to a degree of Doctor of Medicine or Doctor of Dental Surgery in consideration for such person's promise to practice medicine or dentistry in such city or village and repay such city or village for such money loaned during such person's study after such person shall have become established in his or her practice, and upon such other terms and conditions as the city council or village board of trustees ~~such city or village~~ may determine are warranted in the premises. If such person shall discontinue his or her course of study before attaining such degree, or fail to practice in such city or village after attaining such degree and a license to practice medicine or dentistry, such city or village may pursue any remedy it

may have against such person or his or her parent or guardian as in any other commercial transaction.

Sec. 199. Section 17-601.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-601.01 In any village the board of trustees governing body may, by ordinance, call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election, and the village board of trustees governing body calling the caucus shall publish notice of such caucus in at least one legal newspaper in or of general circulation in the village county at least once each week for two consecutive weeks before such caucus.

Sec. 200. Section 17-601.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-601.02 The chairperson of the caucus at which candidates are nominated under section 17-601.01 shall notify in writing the village clerk in writing of the candidates so nominated, not later than two days following the caucus. The village clerk shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate so nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she files with the village clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he or she was nominated.

Sec. 201. Section 17-602, Reissue Revised Statutes of Nebraska, is amended to read:

17-602 All registered voters residing within the corporate limits of any city of the second class or village on or before election day shall be entitled to vote at all city and village elections.

Sec. 202. Section 17-603, Reissue Revised Statutes of Nebraska, is amended to read:

17-603 At a meeting of the city council of a city of the second class, or the village board of trustees of a village, on the first Monday after any city or village election, as the case may be, the returns, including returns for the election of members of the school board, shall be canvassed, and the city council or village board of trustees, as the case may be, shall cause the city clerk or village municipal clerk to make out and deliver certificates of election, under the seal of the city or village, to the persons found to be elected. A neglect of any such elected officer to qualify within ten days after the delivery of such certificate shall be deemed a refusal to accept the office to which he or she may have been elected.

Sec. 203. Section 17-604, Reissue Revised Statutes of Nebraska, is amended to read:

17-604 A The city of the second class or village may enact ordinances or bylaws to regulate and prescribe the powers, duties, and compensation of officers not herein provided for, and to require from all officers and servants, elected or appointed, bonds and security or evidence of equivalent insurance for the faithful performance of their duties. The city or village may pay the premium for such bonds or insurance coverage.

Sec. 204. Section 17-605, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-605 The city clerk or village clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the city council of a city of the second class or village board of trustees. After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the city clerk or village clerk may transfer such journal of the proceedings of the city council or village board of trustees to the State Archives of the Nebraska State Historical Society for permanent preservation. He or she shall also perform such other duties as may be required by the ordinances of the city or village.

Sec. 205. Section 17-606, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-606 (1) The treasurer of each city of the second class or and village shall be the custodian of all money belonging to the city or village corporation. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt for such money therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports, and he or she shall, at the end of every month, and as often as may be required, render an account to the city council or village board of trustees, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the clerk's office. If the city treasurer or village treasurer fails to render his or her account within twenty days after the end of the month, or by a later date established by the city council or village board of trustees governing body, the mayor of in a city of the second class or the chairperson of the village board of trustees with the advice and consent of the trustees may use this failure as cause to remove the city treasurer or village treasurer from office.

(2) The city treasurer or village treasurer shall keep a record of all

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

Sec. 206. Section 17-607, Reissue Revised Statutes of Nebraska, is amended to read:

17-607 (1) The treasurer of a city of the second class or village shall deposit, and at all times keep on deposit, for safekeeping, in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing, all money collected, received, or held by him or her as city treasurer or village treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the city council or village board of trustees for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as mayor, as a member of the city council, as a member of the village board of trustees, as a member of a board of public works, or as any other officer of such municipality shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. Section 77-2366 shall apply to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

(2) The city council or village board of trustees shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (a) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured or guaranteed by the Federal Deposit Insurance Corporation or, in lieu thereof, (b) security given as provided in the Public Funds Deposit Security Act, to secure the payment of all such deposits and accretions. The city council or village board of trustees shall approve such bond or giving of security. The city treasurer or village treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

Sec. 207. Section 17-608, Reissue Revised Statutes of Nebraska, is amended to read:

17-608 When the treasurer of any such city of the second class or village holds funds of any such city or village in excess of the amount required for maintenance or set aside for betterments and improvements, the mayor and city council or the village board of trustees may, by resolution, direct and authorize the said treasurer to invest such said surplus funds in the outstanding bonds or registered warrants of such said city or village, in bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which such said bonds or warrants were purchased.

Sec. 208. Section 17-609, Reissue Revised Statutes of Nebraska, is amended to read:

17-609 The mayor and city council of a city of the second class or village board of trustees may, by resolution, direct and authorize the city treasurer or village treasurer to dispose of the surplus electric light, water, or gas funds, or the funds arising from the sale of electric light, water, or natural gas distribution properties, by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of such city or village.

Sec. 209. Section 17-610, Reissue Revised Statutes of Nebraska, is amended to read:

17-610 The city attorney or village attorney shall be the legal advisor of the city council in a city of the second class or village board of trustees. He or she shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on behalf of the city or village corporations, or that may be ordered by the city council or village board of trustees. When requested, he or she shall attend meetings of the city council or village board of trustees and give them his or her opinion upon any matters submitted to him or her, either orally or in writing, as may be required. He or she shall draft or review for legal correctness ordinances, contracts, franchises, and other instruments as may be required, and he or she shall perform such other duties as may be imposed upon him or her by general law or ordinance. The city council or village board of trustees governing body of the city or village shall have the right to pay the city or village attorney compensation for legal services performed by him or her for such city or village it on such terms as the city council or village board of trustees governing body and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the city or village.

Sec. 210. Section 17-611, Reissue Revised Statutes of Nebraska, is amended to read:

17-611 No officer shall receive any pay or perquisites from a the city of the second class or village other than his or her salary. Neither the city council nor village board of trustees shall pay or appropriate any money or

other valuable thing to any person not an officer for the performance of any act, service, or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of such municipality corporation.

Sec. 211. Section 17-612, Reissue Revised Statutes of Nebraska, is amended to read:

17-612 The salary emoluments of any elective officer in a city of the second class or village shall not be increased or diminished during the term for which he or she has ~~shall have~~ been elected, except when there has been a combination and merger of offices as provided by sections 17-108.02 and 17-209.02, and except that when there are officers elected to the city council, or a board or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of such city council, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. No person who ~~shall have~~ resigned or vacated any office shall be eligible for to the same office during the time for which he or she was elected if during the same time the salary was ~~emoluments thereof were~~ increased.

Sec. 212. Section 17-613, Reissue Revised Statutes of Nebraska, is amended to read:

17-613 The style of all ordinances of a city of the second class or village shall be: Be it ordained by the mayor and city council of the city of, or the chairperson ~~chairman~~ and board of trustees of the village of All ordinances of a general nature shall, before they take effect, be published, within fifteen days after they are passed, (1) in a legal ~~some~~ newspaper in or of general circulation published in such city or village, ~~but if no paper is published in the city or village, then by posting a written or printed copy thereof in each of three public places in the city or village, or~~ (2) by publishing the same in book or pamphlet form. ~~In ;~~ Provided, in case of riot, infectious or contagious diseases, or other impending danger, failure of public utility, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor or chairperson ~~chairman~~ of the village board of trustees, posted in at least three of the most public places in the city or village. Such emergency ordinance shall recite the emergency, ~~and~~ be passed by a three-fourths vote of the city council or village board of trustees, and be entered of record on the clerk's minutes of the city or village. The passage, approval, and publication ~~or posting~~ of all ordinances shall be sufficiently proved by a certificate under seal of the city or village from the city clerk or village clerk ~~thereof~~, showing that such ordinance was passed and approved, ~~and when and in what legal newspaper~~ paper the ordinance ~~same~~ was published, ~~or when and by whom and where the same was posted~~. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the village board of trustees or city council, the ordinance ~~same~~ need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof.

Sec. 213. Section 17-614, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-614 (1) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the city council in a city of the second class or village board of trustees. The mayor of a city of the second class may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the city council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the city council. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the city council or village board of trustees vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinances shall be read by title and then moved for final passage. Three-fourths of the city council or village board of trustees may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

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

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

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

Sec. 214. Section 17-615, Reissue Revised Statutes of Nebraska, is amended to read:

17-615 All ordinances of a city of the second class or village shall be passed pursuant to such rules and regulations as the city council or village board of trustees may provide. All such ordinances may be proved by the certificate of the city clerk or village clerk, under the seal of the city or village.

Sec. 215. Section 17-616, Reissue Revised Statutes of Nebraska, is amended to read:

17-616 On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the city council of a city of the second class or village board of trustees, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, any ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the city council or village board of trustees shall be required. All appointments of the officers by the city any council or village board of trustees shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a city or village which utilizes an electronic voting device which allows the yeas and nays of each city council member or member of the village board of trustees to be readily seen by the public.

Sec. 216. Section 17-701, Reissue Revised Statutes of Nebraska, is amended to read:

17-701 ~~The In 1995, the fiscal period of each city of the second class and village commences on August 1, 1995, and extends through September 30, 1996. Thereafter, the fiscal year of each city of the second class and village and of any public utility of a city of the second class or village commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act.~~

Sec. 217. Section 17-702, Reissue Revised Statutes of Nebraska, is amended to read:

17-702 (1) The city council or village board of trustees of each city of the second class or village shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the taxable value of all the taxable property of the city or village which the city or village requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as ~~hereinbefore~~ provided by law. The county clerk shall place the same on the property tax lists to be collected in the manner provided by law for the collection of county taxes in the county where such city or village is situated. In all sales for any delinquent taxes for municipal purposes, if there are other delinquent taxes due from the same person or a lien on the same property, the sale shall be for all the delinquent taxes. Such sales and all sales made under or by virtue of this section or the provision of law herein referred to shall be of the same validity and in all respects be deemed and treated as though such sales had been made for the delinquent county taxes exclusively. Subject to section 77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of one dollar and five cents on each one hundred dollars upon the taxable value of all the taxable property within the corporate limits of such city or village for the purposes of the adopted budget statement, together with any special assessments or special taxes or amounts assessed as taxes and such sum as may be authorized by law for the payment of outstanding bonds and debts.

(2) Within the limitation of section 77-3442, the city council or village board of trustees of each city of the second class or village may certify an amount to be levied not to exceed ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property within such city or village for the purpose of establishing the sinking fund or funds authorized by sections 19-1301 to 19-1304. Nothing contained in subsection (1) or (2) of this section shall be construed to authorize an increase in the amount of levies for any specific municipal purpose or purposes elsewhere limited by law, whether limited in specific sums or by tax levies.

(3) When required by section 18-501, an additional levy of seven cents on each one hundred dollars upon the taxable value of all the taxable property within the city of the second class or village may be imposed.

Sec. 218. Section 17-703, Reissue Revised Statutes of Nebraska, is amended to read:

17-703 If any ~~such~~ city of the second class or village has levied special assessments for part or all of the cost of any public work or improvement, if the assessments have been finally held by the courts to be invalid and unenforceable, if the defects rendering such assessments invalid and unenforceable are of such character that they cannot be remedied by reassessment, and if part of the special assessments has been paid under mistake of law or fact into such city or village prior to such final holding, the mayor and city council or chairperson and village board of trustees shall establish a special fund in the budget statement annually which is sufficient to refund and repay over a period of consecutive years such special assessments erroneously paid, without interest to the person or persons entitled to receive the same, any and all such assessments or parts thereof as may have been so paid into the treasury of such city or village, as the case may be. The amount of tax annually budgeted for this special fund shall not require a tax levy in

excess of ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city or village in any one year, and the additional levy shall be continued only for as many years as may be necessary to raise the total amount required for such purpose. Such assessments shall be refunded out of the special fund upon proper claims filed by the person or persons entitled to reimbursement. Such claim shall be audited, allowed, and ordered paid in the same manner as other claims against such city or village. All such reimbursements shall be made pro rata if there is not sufficient money on hand to repay them all at one time. Such amount of tax for the special fund shall be specified in the adopted budget statement.

