

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 800**

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14;  
Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 06, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the metropolitan class; to amend  
2 sections 14-102.01, 14-102.02, 14-104, 14-106, 14-107, 14-108,  
3 14-110, 14-111, 14-112, 14-113, 14-115, 14-116, 14-118, 14-120,  
4 14-121, 14-122, 14-123, 14-124, 14-125, 14-136, 14-201, 14-201.03,  
5 14-202, 14-204, 14-205, 14-206, 14-207, 14-210, 14-211, 14-212,  
6 14-213, 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219, 14-220,  
7 14-221, 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230,  
8 14-360, 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03,  
9 14-365.04, 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09,  
10 14-365.10, 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372,  
11 14-373, 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383,  
12 14-384, 14-385, 14-386, 14-387, 14-388, 14-389, 14-390, 14-391,  
13 14-393, 14-394, 14-395, 14-396, 14-397, 14-399, 14-3,100, 14-3,101,  
14 14-3,105, 14-3,108, 14-3,109, 14-3,111, 14-3,112, 14-3,113,  
15 14-3,114, 14-3,115, 14-3,116, 14-3,117, 14-3,118, 14-3,119,  
16 14-3,120, 14-3,121, 14-3,122, 14-3,123, 14-3,124, 14-3,125,  
17 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405, 14-406, 14-408,  
18 14-409, 14-410, 14-411, 14-412, 14-413, 14-414, 14-416, 14-417,  
19 14-418, 14-501, 14-501.01, 14-503, 14-504, 14-505, 14-506, 14-507,  
20 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515,  
21 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523,  
22 14-524, 14-525, 14-526, 14-527, 14-528, 14-529, 14-530, 14-531,

1 14-532, 14-533, 14-534, 14-535, 14-536, 14-538, 14-539, 14-540,  
2 14-541, 14-542, 14-543, 14-544, 14-545, 14-546, 14-547, 14-548,  
3 14-549, 14-550, 14-556, 14-557, 14-558, 14-559, 14-560, 14-562,  
4 14-563, 14-564, 14-565, 14-566, 14-568, 14-601, 14-602, 14-603,  
5 14-604, 14-605, 14-606, 14-609, 14-702, 14-704, 14-709, 14-804,  
6 14-805, 14-806, 14-807, 14-808, 14-809, 14-810, 14-811, 14-812,  
7 14-813, 14-814, 14-816, 14-817, 14-818, 14-1201, 14-1202, 14-1203,  
8 14-1204, 14-1205, 14-1206, 14-1207, 14-1211, 14-1212, 14-1215,  
9 14-1216, 14-1217, 14-1218, 14-1219, 14-1220, 14-1221, 14-1222,  
10 14-1223, 14-1224, 14-1225, 14-1226, 14-1227, 14-1228, 14-1229,  
11 14-1230, 14-1231, 14-1232, 14-1233, 14-1234, 14-1235, 14-1236,  
12 14-1237, 14-1238, 14-1239, 14-1240, 14-1241, 14-1242, 14-1243,  
13 14-1244, 14-1245, 14-1246, 14-1247, 14-1248, 14-1249, 14-1250,  
14 14-1251, 14-1252, 14-1702, 14-1703, 14-1704, 14-1705, 14-1706,  
15 14-1707, 14-1708, 14-1709, 14-1710, 14-1711, 14-1712, 14-1713,  
16 14-1714, 14-1715, 14-1716, 14-1717, 14-1718, 14-1719, 14-1721,  
17 14-1722, 14-1723, 14-1724, 14-1725, 14-1726, 14-1727, 14-1728,  
18 14-1729, 14-1730, 14-1731, 14-1732, 14-1734, 14-1735, 14-1737,  
19 14-1738, 14-1739, 14-2001, 14-2002, 14-2003, and 14-2004, Reissue  
20 Revised Statutes of Nebraska, sections 14-101, 14-101.01, 14-102,  
21 14-103, 14-105, 14-109, 14-117, 14-363, 14-364, 14-392, 14-398,  
22 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403, 14-415, 14-419,  
23 14-420, 14-502, 14-553, 14-567, 14-607, 14-1733, 19-414, and 19-415,  
24 Revised Statutes Cumulative Supplement, 2020, and sections 14-137  
25 and 77-3523, Revised Statutes Supplement, 2021; to change provisions  
26 relating to city officers, elections, powers, duties, public  
27 improvements, subdividing and platting, consolidation of cities and  
28 villages, ordinances, planning and zoning, fiscal management, city  
29 departments, claims and awards, bridges, parking facilities, and  
30 landmark heritage preservation districts; to eliminate provisions  
31 relating to municipal coal yards, boards of public welfare,

1           superintendency of departments and taxes and assessments; to  
2           harmonize provisions; to repeal the original sections; and to  
3           outright repeal sections 14-114, 14-126, 14-223, and 14-554, Reissue  
4           Revised Statutes of Nebraska.

