

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 131

Introduced by Hunt, 8.

Read first time January 07, 2021

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities and villages; to amend sections
- 2 14-137, 15-404, 16-404, and 17-614, Revised Statutes Cumulative
- 3 Supplement, 2020; to change provisions relating to the enactment of
- 4 ordinances as prescribed; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-137, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 14-137 The enacting clause of all ordinances in a city of the
4 metropolitan class shall be as follows: Be it ordained by the city
5 council of the city of All ordinances of the city shall be
6 passed pursuant to such rules and regulations as the city council may
7 prescribe. Upon the passage of all ordinances the yeas and nays shall be
8 entered upon the record of the city council, and a majority of the votes
9 of all the members of the city council shall be necessary to their
10 passage. No ordinance shall be passed within a week after its
11 introduction, except the general appropriation ordinances for salaries
12 and wages. Ordinances of a general or permanent nature shall be read by
13 title on three different days unless three-fourths of the city council
14 vote to suspend this requirement, except that such requirement shall not
15 be suspended (1) for any ordinance for the annexation of territory or the
16 redrawing of boundaries for city council election districts or wards or
17 (2) as otherwise provided by law.

18 Sec. 2. Section 15-404, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 15-404 All ordinances, resolutions, or orders for the appropriation
21 or payment of money in a city of the primary class shall require for
22 passage or adoption the concurrence of a majority of the members elected
23 to the city council. Ordinances of a general or permanent nature shall be
24 read by title on three different days unless the city council votes to
25 suspend this requirement by a two-thirds vote of the members, except that
26 such requirement shall not be suspended (1) for any ordinance for the
27 annexation of territory or the redrawing of boundaries for city council
28 election districts or wards or (2) as otherwise provided by law. No
29 ordinance shall contain a subject which is not clearly expressed in its
30 title. No ordinance or section thereof shall be revised or amended unless
31 the new ordinance contains the entire ordinance or section as revised or

1 amended and the ordinance or section so amended shall be repealed.

2 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

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

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

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

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

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

18 Sec. 4. Section 17-614, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 17-614 (1) All ordinances and resolutions or orders for the
21 appropriation or payment of money shall require for their passage or
22 adoption the concurrence of a majority of all members elected to the city
23 council in a city of the second class or village board of trustees. The
24 mayor of a city of the second class may vote when his or her vote would
25 provide the additional vote required to attain the number of votes equal
26 to a majority of the number of members elected to the city council, and
27 the mayor shall, for the purpose of such vote, be deemed to be a member
28 of the city council. Ordinances of a general or permanent nature shall be
29 read by title on three different days unless three-fourths of the city
30 council or village board of trustees vote to suspend this requirement,
31 except that such requirement shall not be suspended (a) for any ordinance

1 for the annexation of territory or the redrawing of boundaries for city
2 council or village board of trustees election districts or wards or (b)
3 as otherwise provided by law. In case such requirement is suspended, the
4 ordinances shall be read by title and then moved for final passage.
5 Three-fourths of the city council or village board of trustees may
6 require a reading of any such ordinance in full before enactment under
7 either procedure set out in this section.

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

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

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

30 Sec. 5. Original sections 14-137, 15-404, 16-404, and 17-614,
31 Revised Statutes Cumulative Supplement, 2020, are repealed.