Sec. 219. Section 17-706, Reissue Revised Statutes of Nebraska, is amended to read:

17-706 The city council of a city of the second class and the village board of trustees of a village shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which the city or village ~~such corporate authorities~~ may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such municipality corporation.

Sec. 220. Section 17-708, Reissue Revised Statutes of Nebraska, is amended to read:

17-708 The mayor and city council of a city of the second class or village board of trustees shall have no power to appropriate, or to issue or draw any order or warrant on the city treasurer or village treasurer for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of sections 17-714 and 17-715, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law.

Sec. 221. Section 17-709, Reissue Revised Statutes of Nebraska, is amended to read:

17-709 No contract shall be ~~hereafter~~ made by the city council of a city of the second class or village board of trustees, or any committee or member of such city council or village board of trustees, thereof; and no expense shall be incurred by any of the officers or departments of the municipality corporation, whether the object of the expenditures shall have been ordered by the city council or village board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise expressly provided in section 17-708.

Sec. 222. Section 17-710, Reissue Revised Statutes of Nebraska, is amended to read:

17-710 All money received on special assessments shall be held by the city treasurer of a city of the second class or village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose whatever, unless to reimburse such municipality corporation for money expended for such improvement.

Sec. 223. Section 17-711, Reissue Revised Statutes of Nebraska, is amended to read:

17-711 All warrants drawn upon the city treasurer of a city of the second class or village treasurer must be signed by the mayor or chairperson of the village board of trustees ~~chairman~~ and countersigned by the city clerk or village clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon such warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for such fund upon which it is drawn, and the amount already expended of such fund.

Sec. 224. Section 17-713, Reissue Revised Statutes of Nebraska, is amended to read:

17-713 The city council or village board of trustees of a such city of the second class or village shall, upon petition being filed with the city clerk of the city or village clerk signed by a majority of the resident property owners freeholders of such city or village requesting such city council or village board of trustees to levy a tax upon the taxable valuation of the property in the city or village, make a levy as in such petition requested, not exceeding eighty-seven and five-tenths cents on each one hundred dollars of taxable valuation, and shall certify the same to the county board of county commissioners as other taxes are levied by the city or village, or certified, for the purpose of creating a fund. The fund shall be expended solely in the improvement of the public highways adjacent to the city or village and within five miles of such city or village thereof, shall at all times be under the control and direction of the city council or village board of trustees ~~of the city or village~~, and shall be expended under the authority and direction of the city council or village board of trustees. The city council or village board of trustees is hereby granted the power and authority to employ such person or persons as it may select for the performance of such work under such rules and regulations as it may by ordinance provide.

Sec. 225. Section 17-714, Reissue Revised Statutes of Nebraska, is amended to read:

17-714 (1) All liquidated and unliquidated claims and accounts payable against a city of the second class or village shall (a) be ~~(1) Be~~ presented in writing, (b) ; ~~(2)~~ state the name and address of the claimant and the amount of the claim, ; and (c) (3) ~~(3)~~ fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances

giving rise to the claim.

(2) As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in section 13-903, the claimant shall file such claim within ninety days of the accrual of the claim in the office of the city clerk or village clerk.

(3) The city clerk or village clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within five days if the claim is disallowed by the city council or village board of trustees.

(4) No costs shall be recovered against such city or village in any action brought against it for any claim or for any claim allowed in part which has not been presented to the city council or village board of trustees to be audited, unless the recovery is for a greater sum than the amount allowed with the interest due.

Sec. 226. Section 17-715, Reissue Revised Statutes of Nebraska, is amended to read:

17-715 Upon the allowance of claims by the city council of a city of the second class or village board of trustees, the order for their payment shall specify the particular fund or appropriation out of which they are payable as specified in the adopted budget statement; and no order or warrant shall be drawn in excess of eighty-five percent of the current levy for the purpose for which it is drawn, unless there shall be sufficient money in the treasury at the credit of the proper fund for its payment. ~~In ; Provided, that in the event there exists at the time such warrant is drawn, obligated funds from the federal government or the State of Nebraska, or both from the federal government and the State of Nebraska, for the general purpose or purposes of such warrant, then such warrant may be drawn in excess of eighty-five percent of the current levy for the purpose for which it is drawn to the additional extent of one hundred percent of such obligated federal or state funds. No claim shall be audited or allowed unless an order or warrant for the payment thereof may legally be drawn.~~

Sec. 227. Section 17-718, Reissue Revised Statutes of Nebraska, is amended to read:

17-718 The city council in cities of the second class and board of trustees in villages having only voluntary fire departments or companies may levy a tax annually of not more than seven cents on each one hundred dollars upon the taxable value of all the taxable property within such cities or villages for the maintenance and benefit of such fire departments or companies. The amount of such tax shall be established at the beginning of the year and shall be included in the adopted budget statement. Upon collection of such tax, the city treasurer or village treasurer shall disburse the same upon the order of the chief of the fire department with the approval of the city council or village board of trustees.

Sec. 228. Section 17-720, Reissue Revised Statutes of Nebraska, is amended to read:

17-720 The city treasurer or village treasurer of cities of the second class and villages may, upon resolution of the mayor and city council or village board of trustees authorizing the same, purchase certificates of deposit from and make time deposits in any bank, capital stock financial institution, or qualifying mutual financial institution in the State of Nebraska to the extent that such certificates of deposit or time deposits are insured or guaranteed by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the municipality corporation, and the amount of the excess deposit shall be secured by a bond or by security given in the same manner as is provided for cities of the first class in sections 16-714 to 16-716 as of the time the deposit is made. Section 77-2366 shall apply to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 229. Section 17-801, Reissue Revised Statutes of Nebraska, is amended to read:

17-801 Whenever any city of the second class has or is about to establish or acquire any system of waterworks, power plant, ice plant, gas plant, sewerage, heating, or lighting plant, or distribution system, the city council of such city may, ~~in its own discretion~~, by ordinance, create a board of public works, which shall consist of not less than three, nor more than six members, residents of such city, to be appointed by the mayor, subject to the approval of the city council. Members of the board of public works ; ~~and they~~ may be removed by the mayor and a majority of the members elected to the city council at any time. The term of the first members of the board of public works shall be one, two, three, or four years in the manner designated by the mayor, as the case may be, after which the term of each member shall be four years; and the terms of not more than two members shall expire at any one time.

Sec. 230. Section 17-802, Reissue Revised Statutes of Nebraska, is amended to read:

17-802 The city council of a city of the second class may, by ordinance, confer upon a board of public works the active direction and supervision of any or all of the utility systems owned or operated by such city. The city council shall approve the budget of each proprietary function as provided in the Municipal Proprietary Function Act. Such board of public works shall have the power to operate any utility referred to it and to exercise all powers conferred by law upon such city cities for the operation and government of such utility to the same extent, in the same manner, and under the same restrictions

as the city council could do if no such board of public works existed, except that such board of public works shall not make any expenditure or contract any indebtedness other than for ordinary running expenses, exceeding an amount established by the city council, without first obtaining the approval of the city council. The board of public works shall report to the city council at regular intervals as the city council ~~it~~ may require.

Sec. 231. Section 17-802.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-802.01 The mayor and city council of a city of the second class may, by ordinance, authorize and empower the board of public works to cooperate and participate in a plan of insurance designed and intended for the benefit of the employees of any public utility operated by the city. For that purpose the board of public works may make contributions to pay premiums or dues under such plan, authorize deductions from salaries of employees, and take such other steps as may be necessary to effectuate such plan of insurance.

Sec. 232. Section 17-803, Reissue Revised Statutes of Nebraska, is amended to read:

17-803 Any surplus funds arising out of the operation of any municipal ~~such~~ utilities by the board of public works, or by the city council of a city of the second class, where any of such utilities are not being operated by such a board, may be invested, if not invested pursuant to the provisions of any other law upon the subject, in like manner and subject to the same conditions as the investment of similar funds of cities of the first class, as provided in section 16-691.01.

Sec. 233. Section 17-804, Reissue Revised Statutes of Nebraska, is amended to read:

17-804 ~~If a~~ In the event such city of the second class has ~~shall have~~ created a board of public works as provided in section 17-801, the water commissioner and light commissioner shall, subject to confirmation by the mayor and city council, be employed thereafter by such ~~such~~ said board at such reasonable compensation as may be agreed upon at the time of such employment and shall thereafter be under the jurisdiction of such ~~such~~ said board, any of the provisions of sections ~~17-401 to 17-426, 17-501 to 17-560 and 19-1401 to 19-1404~~ to the contrary notwithstanding. Any water commissioner or light commissioner, under the jurisdiction and control of the board of public works, may be removed by the board, after an opportunity to be heard before the mayor and city council if he or she shall so request, for malfeasance, misfeasance, or neglect in office.

Sec. 234. Section 17-805, Reissue Revised Statutes of Nebraska, is amended to read:

17-805 The members of the board of public works in a city of the second class shall organize as soon as practicable after their appointment, by electing a chairperson ~~chairman~~ and secretary, who shall serve until the first meeting in June next following; and thereafter such ~~such~~ said board shall elect a chairperson ~~chairman~~ and secretary at the first meeting in June each year. In the absence of the regular officers, temporary officers to serve in their places may be chosen by the members present at any meeting. The board of public works ~~They~~ shall establish regular times for meetings ~~meeting~~ and may adopt such rules as may be necessary or desirable for the conduct of their ~~their~~ business. The board of public works ~~They~~ shall keep a record of its ~~their~~ proceedings and, if there is a legal newspaper published in or of general circulation in the said city of the second class, shall publish therein the minutes of each meeting in such legal newspaper within thirty days after the meeting ~~it~~ is held.

Sec. 235. Section 17-806, Reissue Revised Statutes of Nebraska, is amended to read:

17-806 Each of the members of a said board of public works of a city of the second class shall take an oath to discharge faithfully the duties of his or her office before entering upon the discharge of such office thereof. Each of the members of such ~~such~~ said board before entering upon the duties of his or her office shall be required to give bond to the city with corporate surety. Such bond shall be in the sum of five thousand dollars and shall be conditioned for the faithful performance of the duties of member of the board of public works; and the surety on such bond shall be approved by the mayor and city council and shall be filed with the city treasurer. ~~The ; Provided,~~ the premium on such ~~such~~ said bond shall be paid out of any public utility fund designated by the mayor and city council.

Sec. 236. Section 17-807, Reissue Revised Statutes of Nebraska, is amended to read:

17-807 No member of the board of public works of a city of the second class shall ever be financially interested, directly or indirectly, in any contract entered into by the board ~~them~~ on behalf of the ~~such~~ city for more than ten thousand dollars in one year.

Sec. 237. Section 17-808, Reissue Revised Statutes of Nebraska, is amended to read:

17-808 If the board of public works determines that the best interests of the city of the second class municipality and the patrons of the utility will be better or more economically served ~~thereby~~, the board ~~they~~ may employ the duly elected city clerk as ex officio bookkeeper and collector for the utility or utilities, and he or she may be paid a reasonable salary for the extra services required of him or her in such position in addition to his or her salary as city clerk.

Sec. 238. Section 17-810, Reissue Revised Statutes of Nebraska, is amended

to read:

17-810 Rates or charges for service by a board of public works for a city of the second class may be fixed or changed by resolution duly adopted by such the board of public works.

Sec. 239. Section 17-903, Reissue Revised Statutes of Nebraska, is amended to read:

17-903 Before any city of the second class or village shall make any contract with any person or corporation within or without such city or village for the furnishing of electricity, power, steam, or other product to such city or village, or any such municipal plant within such city or village, the question shall be submitted to the electors voting at any regular or special election upon the proposition. Such ~~;~~ ~~and such~~ city of the second class or village may, by a majority vote at such election, vote bonds or taxes for the purpose of defraying the cost of such transmission line and connection with any person, firm, corporation, or other city or village with which it may enter into a contract for the purchasing of electricity, power, steam, or other product. The question of issuing bonds for any of the purposes provided in this section ~~herein contemplated~~ shall be submitted to the electors at an election held for that purpose, after not less than twenty days' notice thereof shall have been given by publication in a legal ~~some~~ newspaper in or published ~~and of~~ general circulation in such municipality, ~~or, if no newspaper is published therein, then by posting in five or more public places therein~~. Such bonds may be issued only when a majority of the electors voting on the question favor their issuance. Such bonds They shall bear interest, payable annually or semiannually, and shall be payable any time the municipality ~~municipalities~~ may determine at the time of their issuance, but in not more than twenty years after their issuance. The city council or village board of trustees shall levy annually a sufficient tax to maintain, operate, and extend any system or plant, and to provide for the payment of the interest on, and the principal of, any bonds that may have been issued as herein provided in this section. ~~If~~ ~~;~~ ~~Provided,~~ that if no tax or issuance of bonds is required, any city of the second class or village may by resolution of the city council or village board of trustees contract for the furnishing of electricity at retail to such city or village, or to any electric plant within such city or village, with any public power district, or an electric cooperative which cooperative has an approved retail service area adjoining such city or village.

