

LEGISLATIVE BILL 865

Approved by the Governor April 17, 2018

Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-137 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404, Revised Statutes Cumulative Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017; to changes provisions relating to the passage of ordinances by cities and villages; to prohibit suspension of a reading requirement for certain ordinances as prescribed; and to repeal the original sections.

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

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

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

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

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

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

16-404 (1) All ordinances and resolutions or orders for the appropriation or payment of money in a city of the first class shall require for their passage or adoption the concurrence of a majority of all members elected to the city council. The mayor may vote on any such matter when his or her vote will provide the additional vote required to create a 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.

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

(3) Ordinances in a city of the first class shall contain no subject which is not clearly expressed in the title, and, except as provided in section 19-915, no ordinance or section 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, the only title necessary shall be An ordinance of the city of, revising all the ordinances of the city. 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. 4. Section 17-614, Revised Statutes Supplement, 2017, 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 or the redrawing of boundaries for city council or village board of trustees election districts or wards. 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 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. 5. Original sections 14-137 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404, Revised Statutes Cumulative Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017, are repealed.