

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 234

Introduced by Wayne, 13.

Read first time January 14, 2019

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities and villages; to amend sections
2 14-804, 15-840, and 16-726, Reissue Revised Statutes of Nebraska,
3 and section 17-714, Revised Statutes Cumulative Supplement, 2018; to
4 provide requirements for payment of certain claims; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-804, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-804 (1) Before any claim against the city is allowed, except
4 officers' salaries earned within twelve months or interest on the public
5 debt ~~is allowed~~, the claimant or his or her agent or attorney shall
6 verify the same by ~~his~~ affidavit, stating that the several items therein
7 mentioned are just and true and the services charged therein or articles
8 furnished, as the case may be, were rendered or furnished as therein
9 charged, and that the amount therein charged and claimed is due and
10 unpaid, allowing all just credits.

11 (2) If the claimant is a small business according to the Table of
12 Small Business Size Standards Matched to North American Industry
13 Classification System Codes of the United States Small Business
14 Administration as the table existed on October 1, 2018, the city council
15 shall approve or disapprove payment of the claim on or before the
16 fifteenth day after the later of the day (a) the services were rendered
17 or the articles were furnished or (b) the bill was received for the
18 services or articles.

19 (3) The city comptroller and his or her deputy shall have authority
20 to administer oaths and affirmations in all matters required by this
21 section. All claims against the city must be filed with the city
22 comptroller.

23 (4) When the claim of any person against the city is disallowed, in
24 whole or in part, by the city council, such person may appeal from the
25 decision of the said city council to the district court of the same
26 county in which such city is located, as provided in section 14-813.

27 Sec. 2. Section 15-840, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 15-840 (1) All liquidated and unliquidated claims and accounts
30 payable against a the city of the primary class shall: (a) (1) Be
31 presented in writing; (b) (2) state the name of the claimant and the

1 amount of the claim; and (c) ~~(3)~~ fully and accurately identify the items
2 or services for which payment is claimed or the time, place, nature, and
3 circumstances giving rise to the claim. The finance director shall be
4 responsible for the preauditing and approval of all claims and accounts
5 payable, and no warrant in payment of any claim or account payable shall
6 be drawn or paid without such approval.

7 (2) If the claimant is a small business according to the Table of
8 Small Business Size Standards Matched to North American Industry
9 Classification System Codes of the United States Small Business
10 Administration as the table existed on October 1, 2018, the finance
11 director shall approve or disapprove payment of the claim on or before
12 the fifteenth day after the later of the day (a) the items were furnished
13 or the services were rendered or (b) the bill was received for the items
14 or services.

15 (3) In order to maintain an action for a claim, other than a tort
16 claim as defined in section 13-903, it shall be necessary, as a condition
17 precedent, that the claimant file such claim within one year of the
18 accrual thereof, in the office of the city clerk, or other official whose
19 duty it is to maintain the official records of a ~~primary-class city of~~
20 the primary class.

21 Sec. 3. Section 16-726, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-726 (1) All liquidated and unliquidated claims and accounts
24 payable against a city of the first class shall: (a) ~~(1)~~ Be presented in
25 writing; (b) ~~(2)~~ state the name and address of the claimant and the
26 amount of the claim; and (c) ~~(3)~~ fully and accurately identify the items
27 or services for which payment is claimed or the time, place, nature, and
28 circumstances giving rise to the claim.

29 (2) If the claimant is a small business according to the Table of
30 Small Business Size Standards Matched to North American Industry
31 Classification System Codes of the United States Small Business

1 Administration as the table existed on October 1, 2018, the city council
2 shall approve or disapprove payment of the claim on or before the
3 fifteenth day after the later of the day (a) the items were furnished or
4 the services were rendered or (b) the bill was received for the items or
5 services.

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

10 (4) The city clerk shall notify the claimant or his or her agent or
11 attorney by letter mailed to the claimant's address within five days if
12 the claim is disallowed by the city council.

13 (5) No costs shall be recovered against such city in any action
14 brought against it for any claim or for any claim allowed in part which
15 has not been presented to the city council to be audited, unless the
16 recovery is for a greater sum than the amount allowed with the interest
17 due.

18 Sec. 4. Section 17-714, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 17-714 (1) All liquidated and unliquidated claims and accounts
21 payable against a city of the second class or village shall (a) be
22 presented in writing, (b) state the name and address of the claimant and
23 the amount of the claim, and (c) fully and accurately identify the items
24 or services for which payment is claimed or the time, place, nature, and
25 circumstances giving rise to the claim.

26 (2) If the claimant is a small business according to the Table of
27 Small Business Size Standards Matched to North American Industry
28 Classification System Codes of the United States Small Business
29 Administration as the table existed on October 1, 2018, the city council
30 or village board of trustees shall approve or disapprove payment of the
31 claim on or before the fifteenth day after the later of the day (a) the

1 items were furnished or the services were rendered or (b) the bill was
2 received for the items or services.

3 (3) ~~(2)~~ As a condition precedent to maintaining an action for a
4 claim, other than a tort claim as defined in section 13-903, the claimant
5 shall file such claim within ninety days after ~~of~~ the accrual of the
6 claim in the office of the city clerk or village clerk.

7 (4) ~~(3)~~ The city clerk or village clerk shall notify the claimant or
8 his or her agent or attorney by letter mailed to the claimant's address
9 within five days if the claim is disallowed by the city council or
10 village board of trustees.

11 (5) ~~(4)~~ No costs shall be recovered against such city or village in
12 any action brought against it for any claim or for any claim allowed in
13 part which has not been presented to the city council or village board of
14 trustees to be audited, unless the recovery is for a greater sum than the
15 amount allowed with the interest due.

16 Sec. 5. Original sections 14-804, 15-840, and 16-726, Reissue
17 Revised Statutes of Nebraska, and section 17-714, Revised Statutes
18 Cumulative Supplement, 2018, are repealed.