Sec. 240. Section 17-905, Reissue Revised Statutes of Nebraska, is amended to read:

17-905 Supplemental to any existing law on the subject and in lieu of the issuance of general obligation bonds, or the levying of taxes upon property, as by law provided, any city of the second class or any village may construct, purchase, or otherwise acquire a waterworks plant or a water system, or a gas plant or a gas system, including a natural or bottled gas plant, gas distribution system, or gas pipelines, either within or without the corporate limits of the city or village, and real and personal property needed or useful in connection therewith, and pay the cost thereof by pledging and hypothecating the revenue and earnings of any waterworks plant or water system, or gas plant or gas system, including a natural or bottled gas plant, gas distribution system, or gas pipelines, owned or to be owned by the city or village. In the exercise of the authority herein granted in this section, the city or village may issue and sell revenue bonds or debentures and enter into such contracts in connection therewith as may be proper and necessary. Such revenue bonds or debentures shall be a lien only upon the revenue and earnings of the waterworks plant or water system, gas plant or gas system, including a natural or bottled gas plant, gas distribution system, or gas pipelines, owned or to be owned by the city or village. No such city or village shall pledge or hypothecate the revenue and earnings of any waterworks plant or water system, or gas plant or gas system, including a natural or bottled gas plant, gas distribution system or gas pipelines, nor issue revenue bonds or debentures, as herein authorized in this section, until the proposition relating thereto has been submitted in the usual manner to the qualified voters of such city or village at a general or special election, and approved by a majority of the electors voting on the proposition submitted. Such ~~;~~ ~~Provided,~~ such proposition shall be submitted, whenever requested, within thirty days after a sufficient petition signed by the qualified voters of such city or village equal in number to twenty percent of the vote cast at the last general municipal election held in such city or village ~~therein~~ is filed with the city clerk or village clerk, as the case may be ~~is~~. Three weeks' notice of the submission of the proposition shall be given by publication in a ~~some~~ legal newspaper published in or of ~~published~~ general circulation in such city or village, ~~or, if no legal newspaper is published therein, then by posting in five or more public places therein~~. The requirement herein for a vote of the electors, ~~however,~~ shall not apply when such city or village seeks to pledge or hypothecate such revenue or earnings, or issue revenue bonds or debentures solely for the maintenance, extension, or enlargement of any waterworks plant or water system, or any gas plant or any gas system, including a natural or bottled gas plant, a gas distribution system, or gas pipelines, owned by such city or village.

Sec. 241. Section 17-905.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-905.01 Any city of the second class or any village which constructs a gas distribution system, or purchases or otherwise acquires a bottled gas plant, within the corporate limits of the city or village as provided in section 17-905, may lease any such facility or facilities to any such person,

persons, corporation, or corporations as the city council governing body of such city of the second class or village board of trustees may select, upon such terms and conditions as it shall deem advisable. ~~If ; Provided, if there are any revenue bonds outstanding or to be outstanding at the time the lease becomes effective, for which the revenue and earnings of such facility or facilities are or shall be pledged and hypothecated, the net lease payments shall be sufficient to pay the principal and interest on such said revenue bonds as the same become due. Such ; and provided further, that such proposition shall be first submitted to the qualified voters of such city of the second class or village in the manner set forth in section 17-905, such proposition to be submitted either independently of or in conjunction with the proposition set forth in section 17-905.~~

Sec. 242. Section 17-906, Reissue Revised Statutes of Nebraska, is amended to read:

17-906 Any city of the second class or village is hereby authorized and empowered to erect a power plant, electric or other light works outside the corporate limits of such city or village, and to acquire such real estate required for such power plant, electric or other light works any plant. Such city or village in establishing and erecting such power plant, electric or other light works shall have the right to purchase or take private property for the purpose of erecting such power plant, electric or other light works the plant and constructing, running, and extending its transmission line. In all cases such city or village shall pay to such person or persons whose property shall be taken or injured thereby such compensation therefor as may be agreed upon or as shall be allowed by lawful condemnation proceedings. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 are applicable.

Sec. 243. Section 17-907, Reissue Revised Statutes of Nebraska, is amended to read:

17-907 A Such city of the second class or village is hereby given, for the purpose of erecting and operating a power plant, electric or other light works as provided in section 17-906 such plant, a right-of-way over and the right to erect and maintain transmission lines upon, within, and across any of the public highways of the state, subject to ~~the provisions of sections 75-709 to 75-724.~~

Sec. 244. Section 17-908, Reissue Revised Statutes of Nebraska, is amended to read:

17-908 Before any such city of the second class or village makes any contract with any person or corporation relating in any manner whatever to the erection of a such proposed power plant, electric or other light works as provided in section 17-906, the question as to whether such power plant, electric or other light works shall be erected shall be duly submitted to the electors voting at any regular or special election upon the proposition, and such city of the second class or village may by a majority of the votes cast at such election vote bonds in an amount not in excess of seven percent of the taxable valuation of such city or village for the purpose of defraying the cost of such plant. The question of issuing such bonds shall be submitted to the electors at an election held for that purpose after not less than thirty days' notice thereof has been given by publication in a legal some newspaper in or of general circulation in such city or village or, ~~if no newspaper is published therein, then by posting at five or more public places therein for at least thirty days before such election.~~ Such bonds shall bear interest, payable annually or semiannually, and shall be payable any time the city or village may determine at the time of their issuance but in not more than twenty years after their issuance. The city or village shall have the option of paying any or all of such bonds at any time after five years from their date.

Sec. 245. Section 17-909, Reissue Revised Statutes of Nebraska, is amended to read:

17-909 The city council or village board of trustees of a such city of the second class or village shall levy annually a sufficient tax to maintain, operate, and extend any power such plant, electric or other light works as provided in section 17-906 and to provide for the payment of the interest on the principal of any bonds that may have been issued as provided in section 17-908.

Sec. 246. Section 17-910, Reissue Revised Statutes of Nebraska, is amended to read:

17-910 Two or more cities of the second class or villages may jointly erect such a power plant, electric or other light works as provided in section 17-906 which shall serve such respective cities or villages, and such power plant, electric or other light works may be owned and operated jointly by such respective cities or villages. Such cities or villages shall have the same rights and privileges as are in sections 17-906 to 17-909 granted to any single city or village. Before such cities or villages shall make any contract with any person or corporation relating in any manner whatever to the erection of such proposed power plant, electric or other light works, the question as to whether such jointly owned and operated power plant, electric or other light works shall be erected shall first be duly submitted to the electors of the respective cities or villages contemplating the erection of such power plant, electric or other light works and be approved by a sixty percent majority of the voters in each of such cities or villages in the manner provided in section 17-908.

Sec. 247. Section 17-911, Reissue Revised Statutes of Nebraska, is amended

to read:

17-911 Cities of the second class ~~Such cities or villages in contemplating the erection of such a joint power plant, electric or other light works under section 17-910~~ may vote joint bonds in an amount not in excess of seven percent of the valuation of such cities or villages for the purpose of defraying the cost of such power plant, electric or other light works. The question of issuing such joint bonds for the purpose contemplated shall be submitted to the electors of the respective cities or villages interested at an election held for that purpose in each of such cities or villages after notice of such election thereof for not less than twenty days shall have been given by publication in the manner provided in section 17-908. Such bonds may be issued only when a majority of the electors in each of the cities or villages interested and voting on the question favor their issuance. If in any one of such cities or villages voting on such question a majority of the electors voting in such city or village shall fail to favor the issuance of such joint bonds then the entire election in all of the cities or villages voting shall be deemed void and of no effect. Such joint bonds shall bear interest payable annually or semiannually, and shall be payable any time the cities or villages may determine at the time of their issuance, but in not more than twenty years after their issuance, with the option of paying any or all of such bonds at any time after five years from their date.

Sec. 248. Section 17-912, Reissue Revised Statutes of Nebraska, is amended to read:

17-912 The city councils or village boards of trustees of the cities of the second class or villages issuing such joint bonds under section 17-911 ~~for the erection of such plant~~ shall levy annually a sufficient tax to maintain and operate and extend the power such plant, electric or other light work and to provide for the payment of interest on, and principal of, any bonds that may have been issued as ~~herein provided in section 17-911~~.

Sec. 249. Section 17-913, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-913 When the city council of any city of the second class, or the village board of trustees of any village, deems it advisable or necessary to build, reconstruct, purchase, or otherwise acquire a sanitary sewer system, or a sanitary or storm water sewer, a or sewers or sewage disposal plant, or pumping stations or sewer outlets for any such city or village, constructed or to be constructed in whole or in part inside or outside of such city or village thereof, it shall declare the advisability and necessity for such system, sewer, plant, station, or outlet therefor in a proposed resolution, which, in the case of pipe sewer construction, shall state the kinds of pipe proposed to be used, and shall state the size or sizes and kinds of sewers proposed to be constructed, and shall designate the location and terminal points thereof. If it is proposed to construct disposal plants, pumping stations, or outlet sewers, the resolution shall refer to the plans and specifications thereof which shall have been made and filed before the publication of such resolution by the city engineer or village engineer of any such city or by the engineer who has been employed by any such city or village for such purpose. If it is proposed to purchase or otherwise acquire a sanitary sewer system, or a sanitary or storm water sewer, a or sewers or sewage disposal plant, or pumping stations or sewer outlets, the resolution shall state the price and conditions of the purchase or how the system, sewer, plant, station, or outlet is being acquired. Such engineer shall also make and file, prior to the publication of such resolution, an estimate of the total cost of the proposed improvement. The proposed resolution shall state the amount of such estimated cost. The city council or village board of trustees may assess, to the extent of special benefits, the cost of such portions of the improvements as are local improvements, upon properties found specially benefited thereby as a special assessment. The resolution shall state the outer boundaries of the district or districts in which it is proposed to make special assessments.

Sec. 250. Section 17-914, Reissue Revised Statutes of Nebraska, is amended to read:

17-914 Notice of the time when any such resolution under section 17-913 shall be set for consideration before the city council or village board of trustees shall be given by at least two publications in a legal newspaper in or of general circulation published in the city or village, which publication shall contain the entire wording of the resolution. The last publication shall be not less than five days nor more than two weeks prior to the time set for hearing of objections to the passage of any such resolution, at which hearing the owners of the property which might become subject to assessment for the contemplated improvement may appear and make objections to the proposed improvement. Following the publication, Thereupon the resolution may be amended and passed or passed as proposed.

Sec. 251. Section 17-916, Reissue Revised Statutes of Nebraska, is amended to read:

17-916 If a petition, opposing a the resolution proposed under section 17-913, signed by property owners representing a majority of the front footage which may become subject to assessment for the cost in any proposed lateral sewer district, be filed with the city clerk or village clerk within three days before the date of the meeting for the hearing on such resolution, such resolution shall not be passed.

Sec. 252. Section 17-917, Reissue Revised Statutes of Nebraska, is amended to read:

17-917 Upon compliance with sections 17-913 to 17-916, the city council or

village board of trustees may by resolution order the making, reconstruction, purchase, or otherwise acquiring of any of the improvements provided for in section 17-913. The vote upon any such resolution shall be as required by section 17-616.