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

1 Section 1. Section 14-101, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 14-101 All cities in this state which have attained a population of  
4 three hundred thousand inhabitants or more as determined by the most  
5 recent federal decennial census or the most recent revised certified  
6 count by the United States Bureau of the Census shall be cities of the  
7 metropolitan class and governed by sections 14-101 to 14-2004 ~~this act.~~  
8 ~~Whenever the words this act occur in sections 14-101 to 14-138, 14-201 to~~  
9 ~~14-229, 14-360 to 14-376, 14-501 to 14-556, 14-601 to 14-609, 14-702 to~~  
10 ~~14-704, and 14-804 to 14-816, they shall be construed as referring~~  
11 ~~exclusively to those sections.~~ The population of a city of the  
12 metropolitan class shall consist of the people residing within the  
13 territorial boundaries of such city and the residents of any territory  
14 duly and properly annexed to such city. Each city of the metropolitan  
15 class shall be a body corporate and politic and shall have power (1) to  
16 sue and be sued, (2) to purchase, lease, lease with option to buy,  
17 acquire by gift or devise, and hold real and personal property within or  
18 without the limits of the city for the use of the city, and real estate  
19 sold for taxes, (3) to sell, exchange, lease, and convey any real or  
20 personal property estate owned by the city, in such manner and upon such  
21 terms as may be in ~~to~~ the best interests of the city, except that real  
22 estate acquired for state armory sites shall be conveyed strictly in the  
23 manner provided in sections 18-1001 to 18-1006, (4) to make all contracts  
24 and do all other acts in relation to the property and concerns of the  
25 city necessary for ~~to~~ the exercise of its corporate or administrative  
26 powers, and (5) to exercise such other and further powers as may be  
27 conferred by law. The powers ~~hereby~~ granted under this section shall be  
28 exercised by the mayor and city council of such city except when  
29 otherwise specifically ~~speciallly~~ provided.

30 Sec. 2. Section 14-101.01, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           14-101.01 Whenever any city of the primary class shall attain a  
2 population of three hundred thousand inhabitants or more as determined by  
3 the most recent federal decennial census or the most recent revised  
4 certified count by the United States Bureau of the Census, the mayor of  
5 such city shall certify such fact to the Secretary of State, who upon the  
6 filing of such certificate shall by proclamation declare such city to be  
7 a city of the metropolitan class.

8           Sec. 3. Section 14-102, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:

10           14-102 In addition to the powers granted in section 14-101, cities  
11 of the metropolitan class shall have power by ordinance:

12           ~~Taxes, special assessments.~~

13           (1) To levy any tax or special assessment authorized by law;

14           ~~Corporate seal.~~

15           (2) To provide a corporate seal for the use of the city, and also  
16 any official seal for the use of any officer, board, or agent of the  
17 city, whose duties require an official seal to be used. Such corporate  
18 seal shall be used in the execution of municipal bonds, warrants,  
19 conveyances, and other instruments and proceedings as required by law;

20           ~~Regulation of public health.~~

21           (3) To provide all needful rules and regulations for the protection  
22 and preservation of health within the city, including providing ; ~~and for~~  
23 ~~this purpose they may provide~~ for the enforcement of the use of water  
24 from public water supplies when the use of water from other sources shall  
25 be deemed unsafe;

26           ~~Appropriations for debts and expenses.~~

27           (4) To appropriate money and provide for the payment of debts and  
28 expenses of the city;

29           ~~Protection of strangers and travelers.~~

30           (5) To adopt all such measures as ~~they~~ may be deemed deem necessary  
31 for the accommodation and protection of strangers and the traveling

1 public in person and property;