Sec. 253. Section 17-918, Reissue Revised Statutes of Nebraska, is amended to read:

17-918 After ordering any such improvements as provided for in section 17-917, the city council or village board of trustees may enter into a contract for the construction of such improvements ~~same~~ in one or more contracts, but no work shall be done or contract let until notice to contractors has been published in a legal newspaper in or of general circulation, ~~published in such city or village, and if there be no newspaper of general circulation published in said city or village, then in some newspaper of general circulation published in the county wherein such city or village is located.~~ The notice shall be published in at least two issues of such newspaper ~~paper~~ and shall state the extent of the work, and the kinds of material to be bid upon, including in such notice all kinds of material mentioned in the resolution specified in section 17-913, the amount of the engineer's estimate of the cost of such the said improvements, and the time when bids will be received. The work ~~herein provided for~~ shall be done under written contract with the lowest responsible bidder on the material selected after the bids are opened and in accordance with the requirements of the plans and specifications. The city council or village board of trustees may reject any or all bids received and advertise for new bids in accordance with this section ~~herewith~~.

Sec. 254. Section 17-919, Reissue Revised Statutes of Nebraska, is amended to read:

17-919 After the completion of any such work or purchase or otherwise acquiring the improvements authorized pursuant to section 17-913 ~~system~~, the engineer shall file with the ~~clerk of such city~~ clerk or village clerk a certificate of acceptance, which acceptance shall be approved by the city council or village board of trustees by resolution. The city council or village board of trustees shall then require the engineer to make a complete statement of all the costs of any such improvement and a plat of the property in the district and a schedule of the amount proposed to be assessed against each separate piece of property in such district, which shall be filed with the city clerk or village clerk within ten days from date of acceptance of the work, purchase, or otherwise acquiring the system. The city council or village board of trustees shall then order the city clerk or village clerk to give notice that such plat and schedules are on file in his or her office and that all objections thereto, or to prior proceedings on account of errors, irregularities, or inequalities, not made in writing and filed with the city clerk or village clerk within twenty days after the first publication of such notice, shall be deemed to have been waived. Such notice shall be given by two publications in a legal newspaper in or of general circulation ~~published in such city or village, but if no paper is published within such city or village, then such notice may be given by publication in some newspaper of general circulation in such city or village, and by posting in each of three public places in the city or village.~~ Such notice shall state the time and place where objections, filed as ~~herein~~ provided for in this section, shall be considered by the city council or village board of trustees.

Sec. 255. Section 17-920, Reissue Revised Statutes of Nebraska, is amended to read:

17-920 The hearing on the proposed assessment under section 17-919 shall be held by the city council or village board of trustees, sitting as a board of adjustment and equalization, at the time specified in the ~~such~~ notice which shall be not less than twenty days nor more than thirty days after the date of first publication unless adjourned. Such session may be adjourned, with provisions for proper notice of such adjournment. At such meeting, the proposed assessment shall be adjusted and equalized with reference to benefits resulting from the improvement and shall not exceed such benefits. ~~If ; Provided, if~~ any special assessment be payable in installments, each installment shall draw interest payable semiannually or annually from the date of levy until due. Such delinquent installments shall draw interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until paid.

Sec. 256. Section 17-921, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-921 After the equalization of special assessments as required by section 17-920, the special assessments shall be levied by the mayor and city council or the village board of ~~village~~ trustees, upon all lots or parcels of ground within the district specified which are benefited by reason of the improvement. The special assessments may be relieved if, for any reason, the levy thereof is void or not enforceable and in an amount not exceeding the previous levy. Such levy shall be enforced as a special assessment, and any payments thereof under previous levies shall be credited to the person or property making the same. All special assessments made for such purposes shall be collected in the same manner as other special assessments.

Sec. 257. Section 17-922, Reissue Revised Statutes of Nebraska, is amended to read:

17-922 No city council or village board of trustees shall cause to be assessed for any of the improvements authorized pursuant to section 17-913 ~~herein provided~~, property by law not assessable, or property not included within the district defined in the preliminary resolution, and shall not assess

property not benefited. The cost of sewers at the intersection of streets and alleys and opposite property belonging to the United States Government, or other property not assessable, may be included with the cost of the rest of the work and may be assessed on the property within the district, if benefited by the improvement to such extent, or may be paid from unappropriated money in the general fund. The cost of the improvements shall draw interest from the date of acceptance thereof by the city council or village board of trustees.

Sec. 258. Section 17-923, Reissue Revised Statutes of Nebraska, is amended to read:

17-923 All special assessments provided for in section 17-921 shall become due in fifty days after the date of the levy and may be paid within that time without interest, but if not so paid they shall bear interest thereafter until delinquent. Such assessment shall become delinquent in equal annual installments over such period of years as the city council or village board of trustees may determine at the time of making the levy. Delinquent installments shall bear interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until paid and shall be collected in the usual manner for the collection of taxes.

Sec. 259. Section 17-924, Reissue Revised Statutes of Nebraska, is amended to read:

17-924 All the special assessments provided for in section 17-921 shall, when levied, constitute a sinking fund for the purpose of paying the cost of the improvements authorized pursuant to section 17-913 herein provided for with allowable interest thereon, and shall be solely and strictly applied to such purpose to the extent required. ~~Any ; but any excess assessments thereof may be by the council or board, after fully discharging the purposes for which levied,~~ transferred to such other fund or funds as the city council or village board of trustees may deem advisable after fully discharging the purposes for which they were levied.

Sec. 260. Section 17-925, Reissue Revised Statutes of Nebraska, is amended to read:

17-925 For the purpose of paying the cost of the improvements authorized pursuant to section 17-913 herein provided for, the city council of any such city of the second class or village board of trustees of any such village, after such improvements have been completed and accepted, shall have the power to issue negotiable bonds of any such city or village, to be called Sewer Bonds, payable in not exceeding twenty years and bearing interest payable annually or semiannually, which may either be sold by the city or village or delivered to the contractor in payment for the work, but in either case for not less than their par value. For the purpose of making partial payments as the work progresses, warrants may be issued by the mayor and city council or by the village board of trustees upon certificates of the engineer in charge showing the amount of work completed and materials necessarily purchased and delivered for the orderly and proper continuation of the project, in a sum not exceeding ninety-five percent of the cost of such project thereof and upon the completion and acceptance of the work issue a final warrant for a balance of the amount due the contractor, which warrants shall be redeemed and paid upon the sale of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay to the contractor interest at the rate of eight percent per annum on the amounts due on partial and final payments beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the governing body, ~~and running until the date that the warrant is tendered to the contractor.~~ All special assessments which may be levied upon property specially benefited by such work or improvements shall, when collected, be set aside and constitute a sinking fund for the payment of the interest and principal of such said bonds. There shall be levied annually upon all the taxable property in such said city or village a tax, which, together with such sinking fund derived from special assessments, shall be sufficient to meet payments of interest and principal as the same become due. Such tax shall be known as the sewer tax and shall be payable annually in money.

Sec. 261. Section 17-925.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-925.01 The mayor and city council of any city of the second class or the village board of trustees ~~of any village~~ is hereby authorized, after the establishment of a system of sewerage and at the time of levying other taxes for city or village purposes, to levy a tax of not more than three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city or village for the purpose of creating a fund to be used for the maintenance and repairing of any sewer or water utilities in such city or village. In lieu of the levy of such tax, the mayor and city council ~~of any such city~~ or the village board of trustees ~~of any village~~ may establish by ordinance such rates for such sewer service as may be deemed by ~~them~~ to be fair and reasonable, to be collected from either the owner or the person, firm, or corporation requesting the services at such times, either monthly, quarterly, or otherwise, as may be specified in the ordinance. All sewer charges shall be a lien upon the premises or real estate for which the same is used or supplied. Such lien shall be enforced in such manner as the city council or village board of trustees ~~local governing body~~ provides by ordinance. The charges thus made when collected shall be placed either in a separate fund or in a combined water and sewer fund and used exclusively for the purpose of maintenance and repairs of the sewer system, or the water and sewer system, in such city or village.

Sec. 262. Section 17-925.02, Reissue Revised Statutes of Nebraska, is

amended to read:

17-925.02 Any city of the second class or village ~~in the State of Nebraska~~ may make rental charges for the use of an established municipal sewerage system on a fair and impartial basis for services rendered. Such rental charges They shall be collected at the same time and in the same manner as ~~the~~ water charges by the same city or village officials.

Sec. 263. Section 17-925.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-925.03 The revenue from rental such charges under section 17-925.02 shall only be used for the abatement or the reduction of ad valorem taxes being levied or to be levied for the payment of bonds outstanding or to be issued for the construction of or additions to the such sewerage system described in section 17-925.02.

Sec. 264. Section 17-925.04, Reissue Revised Statutes of Nebraska, is amended to read:

17-925.04 The charges permitted by sections 17-925.02 to 17-925.04 shall be in addition to the charges permitted by section 17-925.01 for the maintenance and repair of a sewer such system.

Sec. 265. Section 17-926, Reissue Revised Statutes of Nebraska, is amended to read:

17-926 Any city of the second class or village through its mayor and city council or village board of trustees may, by eminent domain, condemn, purchase, hold, and pay for land not exceeding one hundred sixty acres outside the corporate limits of any city of the second class or village for the purpose of the burial of the dead. The mayor and city council or chairperson and village board of trustees are also empowered and authorized to receive by gift or devise real estate for cemetery purposes. In the event any city of the second class or village through its mayor and city council or chairperson and village board of trustees desires to purchase any cemetery belonging to any corporation, partnership, limited liability company, association, or individual, which cemetery has already been properly surveyed and platted, and is used for cemetery purposes, then the mayor and city council or chairperson and village board of trustees are hereby authorized and empowered to purchase the cemetery. In the event the owner or owners of such cemetery desired to be purchased by any city of the second class or village will not or cannot sell and convey such cemetery same to the city or village or in the event the owner or owners of such cemetery cannot agree upon the price to be paid for the cemetery, the mayor and city council ~~of any city of the second class~~ or the village board of trustees ~~of any village~~ shall by resolution declare the necessity for the acquisition of such cemetery thereof by exercise of the power of eminent domain. The adoption of the resolution shall be deemed conclusive evidence of such necessity. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 266. Section 17-933, Reissue Revised Statutes of Nebraska, is amended to read:

17-933 Where such real estate for a cemetery under section 17-926 is acquired by gift or devise, the title shall vest in the city or village upon the conditions imposed by the donor and upon acceptance by the mayor and city council or chairperson chairman and village board of trustees. Where such real estate is acquired by purchase or by virtue of exercise of the right of eminent domain, the title shall vest absolutely in such city or village. Nothing in sections 17-933 to 17-937 shall be construed in any manner to affect cemeteries belonging to any religious organization or society, lodge, or fraternal society.

Sec. 267. Section 17-934, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-934 In any city of the second class or village in which there exists a duly perfected cemetery association as defined in section 12-501, if the cemetery association proposes to the mayor and city council ~~of such city~~ or to the chairperson and village board of trustees ~~of such village~~ by means of a resolution duly enacted by such cemetery association, signed by its president and attested by its secretary, signifying the willingness of the cemetery association to exercise control and management of any cemetery belonging to such city or village, then the mayor and city council or chairperson and village board of trustees shall submit at the next regular municipal election the question of the management and control over the cemetery under the conveyance made by the proper authorities of such city or village. If a majority of the votes cast at such election are in favor of the transfer of the management and control of the cemetery belonging to such city or village to the cemetery association, the management and control of such cemetery shall be relinquished forthwith by the proper authorities of such city or village to the cemetery association. If the real estate of the cemetery of such city or village has been acquired by gift or devise, the relinquishment of the management and control to the cemetery association shall be subject to the conditions imposed by the donor; and upon acceptance by the president and secretary of the cemetery association, the conditions shall be binding upon the cemetery association.

Sec. 268. Section 17-935, Reissue Revised Statutes of Nebraska, is amended to read:

17-935 Subsequent to the relinquishment by the mayor and city council of a such city, ~~of the second class~~ or the chairperson chairman and village board of trustees of a such village to the proper officers of a such cemetery association, as provided in section 17-934 aforesaid, the deeds to all burial

lots executed by the trustees of such cemetery association, through its president and secretary, shall as a matter of course be signed, sealed, acknowledged, and delivered by the proper officers of such city or village as other real property of such city or village is conveyed, except that the transfer of such burial lots shall not require a vote of a majority of the electors of such city or village to make title to the same valid and legal in the purchaser or purchasers thereof.

Sec. 269. Section 17-936, Reissue Revised Statutes of Nebraska, is amended to read:

17-936 In case of the transfer of the management and control of a city cemetery or a such village or city cemetery, as provided in sections 17-934 and 17-935, the cemetery board erected under section 12-401 shall have no jurisdiction over the management and control of such cemetery after the transfer. In the event of such transfer, any funds or any money to the credit of the cemetery fund or any perpetual fund created under section 12-402, shall be paid over by the city village treasurer of such city village or by the village city treasurer of such village city to the treasurer of the cemetery association; and all endowments contemplated under section 12-301 to such city cemetery or village or city cemetery shall vest absolutely in the cemetery association to whom the control and management of such cemetery shall have been transferred.

Sec. 270. Section 17-937, Reissue Revised Statutes of Nebraska, is amended to read:

17-937 In the case of the transfer of the management and control of a city cemetery or village cemetery as provided in sections 17-934 and 17-935, each Each of the trustees of the such cemetery association shall ~~thereupon forthwith~~ qualify by subscribing to an oath in the office of the city clerk or village clerk, as the case may be, substantially as follows: That he or she will faithfully, impartially, and honestly perform his or her duties as such trustee. ~~Whenever ; provided further, that whenever~~ the trustees of any cemetery association organized under sections 17-926 to 17-939, shall receive the gift of any property, real or personal, in trust, for the perpetual care of such said cemetery, or anything connected therewith, such said trustees shall, upon the enactment of bylaws by the association to that effect, require the treasurer of such said association to give a bond to such said association in a sum equal to the amount of such said trust fund and other personal property, conditioned for the faithful administration of such said trust and for the care of such said funds and property. Such said bonds shall be approved by the mayor of the city or and by the chairperson chairman of the village board of trustees ~~of the village~~ and shall remain on file with and in the custody of the city clerk or the village clerk, ~~as the case may be, of such city or village~~. The premium on the bond of the treasurer shall be paid from available cemetery funds credited to or in the hands of such said cemetery association. In the event of a vacancy occurring among the members of the board of trustees of such cemetery association, such vacancy shall be filled in the like manner as the original member of such said board of trustees was elected in accordance with the provisions of section 12-501. Each ~~Such~~ trustee elected ~~as aforesaid~~ to fill such vacancy shall subscribe to the oath as ~~hereinbefore~~ provided in this section. Such appointment to fill such vacancy shall continue until the successor of such trustee shall be duly elected and qualified.

Sec. 271. Section 17-938, Reissue Revised Statutes of Nebraska, is amended to read:

17-938 (1) The mayor and city council or the village board of trustees of a such city of the second class or village are hereby empowered to levy a tax not to exceed five and two-tenths cents on each one hundred dollars upon the taxable value of all taxable property in such city or village for any one year for improving, adorning, protecting, and caring for a such cemetery as provided in section 17-926.

(2) Except as provided in subsection (3) of this section, all certificates to any lot or lots upon which no interments have been made and which have been sold for burial purposes under the provisions of section 17-941 may be declared forfeited and subject to resale if, for more than three consecutive years, all charges and liens as provided under sections 17-926 to 17-947 herein or by any of the rules, regulations, or bylaws of the association are not promptly paid by the holders of such certificates. All certificates to any lot or lots sold shall contain a forfeiture clause to the effect that if no interment has been made on the lot or lots and all liens and charges have not been paid as provided in this subsection, by ordinance, or in the bylaws of the association, such certificate and the rights under the same may, at the option of the cemetery board, with the approval sanction of the mayor and city council or of the chairperson and village board of trustees, ~~as the case may be~~, be declared null and void and the lot or lots shall be subject to resale as in the first instance.

(3) When any lot has been transferred by warranty deed or by a deed conveying a fee simple title, but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three years, the cemetery board, with the approval sanction of the mayor and city council or of the chairperson and village board of trustees, ~~as the case may be~~, may reclaim the unused portion of such lot or subdivision after notifying the record owner or his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four weeks in a legal newspaper in or of general circulation throughout the county in which the cemetery is located, shall describe the lot

or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within fifteen days after the last date of such publication, the cemetery board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the register of deeds.

Sec. 272. Section 17-939, Reissue Revised Statutes of Nebraska, is amended to read:

17-939 The mayor and city council of any such city of the second class or the village board of trustees of any such village ~~is are~~ hereby authorized to issue bonds in a sum not exceeding ten thousand dollars for the purpose of acquiring title by purchase or by virtue of eminent domain to land ~~now~~ used for cemetery purposes and that may be ~~hereafter~~ acquired for any necessary addition to any existing cemetery. No such bonds shall be issued until the question of issuing the same shall be submitted to the electors of any such city or village at a general election thereof, or at a special election called for the purpose of submitting the proposition of issuing such bonds, and unless at such election a majority of the electors voting on the proposition shall have voted in favor of issuing such bonds. Such bonds shall be payable in not exceeding ten years from date and shall bear interest payable annually or semiannually. Notice of such election shall be given by publication in a legal newspaper in published or of general circulation in the city or village for three successive weeks, the final publication to be not more than ten days prior to the date of such election, ~~as therein specified~~. The election shall be governed by the Election Act, ~~insofar as applicable, by the laws of this state governing general elections~~.

Sec. 273. Section 17-940, Reissue Revised Statutes of Nebraska, is amended to read:

17-940 The mayor and city council of a city of the second class or village board of trustees may survey, plat, map, grade, fence, ornament, and otherwise improve all burial and cemetery grounds and avenues leading to any cemetery thereto owned by such city or village. Such city or village They may construct walks and protect ornamental trees therein, and provide for paying the expenses thereof.

Sec. 274. Section 17-941, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-941 The mayor and city council of a city of the second class or village board of trustees may convey cemetery lots by certificate signed by the mayor or and chairperson of the village board of trustees, and countersigned by the city clerk or village clerk, under the seal of the city or village, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number as laid down on such map or plat, for the purpose of interment; and such certificate shall vest in the proprietor, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment, under the regulation of the city council or village board of trustees.

Sec. 275. Section 17-942, Reissue Revised Statutes of Nebraska, is amended to read:

17-942 The mayor and city council of a city of the second class or village board of trustees may limit the number of cemetery lots which shall be owned by the same person at the same time. The city or village They may prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots and ~~They~~ may prohibit any diversion of the use of such lots and any improper adornment thereof; but no religious test shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or of such lots.

Sec. 276. Section 17-943, Reissue Revised Statutes of Nebraska, is amended to read:

17-943 The mayor and city council of a city of the second class or village board of trustees may pass rules and ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting, and governing the cemetery, the owners of lots ~~therein~~, visitors ~~thereof~~, and trespassers ~~therein~~. The ~~And the~~ officers of such city or village shall have as full jurisdiction and power in the enforcing of such rules and ordinances as though they related to the municipality corporation itself.

Sec. 277. Section 17-945, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-945 Upon the formation of a such cemetery association under section 17-944, the lot owners in such cemetery shall elect five of their number as trustees, to whom shall be given the general care, management, and supervision of such cemetery. The mayor of the city of the second class or chairperson of the such city or village board of trustees shall, by virtue of his or her office, be a member of the board of trustees of the cemetery association, and it shall be his or her duty to make, execute, and deliver to purchasers of lots deeds for the lots therefor, when requested by the such board of trustees of the cemetery association. Such deeds deed shall be executed under the corporate seal of such city or village, and countersigned by the city clerk or village clerk, specifying that the person to whom such deed ~~the same~~ is issued is the owner, for the purposes of interment, of the lot or lots described therein by numbers, as laid down on the map or plat of such cemetery. Such deed shall vest in the proprietor, his or her heirs or assigns, a right in fee simple to such

lot for the sole purpose of interment, under the regulations of the board of trustees of the cemetery association.

Sec. 278. Section 17-946, Reissue Revised Statutes of Nebraska, is amended to read:

17-946 (1) The board of trustees of a cemetery association formed pursuant to section 17-944 shall have power:

(a) To limit the number of cemetery lots that shall be owned by the same person at the same time;

(b) To prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots;

(c) To prohibit any diversions of the use of such lots, and any improper adornment thereof, but no religious tests shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or of such lots; and

(d) To pass rules and ordinances imposing penalties and fines, not exceeding one hundred dollars, regulating, governing, and protecting the cemetery, the owners of lots ~~therein~~, visitors ~~thereof~~, and trespassers ~~therein~~.

(2) The officers of a city of the second class or village in which a cemetery association has been formed pursuant to ~~such~~ section 17-944 shall have as full jurisdiction and power in the enforcing of rules and ordinances passed pursuant to subsection (1) of this section as though such rules and ordinances related to ~~the corporation of~~ such city or village itself.

(3) All money received from sale of lots in any such cemetery, or which may come to it by donation, bequest, or otherwise, shall be devoted exclusively to the care, management, adornment, and government of such cemetery itself and shall be expended exclusively for such purposes under the direction of the association's board of trustees, except that in addition, and notwithstanding any provision of Chapter 12, article 5, the principal of the fund that is attributable to money received from the sale of lots, or attributable to money which has come to the fund by donation, bequest, or otherwise that does not prohibit such use, may be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than twenty-five percent of such principal is so used in any fiscal year and no more than thirty-five percent of such principal is so used in any period of ten consecutive fiscal years.

(4) This section does not limit the use of any money that comes to the city or village by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

Sec. 279. Section 17-947, Reissue Revised Statutes of Nebraska, is amended to read:

17-947 Upon the organization of a ~~such~~ cemetery association as herein provided in section 17-944, all property and money under the control of the city council or village board of trustees shall vest in such cemetery association for the purposes provided for in sections 17-926 to 17-947 aforesaid, and all money in the control of such city council or village board of trustees shall be turned over to the board of trustees of such cemetery association.

Sec. 280. Section 17-948, Reissue Revised Statutes of Nebraska, is amended to read:

17-948 Cities of the second class and villages are empowered and authorized to receive, by gift or devise, and to purchase real estate within or without their corporate limits, for the purpose of parks, public grounds, swimming pools, or dams, either for recreational or conservational purposes. If ~~where~~ such real estate is acquired by gift or devise, the title shall be vested in the city or village, upon the conditions imposed by the donor and upon the acceptance by the mayor and city council or the village board of trustees; and if ~~where~~ such real estate is acquired by purchase, the title shall vest absolutely in such city or village.

Sec. 281. Section 17-949, Reissue Revised Statutes of Nebraska, is amended to read:

17-949 Whether the title to ~~such~~ real estate under section 17-948 shall be acquired by gift, devise, or purchase, the jurisdiction of the city council, park board, or the village board of trustees shall at once be extended over such real estate; and the city council, park board, or village board of trustees shall have power to enact bylaws, rules, or ordinances for the protection and preservation of any real estate acquired ~~as herein contemplated~~, and to provide rules and regulations for the closing of such ~~said~~ park or swimming pool, in whole or in part, to the general public, and charge admission thereto during such closing, either by the municipality or by any person, persons, or corporation leasing the same. The city or village ~~They~~ may provide suitable penalties for the violation of such bylaws, rules, or ordinances, and the police power of any such city or village, ~~that shall acquire any real estate as herein contemplated,~~ shall be at once extended over the same.

Sec. 282. Section 17-950, Reissue Revised Statutes of Nebraska, is amended to read:

17-950 The mayor and city council of any ~~such~~ city, of the second class or the village board of trustees of any ~~such~~ village, are hereby authorized to issue bonds for the purpose of acquiring title to real estate, as contemplated by sections 17-948 and 17-949, and for the purpose of improving, equipping, and furnishing such real estate as parks and recreational grounds and for the purpose of building swimming pools and dams. No such bonds shall be issued until the question of issuing the same shall have been submitted to the

electors of such city or village at a general election therein, or at a special election called for the purpose of submitting a proposition to issue such bonds, and unless at such election a majority of the electors voting on such proposition shall have voted in favor of issuing such bonds. The question of bond issues in such cities and villages, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of such election. Such bonds shall be payable in not exceeding twenty years from their date, and shall bear interest payable annually or semiannually.