2 ~~Concealed weapons, firearms, fireworks, explosives.~~

3 (6) To punish and prevent the carrying of concealed weapons, except  
4 the carrying of a concealed handgun in compliance with the Concealed  
5 Handgun Permit Act, and the discharge of firearms, fireworks, or  
6 explosives of any description within the city, other than the discharge  
7 of firearms at a shooting range pursuant to the Nebraska Shooting Range  
8 Protection Act;

9 ~~Sale of foodstuffs.~~

10 (7) To regulate the inspection and sale of meats, flour, poultry,  
11 fish, milk, vegetables, and all other provisions or articles of food  
12 exposed or offered for sale in the city;

13 ~~Official bonds.~~

14 (8) To require all elected or appointed officers ~~or servants elected~~  
15 ~~or appointed~~ to give bond and security for the faithful performance of  
16 their duties, except that ; ~~but~~ no officer shall become bonded and  
17 secured security upon the official bond of another or upon any bond  
18 executed to the city;

19 ~~Official reports of city officers.~~

20 (9) To require from any officer of the city at any time a report, in  
21 detail, of the transactions of his or her office or any matter connected  
22 with such office therewith;

23 ~~Cruelty to children and animals.~~

24 (10) To provide for the prevention of cruelty to children and  
25 animals;

26 ~~Dogs; taxes and restrictions.~~

27 (11) To regulate, license, or prohibit the running at large of dogs  
28 and other animals within the city as well as in areas within the  
29 extraterritorial zoning jurisdiction ~~three miles of the corporate limits~~  
30 of the city; τ to guard against injuries or annoyance from such dogs and  
31 other animals; τ and to authorize the destruction of such the dogs and

1 other animals when running at large contrary to the provisions of any  
2 ordinance. Any licensing provision shall comply with subsection (2) of  
3 section 54-603 for service animals;

4 ~~Cleaning sidewalks.~~

5 (12) To provide for keeping sidewalks clean and free from  
6 obstructions and accumulations; ~~τ~~ to provide for the assessment and  
7 collection of taxes on real estate and for the sale and conveyance  
8 thereof; ~~τ~~ and to pay the expenses of keeping the sidewalk adjacent to  
9 such real estate clean and free from obstructions and accumulations as  
10 ~~herein provided by law;~~

11 ~~Planting and trimming of trees; protection of birds.~~

12 (13) To provide for the planting and protection of shade or  
13 ornamental and useful trees upon the streets or boulevards; ~~τ~~ to assess  
14 the cost of such trees thereof to the extent of benefits upon the  
15 abutting property as a special assessment; ~~τ~~ ~~and~~ to provide for the  
16 protection of birds and animals and their nests; to provide for the  
17 trimming of trees located upon the streets and boulevards or when the  
18 branches of trees overhang the streets and boulevards when in the  
19 judgment of the mayor and city council such trimming is made necessary to  
20 properly light such street or boulevard or to furnish proper police  
21 protection; ~~τ~~ and to assess the cost of such trimming thereof upon the  
22 abutting property as a special assessment;

23 ~~Naming and numbering streets and houses.~~

24 (14) To provide for, regulate, and require the numbering or  
25 renumbering of houses along public streets or avenues; and to care for  
26 and control and to name and rename streets, avenues, parks, and squares  
27 within the city;

28 ~~Weeds.~~

29 (15) To require weeds and worthless vegetation growing upon any lot  
30 or piece of ground within the city or its extraterritorial ~~three-mile~~  
31 zoning jurisdiction to be cut and destroyed so as to abate any nuisance

1 occasioned by such vegetation; ~~thereby,~~ to prohibit and control the  
2 throwing, depositing, or accumulation of litter on any lot or piece of  
3 ground within the city or its extraterritorial three-mile zoning  
4 jurisdiction; ~~and~~ to require the removal of such litter thereof so as to  
5 abate any nuisance occasioned thereby. ~~If , and if~~ the owner fails to cut  
6 and destroy weeds and worthless vegetation or remove litter, or both,  
7 after notice as required by ordinance, the city may ~~to~~ assess the cost of  
8 such destruction or removal thereof upon the lots or lands as a special  
9 assessment. The required notice ~~required to be given~~ may be by  
10 publication in the official newspaper of the city and may be directed in  
11 general terms to the owners of lots and lands affected without naming  
12 such owners;