Sec. 283. Section 17-951, Reissue Revised Statutes of Nebraska, is amended to read:

17-951 The mayor and city council of any ~~such~~ city of the second class or the village board of trustees of any such village which has already acquired or hereafter acquires land for park purposes or recreational facilities or which has already built or hereafter builds swimming pools, recreational facilities, or dams may each year make and levy a tax upon the taxable value of all the taxable property in such city or village. The levy shall be collected and put into the city or village treasury and shall constitute the park and recreation fund of such city or village. The funds so levied and collected shall be used for amusements, for laying out, improving, and beautifying such parks, for maintaining, improving, managing, and beautifying such swimming pools, recreational facilities, or dams, and for the payment of salaries and wages of persons employed in the performance of such labor.

Sec. 284. Section 17-952, Reissue Revised Statutes of Nebraska, is amended to read:

17-952 In each city of the second class or village, where land for park purposes or recreational facilities is acquired, or swimming pools, recreational facilities, or dams may be built, the mayor and city council of the city, or the village board of trustees of the village, may provide by ordinance for the creation of a board of park commissioners, or board of park and recreation commissioners ~~at the option of the city or village~~, which, in either case, shall be composed of not less than three members, who shall be residents of the city or village, and who shall have charge of all parks and recreational facilities belonging to the city cities or village villages, and shall have the power to establish rules for the management, care, and use of the same. Where such board of park commissioners or board of park and recreation commissioners has been appointed and qualified, all accounts against the park fund or park and recreation fund, ~~as the case may be~~, shall be audited by such board, and warrants against the fund shall be drawn by the chairperson of such ~~the~~ board, and warrants so drawn shall be paid by the city treasurer or village treasurer out of such ~~the~~ fund.

Sec. 285. Section 17-953, Reissue Revised Statutes of Nebraska, is amended to read:

17-953 Cities of the second class and villages are hereby authorized and empowered to (1) purchase, (2) accept by gift or devise, (3) purchase real estate upon which to erect, and (4) erect a building or buildings for an auditorium, fire station, municipal building, or community house for housing municipal enterprises and social and recreation purposes, and other public buildings, including the construction of buildings authorized to be constructed by Chapter 72, article 14, and including construction of buildings to be leased in whole or in part by the city or village to any other political or governmental subdivision of the State of Nebraska authorized by law to lease such buildings, and maintain, manage, and operate the same for the benefit of the inhabitants of such ~~said~~ cities or villages. Except as provided in section 17-953.01, before any such purchase can be made or building erected, the question shall be submitted to the electors of such city or village at a general municipal election or at an election duly called for that purpose, or as set forth in section 17-954, and be adopted by a majority of the electors voting on such question.

Sec. 286. Section 17-953.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-953.01 If the funds to be used to finance the purchase or construction of a building under section 17-953 are available other than through a bond issue, then either:

(1) Notice of the proposed purchase or construction shall be published in a legal newspaper in or of general circulation in the city or village and no election shall be required to approve the purchase or construction unless within thirty days after the publication of the notice a remonstrance petition against the purchase or construction is signed by registered voters of the city or village equal in number to fifteen percent of the registered voters of the city or village voting at the last regular municipal election held therein and is filed with the governing body of the city or village. If the date for filing the petition remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. If a petition remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the city or village at a general municipal election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then, nor within one year following the election, be purchased or constructed; or

(2) The governing body may proceed without providing the notice and right of petition remonstrance required in subdivision (1) of this section if the property can be purchased below the fair market value as determined by an

appraisal, and there is a willing seller, and the purchase price is less than twenty-five thousand dollars. Such The purchase shall be approved by the governing body after notice and public hearing as provided in section 18-1755.

Sec. 287. Section 17-954, Reissue Revised Statutes of Nebraska, is amended to read:

17-954 The mayor and city council of a such city of the second class or the chairperson chairman and village board of trustees ~~of such village, as the case may be,~~ adopting the proposition to make a such purchase or erect a such building or buildings for the purposes set forth in section 17-953 shall have the power to borrow money and pledge the property and credit of the city or village upon its negotiable bonds. ~~No ; Provided, no~~ such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance, at a general municipal election or at a special election called for the submission of such proposition. ~~The ; and provided further,~~ the question of such purchase or erection of such a building or buildings, as set forth in section 17-953, and the question of the issuance of the negotiable bonds referred to in this section may be submitted as one question at a general municipal or special election if so ordered by resolution or ordinance. Notice of the time and place of such said election shall be given by publication in a some legal newspaper ~~printed~~ in or of general circulation in such city or village three successive weeks immediately prior thereto. No such election for the issuance of such bonds shall be called until a petition for the election therefor signed by at least ten percent of the legal voters of such said city or village has been presented to the city council or to the village board of trustees. The number of voters voting at the last regular municipal election prior to the presenting of such petition shall be deemed the number of votes in such said city or village for the purpose of determining the sufficiency of such petition. The question of bond issues for such purpose in such cities or villages when defeated shall not be resubmitted for six months from and after the date of such election. ~~When ; Provided, that~~ when the building to be constructed is to be used by the State of Nebraska or its agency or agencies under a lease authorized by Chapter 72, article 14, or the building is to be leased by any other political or governmental subdivision of the State of Nebraska, when the combined area of the building to be leased by the state or its agency or agencies and the political or governmental subdivision of the State of Nebraska is more than fifty percent of the area of the building, and when such sum does not exceed two million dollars, then no such vote of the electors will be required.

Sec. 288. Section 17-955, Reissue Revised Statutes of Nebraska, is amended to read:

17-955 The mayor and city council of cities of the second class and chairperson and village board of trustees of villages shall have the power to levy an annual tax not to exceed seven cents on each one hundred dollars upon the taxable value of the taxable property in such cities or villages for the purpose of maintaining an auditorium, municipal building, or community house and shall, by ordinance, determine and declare how such auditorium, municipal building, or community house ~~it~~ shall be managed.

Sec. 289. Section 17-957, Reissue Revised Statutes of Nebraska, is amended to read:

17-957 The cost of cold storage or refrigeration plants under section 17-956 ~~such utilities~~ may be defrayed by the levy of a tax of not to exceed three and five-tenths cents on each one hundred dollars upon the taxable value of the taxable property within the corporate limits of such city or village in any one year ~~for a cold storage or refrigeration plant~~ or, when such tax is insufficient for the purpose, by the issuance of bonds of the municipality.

Sec. 290. Section 17-958, Reissue Revised Statutes of Nebraska, is amended to read:

17-958 The question of issuing bonds for any purpose contemplated by sections 17-956 to 17-960 shall be submitted to the electors at any election held for that purpose after not less than thirty days' notice has been given by publication in a some legal newspaper ~~published in or and of general circulation in such municipality or, if no legal newspaper is published therein, by publication in some legal newspaper published in the county in which such city or village is located. If there is no legal newspaper published in the county wherein such city or village is located, the publication shall be in a legal newspaper of general circulation in the county.~~ Such bonds may be issued only when a majority of the electors voting on the question favor their issuance. Such bonds ~~They~~ shall bear interest, payable annually or semiannually, and shall be payable any time the municipality may determine at the time of their issuance but in not more than twenty years after their issuance. The aggregate amount of bonds that may be issued for the construction or purchase of a cold storage or refrigeration plant shall not exceed five percent of the taxable valuation of all the property in such city or village subject to taxation.

Sec. 291. Section 17-959, Reissue Revised Statutes of Nebraska, is amended to read:

17-959 The city council or village board of trustees, ~~as the case may be,~~ shall levy annually a sufficient tax to maintain, operate, and extend any such cold storage or refrigeration plant as provided under section 17-956 and to provide for the payment of the interest on, and principal of, any bonds that may have been issued as ~~herein~~ provided in section 17-957.

Sec. 292. Section 17-960, Reissue Revised Statutes of Nebraska, is amended to read:

17-960 When any cold storage or refrigeration plant shall have been established under section 17-956, the municipality shall provide by ordinance for the management thereof, and the rates to be charged and the manner of payment for such cold storage or refrigeration plant service to be furnished. In municipalities maintaining a system of waterworks, and having a water commissioner, he or she shall have charge of the cold storage or refrigeration plant ~~herein provided for~~, unless the local governing body shall otherwise provide by the ordinance which shall establish rules and regulations to govern and control such said utility.

Sec. 293. Section 17-962, Reissue Revised Statutes of Nebraska, is amended to read:

17-962 Before any gift or devise specified in section 17-961 may be accepted, such gift or devise ~~the same~~ shall be approved by the city council or village board of trustees.

Sec. 294. Section 17-963, Reissue Revised Statutes of Nebraska, is amended to read:

17-963 (1) The mayor and city council of a such city of the second class or the chairperson and village board of trustees of a such village, ~~as the case may be~~, adopting the proposition to accept a such gift or devise, make such purchase, erect such building or buildings, or maintain, manage, improve, remodel, equip, and operate a facility under section 17-961 shall have the power to borrow money and pledge the property and credit of the city or village upon its municipal bonds, or otherwise, for such purpose or purposes, except that no such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance at a general municipal election or at a special election called for the submission of such proposition.

(2) The bonds shall be payable in not to exceed twenty years from date and shall bear interest payable annually or semiannually. Notice of the time and place of the election shall be given by publication three successive weeks prior to such election ~~thereto~~ in a some legal newspaper printed in or and of general circulation in such city or village ~~or, if no newspaper is printed in such city or village, in a newspaper of general circulation in such city or village~~.

(3) No election shall be called until a petition for the election ~~therefor~~, signed by at least ten percent of the legal voters of such city or village, has been presented to the city council or to the village board of trustees. The number of voters of the city or village voting for the office of Governor at the last general election prior to the presenting of such petition shall be deemed the number of voters in the city or village for the purpose of determining the sufficiency of such a petition. If such a bond issue in such a city or village is defeated, the proposition of issuing bonds for such a purpose shall not be resubmitted to the voters therein within a period of six months from and after the date of such election.

Sec. 295. Section 17-964, Reissue Revised Statutes of Nebraska, is amended to read:

17-964 The mayor and city council of cities of the second class and the chairperson and village board of trustees of villages, ~~as the case may be~~, shall have the power to levy a tax each year of not to exceed seven cents on each one hundred dollars upon the taxable value of all the taxable property in such cities or villages for the purpose of maintaining and operating a facility as provided in sections 17-961 to 17-966. The city council or village board of trustees They shall by ordinance determine and declare how the facility shall be managed.

Sec. 296. Section 17-965, Reissue Revised Statutes of Nebraska, is amended to read:

17-965 Whenever a city or village acquires a facility as provided in sections 17-961 to 17-966, there shall be established a facility fund of which the city treasurer or village treasurer ~~of such city or village~~ shall be the custodian. All funds received by gift or devise or raised by taxation, as provided in such sections, shall be paid into such fund.

Sec. 297. Section 17-966, Reissue Revised Statutes of Nebraska, is amended to read:

17-966 In each city or village where a facility as provided in sections 17-961 to 17-966 is established, the mayor and city council of such city, or the chairperson and village board of trustees of such village, ~~as the case may be~~, may provide by ordinance for the creation of a facility board which shall be composed of not less than three nor more than seven members. The members of the facility board shall (1) be residents of such city or village, (2) have charge of the facility, and (3) have the power to establish rules for the management, operation, and use of the facility ~~same~~, as provided by such ordinance. When a facility board has been appointed and qualified, all accounts against the facility fund shall be audited by the facility board, warrants against such fund shall be drawn by the chairperson of such board, and warrants so drawn shall be paid by the city treasurer or village treasurer out of such fund.

Sec. 298. Section 17-967, Reissue Revised Statutes of Nebraska, is amended to read:

17-967 Any city of the second class or village ~~organized according to law~~ is hereby authorized to issue bonds in aid of improving municipal libraries of cities of the second class and villages in an amount not exceeding seven-tenths of one percent of the taxable valuation of all the taxable property, as shown by the last assessment, within such city of the second class or village in the

manner directed in this section:

(1) A petition signed by not less than fifty property owners freeholders of the city of the second class or village shall be presented to the city council of ~~cities of the second class~~ or village board of trustees of ~~villages~~. Such petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, and the length of time such bonds run, which in no event shall be less than five years nor more than twenty years from the date of such petition thereof. The petitioners shall give bond to be approved by the city council of ~~cities of the second class~~ or village board of trustees of ~~villages~~ for the payment of the expenses of the election in the event that the proposition fails to receive a majority of the votes cast at such election; and

(2) Upon the receipt of such petition, the city council of ~~cities of the second class~~ or village board of trustees of ~~villages~~ shall give notice and call an election in the city of the second class or village. Such notice, call, and election shall be governed by the Election Act ~~laws regulating an election for voting bonds for such city or village~~. When a proposition is submitted for the issuance of bonds for the acquisition of a site or the construction of a single building for the purpose of housing the municipal public library in cities of the second class or villages, it shall be required as a condition precedent to the issuance of such bonds that a majority of the votes cast shall be in favor of such proposition. Bonds in such a city or village shall not be issued for such purpose in the aggregate to exceed one and four-tenths percent of the taxable valuation of all the taxable property in such a city or village as shown by the last assessment within such city or village of ~~the second class~~.

Sec. 299. Section 17-968, Reissue Revised Statutes of Nebraska, is amended to read:

17-968 If a majority of the votes cast at an such election called under section 17-967 are in favor of the proposition, the city council of ~~cities of the second class~~ or village board of trustees of ~~villages~~ shall, ~~as the case may be, without delay,~~ cause to be prepared and shall issue the bonds in accordance with the petition and notice of election. The bonds shall be signed by the mayor and city clerk of ~~cities of the second class~~ or chairperson of the village board of trustees and village clerk of ~~villages~~ and shall be attested by the respective seals. The ~~village clerk of villages or city clerk or village clerk of cities of the second class, as the case may be,~~ shall enter upon the records of the city board or council or village board of trustees, the petition, bond, notice, and call for the election, canvass of the vote, the number, amount, and interest, and the date at which each bond issued shall become payable.

Sec. 300. Section 17-969, Reissue Revised Statutes of Nebraska, is amended to read:

17-969 The city council ~~councils of cities of the second class, or village board~~ boards of trustees of ~~villages or the person charged with levying the taxes,~~ shall each year until the bonds issued under the authority of section 17-967 be paid, levy upon the taxable property in the city of the second class or village, a tax sufficient to pay the interest and five percent of the principal as a sinking fund; and at the tax levy preceding the maturity of any such bonds, levy an amount sufficient to pay the principal and interest due on such bonds.

Sec. 301. Section 17-970, Reissue Revised Statutes of Nebraska, is amended to read:

17-970 The governing body of any city of the second class or village shall have power, by ordinance, (1) to lay out the city or village into suitable districts for the purpose of establishing a system of water service districts, (2) to provide water service ~~such~~ systems and regulate the construction, repair, and use of the water service systems ~~same~~, (3) to compel all proper connections with the water service system ~~therewith~~ and branches from other streets, avenues, and alleys, and from private property, and (4) to provide a penalty not to exceed one hundred dollars for any obstruction or injury to any water main or part thereof, or for failure to comply with the regulations prescribed therefor. No such improvements shall be ordered except as provided in sections 17-971 and 17-972.

Sec. 302. Section 17-971, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-971 If a governing body deems it necessary or desirable to make improvements in a water service district, it shall by ordinance create such water service district and, after the passage, approval, and publication of such ordinance, shall publish notice of the creation of such district for two consecutive weeks in a legal newspaper in or of general circulation in the city or village. ~~If no legal newspaper is published in the city or village, the notice shall be placed in a legal newspaper of general circulation in the city or village.~~ If a majority of the resident owners of the property directly abutting upon any water main to be constructed within such water service district shall file with the city clerk or the village clerk within twenty days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance, but such ordinance shall be repealed. If such objections are not so filed against the district, the governing body shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement ~~therefor~~, and shall levy special assessments on the lots and parcels of land within such district or districts specially benefited in

proportion to such benefits in order to pay the cost of such improvement.

Sec. 303. Section 17-973, Reissue Revised Statutes of Nebraska, is amended to read:

17-973 All assessments made under the provisions of sections 17-970 to 17-976 shall be a lien on the property against which levied from the date of levy and shall thereupon be certified by direction of the governing body to the city treasurer or village treasurer of such city or village for collection. Except as provided in section 18-1216, such assessments shall be due and payable to such treasurer until November 1 thereafter or until the delivery of the tax list for such year to the treasurer of the county in which such city or village may be situated, at and after which time the same shall be due and payable to such county treasurer. The governing body of such city or village shall, within the time provided by law, cause such assessments, or the portion thereof remaining unpaid, to be certified to the county clerk ~~of the county~~ for entry upon the proper tax lists. If the city treasurer or village treasurer collects any assessment or portion thereof so certified while the same shall be payable to the county treasurer, the city treasurer or village treasurer shall certify the assessment or portion thereof to the county treasurer at once, and the county treasurer shall correct the record to show such payment.

Sec. 304. Section 17-974, Reissue Revised Statutes of Nebraska, is amended to read:

17-974 Assessments under section 17-973 Such ~~assessments~~ shall become delinquent in equal annual installments over such period of years, not to exceed ten, as the governing body may determine at the time of making the levy, the first such equal installment to become delinquent in fifty days after the date of such levy. Each of such installments, except the first, shall draw interest at a rate not exceeding the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, payable annually, from the time of the levy until the same shall become delinquent, and after the same becomes delinquent, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon. All of such installments may be paid at one time on any lot or land within fifty days from the date of the levy without interest and, if so paid, such lot or land shall be exempt from any lien or charge for such installments therefor.

Sec. 305. Section 17-976, Reissue Revised Statutes of Nebraska, is amended to read:

17-976 For the purpose of paying the cost of improvements in any water service district and the funding of any warrants issued, the governing body may by ordinance cause to be issued bonds of the city or village to be called Water Service District Bonds of District No. ..., payable in not to exceed ten years from date and to bear interest payable annually or semiannually. Such bonds shall be general obligations of the city or village, and the governing body thereof shall levy and collect annually a tax upon all of the taxable property in such city or village sufficient in rate and amount to pay in full, when taken together with the assessments provided for in section 17-971, the principal and interest of such bonds as the same become due. The amount of such tax shall not be included in the maximum amount of tax which any such city of the second class or village is authorized to levy annually.

Sec. 306. Section 17-1001, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-1001 (1) Except as provided in section 13-327 and subsection (2) of this section, the extraterritorial zoning jurisdiction of a city of the second class or village shall consist of the unincorporated area one mile beyond and adjacent to its corporate boundaries.

(2) For purposes of sections 70-1001 to 70-1020, the extraterritorial zoning jurisdiction of a city of the second class or village shall consist of the unincorporated area one-half mile beyond and adjacent to its corporate boundaries.

(3) ~~Any~~ Except as provided in section 13-327, any city of the second class or village may apply by ordinance any existing or future zoning regulations ordinances, property use regulations regulation ordinances, building ordinances, electrical ordinances, and plumbing ordinances within its extraterritorial zoning jurisdiction to an area within one mile of the corporate limits of such municipality, with the same force and effect as if such area was within its corporate limits. No such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with the conduct of existing farming, livestock operations, businesses, or industry. For purposes of sections 70-1001 to 70-1020, the zoning area of a city of the second class or village shall be one-half mile from the corporate limits of such municipalities. The fact that the extraterritorial zoning jurisdiction area or part thereof is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the powers of the city or village to apply such ordinances ~~necessity of obtaining the approval of the city council or board of trustees of such municipality or its agent pursuant to section 19-916.~~

(4)(a) ~~(2)(a)~~ A city of the second class or village shall provide written notice to the county board of the county in which the ~~one-mile~~ extraterritorial zoning jurisdiction of the city or village is located when proposing to adopt or amend a zoning ordinance which affects the ~~one-mile~~ extraterritorial zoning jurisdiction of the city or village within such county. The written notice of the proposed change to the zoning ordinance shall be sent to the county board or its designee at least thirty days prior to the final decision by the city or

village. The county board may submit comments or recommendations regarding the change in the zoning ordinance at the public hearings on the proposed change or directly to the city or village within thirty days after receiving such notice. The city or village may make its final decision (i) upon the expiration of the thirty days following the notice or (ii) when the county board submits comments or recommendations, if any, to the city or village prior to the expiration of the thirty days following the notice.

(b) Subdivision ~~(4)(a)~~ ~~(2)(a)~~ of this section does not apply to a city of the second class or a village (i) located in a county with a population in excess of one hundred thousand inhabitants or (ii) if the city or village and the county have a joint planning commission or joint planning department.

Sec. 307. Section 17-1002, Revised Statutes Cumulative Supplement, 2016, is amended to read:

17-1002 (1) Except as provided in subsection (5) of this section, any city of the second class or village may designate by ordinance the portion of the territory located within ~~its extraterritorial zoning jurisdiction one mile of the corporate limits of such city or village~~ and outside of any other organized city or village within which the designating city or village will exercise the powers and duties granted by this section and section 17-1003 or section 19-2402.

(2) No owner of any real property located within the area designated by a city or village pursuant to subsection (1) or (5) of this section may subdivide, plat, or lay out such real property in building lots, streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto without first having obtained the approval of the city council or village board of trustees of ~~such municipality~~ or its agent designated pursuant to section 19-916 and, when applicable, having complied with sections 39-1311 to 39-1311.05. The fact that such real property is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the necessity of obtaining the approval of the city council or village board of trustees of ~~such municipality~~ or its designated agent.

(3) No plat of such real property shall be recorded or have any force or effect unless approved by the city council or village board of trustees of ~~such municipality~~ or its designated agent.

(4) Except as provided in subsection (6) of this section, in counties that have adopted a comprehensive development plan which meets the requirements of section 23-114.02 and are enforcing subdivision regulations, the county planning commission shall be provided with all available materials on any proposed subdivision plat, contemplating public streets or improvements, which is filed with a city of the second class or village municipality in that county, when such proposed plat lies partially or totally within the portion of the extraterritorial zoning jurisdiction of that city or village where the powers and duties granted by this section and section 17-1003 or section 19-2402 are being exercised by that municipality in such county. The commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the commission shall run concurrently with subdivision review activities of the municipality after the commission receives all available material for a proposed subdivision plat.

(5) If a city of the second class or village receives approval for the cession and transfer of additional extraterritorial zoning jurisdiction under section 13-327, such city or village may designate by ordinance the portion of the territory located within ~~its extraterritorial zoning jurisdiction one mile of the corporate limits of such city or village~~ and outside of any other organized city or village within which the designating city or village will exercise the powers and duties granted by this section and section 17-1003 or section 19-2402 and shall include territory ceded under section 13-327 within such designation.

(6) In counties having a population in excess of one hundred thousand inhabitants but less than two hundred fifty thousand inhabitants that have adopted a comprehensive development plan which meets the requirements of section 23-114.02 and are enforcing subdivision regulations, the county planning department and public works department shall be provided with all available materials on any proposed subdivision plat, contemplating public streets or improvements, which is filed with a city of the second class or village municipality in that county, when such proposed plat lies partially or totally within the extraterritorial zoning subdivision jurisdiction being exercised by that city of the second class or village municipality in such county. The county may officially comment on the appropriateness of the design and improvements proposed in the plat.

Sec. 308. Section 17-1003, Reissue Revised Statutes of Nebraska, is amended to read:

17-1003 The city council of a city of the second class or village board of trustees of such municipality shall have power, by ordinance, to provide the manner, plan, or method by which the real property within the extraterritorial zoning jurisdiction of the city or village in any such area may be subdivided, platted, or laid out, including a plan or system for the avenues, streets, or alleys to be laid out within or across the same. The city council or village board of trustees shall have the power to compel the owner of any such real property ~~in any such area~~, in subdividing, platting, or laying out of same, to conform to the requirements of such ordinance and to lay out and dedicate the

avenues, streets, and alleys in accordance therewith.

Sec. 309. Section 17-123.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

~~17-123.01~~ Each city of the second class ~~second-class~~ and village may, by ordinance, prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or village or within its extraterritorial ~~one-mile~~ zoning jurisdiction and require the removal of such litter thereof so as to abate any nuisance ~~occasioned thereby~~. If the owner fails to remove such litter, after five days' notice by publication and by certified mail, the city or village, ~~through its proper officers,~~ shall remove the litter or cause it to be removed and shall assess the cost of removal thereof against the property so benefited as provided by ordinance.