13 ~~Animals running at large.~~

14 (16) To prohibit and regulate the running at large or the herding or  
15 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,  
16 fowls, or animals of any kind or description within the corporate limits;  
17 to ~~and~~ provide for the impounding of all animals running at large,  
18 herded, or driven contrary to such prohibition and regulations; and to  
19 provide for the forfeiture and sale of animals impounded to pay the  
20 expense of taking up, caring for, and selling such impounded animals,  
21 including the cost of advertising and fees of officers;

22 ~~Use of streets.~~

23 (17) To regulate the transportation of articles through the streets  
24 and ~~,~~ to prevent injuries to the streets from overloaded vehicles, ~~and to~~  
25 ~~regulate the width of wagon tires and tires of other vehicles~~;

26 ~~Playing on streets and sidewalks.~~

27 (18) To prevent or regulate ~~the rolling of hoops, playing of ball,~~  
28 ~~flying of kites, the riding of bicycles or tricycles, or any other~~  
29 amusement or practice having a tendency to annoy persons passing in the  
30 streets or on the sidewalks ~~or to frighten teams or horses~~; and to  
31 regulate the use of vehicles propelled by steam, gas, electricity, or



1 other motive power, operated on the streets of the city;

2 ~~Combustibles and explosives.~~

3 (19) To regulate or prohibit the transportation and keeping of  
4 gunpowder, oils, and other combustible and explosive articles;

5 ~~Public sale of chattels on streets.~~

6 (20) To regulate, license, or prohibit the sale of domestic animals  
7 or of goods, wares, and merchandise at public auction on the streets,  
8 alleys, highways, or any public ground within the city;

9 ~~Signs and obstruction in streets.~~

10 (21) To regulate and prevent the use of streets, sidewalks, and  
11 public grounds for signs, posts, awnings, awning posts, scales, or other  
12 like purposes; and to regulate and prohibit the exhibition or carrying or  
13 conveying of banners, placards, advertisements, or the distribution or  
14 posting of advertisements or handbills in the streets or public grounds  
15 or upon the sidewalks;

16 ~~Disorderly conduct.~~

17 (22) To provide for the punishment of persons disturbing the peace  
18 ~~and good order of the city~~ by ~~clamor and~~ noise, intoxication,  
19 drunkenness, or fighting, ~~or using obscene or profane language in the~~  
20 ~~streets or other public places~~ or otherwise violating the public peace by  
21 indecent or disorderly conduct or by lewd and lascivious behavior;

22 ~~Vagrants and tramps.~~

23 (23) To provide for the punishment of vagrants, tramps, ~~common~~  
24 street beggars, ~~common~~ prostitutes, ~~habitual~~ disturbers of the peace,  
25 pickpockets, gamblers, burglars, thieves, ~~or~~ persons who practice any  
26 game, trick, or device with intent to swindle, ~~persons who abuse their~~  
27 ~~families, and suspicious persons who can give no reasonable account of~~  
28 ~~themselves; and to punish~~ trespassers upon private property;

29 ~~Disorderly houses, gambling, offenses against public morals.~~

30 (24) To prohibit, restrain, and suppress ~~tippling shops,~~ houses of  
31 prostitution, opium joints, gambling houses, prize fighting, dog

1 fighting, cock fighting, and other disorderly houses and practices, all  
2 games and gambling ~~and desecration of the Sabbath, commonly called~~  
3 ~~Sunday~~, and all kinds of indecencies; to regulate and license or prohibit  
4 the keeping and use of billiard tables, bowling ~~ten pins or ball~~ alleys,  
5 shooting galleries except as provided in the Nebraska Shooting Range  
6 Protection Act, and other similar places of amusement; and to prohibit  
7 and suppress all lotteries and gift enterprises of all kinds under  
8 whatsoever name carried on, except that nothing in this subdivision shall  
9 be construed to apply to bingo, lotteries, lotteries by the sale of  
10 pickle cards, or raffles conducted in accordance with the Nebraska Bingo  
11 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
12 Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State  
13 Lottery Act;