Sec. 310. Section 17-149, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-149~~ The mayor and city council of any ~~second-class city of the second class,~~ or the board of trustees of any village, are hereby authorized to lay off such city or village and the territory within the extraterritorial zoning jurisdiction of such city or village ~~one mile beyond its corporate limits~~ into suitable districts for the purpose of establishing a system of sewerage and drainage. Such city or village They may (1) provide such system; (2) regulate the construction, repairs, and use of sewers and drains and of all proper house connections and branches; (3) compel all proper connections therewith and branches from other streets, avenues, and alleys, and from private property; and (4) provide penalties for any obstruction of or injury to any sewer or part of such sewer thereof, or failure to make connections with such system therewith.

Sec. 311. Section 17-149.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

~~17-149.01~~ If any property owner neglects or fails within a period of ten days after notice has been given to him or her by certified or registered mail or by publication in a legal ~~some~~ newspaper published in or of general circulation in a such city of the second class or village to make connection with the sewerage system as provided in section 310 of this act ~~17-149~~, the governing body of such city or village may cause the connection to be done, assess the cost of such connection thereof against the property as a special assessment, and collect the special assessment in the manner provided for collection of other special assessments.

Sec. 312. Section 17-405, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-405~~ (1) Whenever the owner or owners ~~and inhabitants,~~ or a majority of the owners thereof ~~in numbers or value,~~ of any territory lying contiguous to the corporate limits of any city or village, whether the territory be already in fact subdivided into lots or parcels of ten acres or less or remains unsubdivided, except as provided in section 13-1115, shall desire to annex such territory to any city or village, they shall first cause an accurate plat or map of the territory to be made, showing such territory subdivided into blocks and lots, conforming as nearly as may be to the blocks, lots, and streets of the adjacent city or village. It shall also show the descriptions and numberings, as provided in section 315 of this act ~~17-415~~, for platting additions, and conforming thereto as nearly as may be.

(2) ~~Such~~ Said plat or map shall be prepared under the supervision of the city engineer in cases of annexation to adjacent cities, under the supervision of the village engineer in cases of annexation to adjacent villages, and under the supervision of a competent surveyor in any case. A copy of such ~~said~~ plat or map, certified by such ~~said~~ engineer or surveyor, as the case may be, shall be filed in the office of the city clerk or village clerk ~~of the city or village,~~ together with a request in writing, signed by a majority of the property owners ~~and inhabitants in number and value~~ of the territory described in such ~~said~~ plat for the annexation of such ~~said~~ territory. The city council or village board of trustees shall, at the next regular meeting thereof after the filing of such plat and request for annexation, vote upon the question of such annexation, and such vote shall be recorded in the minutes ~~spread upon the journal of such city said council or village board of trustees~~. If a majority of all the members of the city council or village board of trustees vote for such annexation, an ordinance shall be prepared and passed by the city council or village board of trustees declaring the annexation of such territory to the corporate limits of the city or village, ~~and extending the limits thereof accordingly.~~

(3) An accurate map or plat of such territory certified by the city engineer, village engineer, or surveyor, and acknowledged and proved as provided by law in such cases shall at once be filed and recorded in the office of the county clerk or register of deeds and county assessor of the proper county, together with a certified copy of the ordinance declaring such annexation, under the seal of the city or village. Upon such filing, the ~~Thereupon~~ such annexation of the ~~such~~ adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the county clerk or register of deeds shall be deemed and held to be a part of such ~~said~~ original ~~corporate~~ city or village, and the inhabitants of such territory thereof shall thereafter enjoy the privileges and benefits of such annexation, and be subject to the ordinances and regulations of such ~~said~~ city or village.

Sec. 313. Section 17-406, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-406~~ Whenever the owner, owners, and inhabitants or a majority of the owners thereof in number or value of any territory lying contiguous to the corporate limits of any city or village, the corporate limits of which city or village is situated in two or more counties and, whether the territory shall be situated within or without the counties of which such said city or village is a part, except as provided in section 13-1115, shall desire to annex such said territory to such city or village, such territory may be annexed in the manner provided in section 312 of this act ~~17-405~~, and when so annexed shall thereafter be a part of such city or village.

Sec. 314. Section 17-412, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-412~~ The extension of the corporate city limits of any city or village beyond or around any lands belonging to the State of Nebraska shall not affect the status of such state land.

Sec. 315. Section 17-415, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-415~~ Every original owner or proprietor of any tract or parcel of land, who shall subdivide such tract or parcel the same into two or more parts for the purpose of laying out any city or village or an any addition to any city or village thereto or any part thereof, or suburban lots, shall cause a plat of such subdivision, with references to known or permanent monuments, to be made, which shall accurately describe all subdivisions of such tract or parcel of land, numbering such tract or parcel the same by progressive numbers, and giving the dimensions and length and breadth of such tract or parcel thereof, and the breadth and courses of all streets and alleys established therein. Descriptions of lots or parcels of land in such subdivisions, according to the number and designation thereof on such plat ~~contained~~, in conveyances or for the purposes of taxation, shall be deemed good and valid for all purposes. The duty to file for record a plat as provided in sections 315 to 326 of this act ~~herein~~ shall attach as a covenant of warranty in all conveyances hereafter made of any part or parcel of such subdivision by the original owners or proprietors against any and all assessments, costs, and damages paid, lost, or incurred by any grantee or person claiming under him, in consequence of the omission on the part of the owner filing or proprietors to file such plat.

Sec. 316. Section 17-416, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-416~~ Every such plat created pursuant to section 315 of this act shall contain a statement to the effect that the ~~above or foregoing~~ subdivision of (here insert a correct description of the land or parcel subdivided), as appears on this plat, is made with the free consent and in accordance with the desire of the undersigned owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgment of deeds. When thus executed and acknowledged, the plat shall be filed for record and recorded in the office of the register of deeds and county assessor of the proper county.

Sec. 317. Section 17-417, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-417~~ The acknowledgment and recording of a such plat created pursuant to section 315 of this act is equivalent to a deed in fee simple of such portion of the premises platted as is on such plat set apart for streets or other public use, or as is on such plat ~~thereon~~ dedicated to charitable, religious, or educational purposes.

Sec. 318. Section 17-418, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-418~~ Streets and alleys laid out in any addition to any city or village shall be continuous with and correspond in direction and width to the streets and alleys of the city or village to which they are in addition.

Sec. 319. Section 17-419, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-419~~ Any such plat created pursuant to section 315 of this act may be vacated ~~after approval of the governing body by the proprietors thereof~~, at any time before the sale of any lots contained in such plat ~~therein~~, by a written instrument declaring such plat the same to be vacated. Such written instrument shall be approved by the city council or village board of trustees governing body and shall be duly executed, acknowledged, or proved, and recorded in the same office with the plat to be vacated. The execution and recording of such written instrument ~~writing~~ shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, commons, and public grounds laid out or described in such plat. In cases when any lots have been sold, the plat may be vacated, as ~~herein~~ provided in this section, by all the owners of lots in such plat joining in the execution of such written instrument ~~the writing aforesaid~~.

Sec. 320. Section 17-420, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-420~~ Any part of a plat may be vacated under ~~the provisions and subject to the conditions of~~ section 319 of this act. ~~Such 17-419; Provided, such vacating does not abridge or destroy any of the rights and privileges of other property owners proprietors in such said plat. Nothing contained in this section shall authorize the closing or obstructing of any public highways laid out according to law.~~

Sec. 321. Section 17-421, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-421~~ When any part of a plat shall be vacated as provided in section 319

of this act aforesaid, the owners proprietors of the lots so vacated may enclose the streets, alleys, and public grounds adjoining such said lots in equal proportions.

Sec. 322. Section 17-422, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-422~~ The county clerk in whose office any vacated the plats aforesaid are recorded shall write in plain, legible letters across that part of such said plat so vacated, the word, vacated, and also make a reference on the plat same to the volume and page in which such the said instrument of vacation is recorded.

Sec. 323. Section 17-423, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-423~~ The owner of any lots in a plat so vacated under section 319 of this act may cause such lots the same and a proportionate part of adjacent streets and public grounds to be platted and numbered by the county surveyor. When such plat is acknowledged by such owner, and is recorded in the record office of the county, such lots may be conveyed and assessed by the numbers given them on such plat.

Sec. 324. Section 17-424, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-424~~ Whenever the original owners or proprietors of any subdivision of land as provided contemplated in sections 315 and 316 of this act ~~17-415 and 17-416~~, have sold or conveyed any part of such subdivision thereof or invested the public with any rights in such subdivision therein, and have failed and neglected to execute and file for record a plat as provided in said sections 315 and 316 of this act, the county clerk shall notify ~~some or all of~~ such owners and proprietors by certified mail or otherwise, and demand an execution of such said plat as required by law provided. If such owners or proprietors, ~~whether notified or not~~, fail and neglect to execute and file for record such said plat, for thirty days following after the issuance of such notice, the county clerk shall cause the plat of such subdivision to be made, along with and also any necessary surveying necessary therefor. Such plat shall be signed and acknowledged by the county clerk, who shall certify that he or she executed it by reason of the failure of the owners required or proprietors named to do so, and filed for record. When so filed for record, it shall have the same effect for all purposes as if executed, acknowledged, and recorded by the owners or proprietors themselves. A correct statement of the costs and expenses of such plat, surveying, and recording, verified by oath, shall be submitted by the county clerk to laid before the first session of the county board, who shall allow such costs and expenses the same and order the same to be paid out of the county treasury, and shall at the same time assess such the said amount, pro rata, upon all several subdivisions of such said tract, lot, or parcel so subdivided. Such assessment shall be collected with and in like manner as the general taxes, and shall go to the county general fund. The county ; or the board may also direct suit to be brought in the name of the county, before any court having jurisdiction, to recover from of the original owners or proprietors, or either of them, the cost and expense of procuring and recording such plat.

Sec. 325. Section 17-425, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-425~~ Whenever any congressional subdivision of land of forty acres or less or any lot or subdivision is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county clerk, be made sufficiently certain and accurate for the purpose of assessment and taxation without noting the metes and bounds of such parts or parcels the same, the county clerk shall require and cause to be made and recorded a plat of such tract or lot of land with its several subdivisions, in accordance with ~~the provisions of section 315 of this act. The county clerk 17-415; and~~ he shall proceed in such cases according to ~~the provisions of section 324 of this act, 17-424;~~ and all the provisions of law such section in relation to the plats of cities and villages, ~~and so forth,~~ shall govern any as to the tracts and parcels of land platted pursuant to this section in this section referred to.

Sec. 326. Section 17-426, Reissue Revised Statutes of Nebraska, is amended to read:

~~17-426~~ Any person who sells shall dispose of, or offers offer for sale or lease, any lots in any municipality town, or addition to any municipality, before town or city, until the plat of such lots thereof has been duly acknowledged and recorded as provided in section 316 of this act ~~17-416~~, shall ~~forfeit and pay a penalty of fifty dollars for each lot or and part of lot sold or disposed of, leased, or offered for sale.~~

Sec. 327. The Revisor of Statutes shall assign section 77 of this act to Chapter 17, article 2.

Sec. 328. The Revisor of Statutes shall assign sections 123, 309, 310, and 311 of this act to Chapter 17, article 5.

Sec. 329. The Revisor of Statutes shall assign sections 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326 of this act to Chapter 18.

Sec. 330. Original sections 17-105, 17-106, 17-107, 17-108, 17-108.02, 17-112, 17-113, 17-114, 17-117, 17-118, 17-119, 17-120, 17-121, 17-122, 17-124, 17-126, 17-127, 17-129, 17-130, 17-131, 17-132, 17-134, 17-136, 17-137, 17-138, 17-139, 17-140, 17-141, 17-142, 17-143, 17-145, 17-146, 17-147, 17-148, 17-149, 17-150, 17-151, 17-153, 17-154, 17-155, 17-157, 17-158, 17-159, 17-160, 17-161,

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Sec. 331. The following sections are outright repealed: Sections 17-128, 17-133, 17-135, 17-144, and 17-915, Reissue Revised Statutes of Nebraska.