14 ~~Police regulation in general.~~

15 (25) To make and enforce all police regulations for the good  
16 government, general welfare, health, safety, and security of the city and  
17 the citizens of the city ~~thereof~~ in addition to the police powers  
18 expressly granted by law ~~herein~~; and in the exercise of the police power,  
19 to pass all needful and proper ordinances and impose fines, forfeitures,  
20 and penalties, ~~and imprisonment at hard labor~~ for the violation of any  
21 ordinance; ~~and~~ to provide for the recovery, collection, and enforcement  
22 of such fines ~~thereof~~; and in default of payment to provide for  
23 confinement in the city or county prison, ~~workhouse~~, or other place of  
24 confinement ~~with or without hard labor~~ as may be provided by ordinance;

25 ~~Fast driving on streets.~~

26 (26) To prevent ~~horseracing and~~ immoderate driving ~~or riding~~ on the  
27 street ~~and to compel persons to fasten their horses or other animals~~  
28 ~~attached to vehicles while standing in the streets;~~

29 ~~Libraries, art galleries, and museums.~~

30 (27) To establish and maintain public libraries, ~~reading rooms~~, art  
31 galleries, and museums and to provide the necessary grounds or buildings

1 ~~for such libraries, galleries, and museums therefor~~; to purchase books,  
2 papers, maps, manuscripts, works of art, and objects of natural or of  
3 scientific curiosity, ~~and instruction for such libraries, galleries, and~~  
4 ~~museums therefor~~; to receive donations and bequests of money or property  
5 for ~~such libraries, galleries, and museums the same~~ in trust or  
6 otherwise; and to pass necessary bylaws and regulations for the  
7 protection and government of ~~such libraries, art galleries, and museums~~  
8 ~~the same~~;

9 ~~Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.~~

10 (28) To erect, designate, establish, maintain, and regulate  
11 ~~hospitals or workhouses~~, houses of correction, jails, station houses,  
12 fire engine houses, asphalt repair plants, and other necessary buildings;  
13 ~~and~~ to erect, designate, establish, maintain, and regulate plants for the  
14 removal, disposal, or recycling of garbage and refuse or to make  
15 contracts for garbage and refuse removal, disposal, or recycling, or all  
16 of the same; ~~and~~ to charge equitable fees for such removal, disposal,  
17 or recycling, or all of the same, except as ~~hereinafter~~ provided by law.  
18 The fees collected pursuant to this subdivision shall be credited to a  
19 single fund to be used exclusively by the city for the removal, disposal,  
20 or recycling of garbage and refuse, or all of the same, including any  
21 costs incurred for collecting the fee. Before any contract for such  
22 removal, disposal, or recycling is let, the city council shall make  
23 specifications for such contract ~~therefor~~, bids shall be advertised for  
24 as now provided by law, and the contract shall be let to the lowest and  
25 best bidder, who shall furnish bond to the city conditioned upon his or  
26 her carrying out the terms of the contract, the bond to be approved by  
27 the city council. Nothing in this section, and no contract or regulation  
28 made by the city council, shall be so construed as to prohibit any  
29 person, firm, or corporation engaged in any business in which garbage or  
30 refuse accumulates as a byproduct from selling, recycling, or otherwise  
31 disposing of his, her, or its garbage or refuse or hauling such garbage

1 or refuse through the streets and alleys under such uniform and  
2 reasonable regulations as the city council may by ordinance prescribe for  
3 the removal and hauling of garbage or refuse;

4 ~~Market places.~~

5 (29) To erect and establish market houses and market places and to  
6 provide for the erection of all other useful and necessary buildings for  
7 the use of the city and for the protection and safety of all property  
8 owned by the city. Such ~~;~~ ~~and such~~ market houses, ~~and~~ market places, ~~and~~  
9 buildings ~~aforesaid~~ may be located on any street, alley, or public ground  
10 or on land purchased for such purpose;

11 ~~Cemeteries, registers of births and deaths.~~

12 (30) To prohibit the establishment of additional cemeteries within  
13 the limits of the city; ~~;~~ ~~to~~ regulate the registration of births and  
14 deaths; ~~;~~ ~~to~~ direct the keeping and returning of bills of mortality; ~~;~~  
15 and to impose penalties on physicians, sextons, and others for any  
16 default in the premises;

17 ~~Plumbing, etc., inspection.~~

18 (31) To provide for the inspection of steam boilers, electric light  
19 appliances, pipefittings, and plumbings; ~~;~~ ~~to~~ regulate their erection and  
20 construction; ~~;~~ ~~to~~ appoint inspectors; ~~;~~ ~~and~~ to declare their powers and  
21 duties, except as ~~herein~~ otherwise provided by law;

22 ~~Fire limits and fire protection.~~

23 (32) To enact a fire code ~~prescribe fire limits~~ and regulate the  
24 erection of all buildings and other structures within the corporate  
25 limits; to provide for the removal of any buildings or structures or  
26 additions to buildings or structures ~~thereto~~ erected contrary to such  
27 code or regulations, to provide for the removal of dangerous buildings,  
28 ~~and to provide that wooden buildings shall not be erected or placed or~~  
29 ~~repaired in the fire limits; but no such code or regulation ordinance~~  
30 shall ~~not~~ be suspended or modified by resolution, ~~nor~~ shall exceptions be  
31 made by ordinance or resolution in favor of any person, firm, or

1 corporation or concerning any particular lot or building; to direct that  
2 ~~when all and any building has within such fire limits, when the same~~  
3 ~~shall have~~ been damaged by fire, decay, or otherwise, to the extent of  
4 fifty percent of the value of a similar new building above the  
5 foundation, shall be torn down or removed; ~~and~~ to prescribe the manner of  
6 ascertaining such damages and to assess the cost of removal of any  
7 building erected or existing contrary to such code or regulations or  
8 ~~provisions,~~ against the lot or real estate upon which such building or  
9 structure is located or shall be erected, or to collect such costs from  
10 the owner of any such building or structure; and to enforce the such  
11 collection of such costs by civil action in any court of competent  
12 jurisdiction;

13 ~~Building regulations.~~

14 (33) To regulate the construction, use, and maintenance of party  
15 walls, to prescribe and regulate the thickness, strength, and manner of  
16 constructing stone, brick, wood, or other buildings and the size and  
17 shape of brick and other material placed in such buildings; ~~therein,~~ to  
18 prescribe and regulate the construction and arrangement of fire escapes  
19 and the placing of iron and metallic shutters and doors in or on such  
20 fire escapes; ~~therein and thereon,~~ and to provide for the inspection of  
21 ~~elevators and hoist-way openings to avoid accidents;~~ to prescribe,  
22 regulate, and provide for the inspection of all plumbing, pipefitting, or  
23 sewer connections in all houses or buildings now or hereafter erected; to  
24 regulate the size, number, and manner of construction of halls, doors,  
25 stairways, seats, aisles, and passageways of theaters, ~~tenement houses,~~  
26 ~~audience rooms,~~ and all buildings of a public character, whether now  
27 built or hereafter to be built, so that there may be convenient, safe,  
28 and speedy exit in case of fire; to prevent the dangerous construction  
29 and condition of chimneys, fireplaces, hearths, stoves, stovepipes,  
30 ovens, boilers, and heating appliances used in or about any building ~~or a~~  
31 ~~manufactory~~ and to cause such appliances ~~the same~~ to be removed or placed

1 in safe condition when they are considered dangerous; ~~to regulate and~~  
2 ~~prevent the carrying on of manufactures dangerous in causing and~~  
3 ~~promoting fires;~~ to prevent the deposit of ashes in unsafe places and to  
4 cause such buildings and enclosures as may be in a dangerous state to be  
5 put in a safe condition; to prevent the disposing of and delivery or use  
6 in any building or other structure, ~~of soft, shelly, or imperfectly~~  
7 ~~burned brick or other~~ unsuitable building material within the city limits  
8 and provide for the inspection of building materials ~~the same~~; to provide  
9 for the abatement of dense volumes of smoke; to regulate the construction  
10 of areaways, stairways, and vaults and to regulate partition fences; and  
11 to enforce proper heating and ventilation of buildings used for schools,  
12 ~~workhouses, or shops of every class in which labor is employed or other~~  
13 buildings where large numbers of persons are liable to congregate;

14 ~~Warehouses and street railways.~~

15 (34) To regulate levees, depots and depot grounds, and places for  
16 storing freight and goods and to provide for and regulate the laying of  
17 tracks and the passage of ~~steam or other~~ railways through the streets,  
18 alleys, and public grounds of the city;

19 ~~Lighting railroad property.~~

20 (35) To require the lighting of any railway within the city, ~~the~~  
21 ~~cars of which are propelled by steam,~~ and to fix and determine the  
22 number, size, and style of ~~lampposts, burners, lamps, and all other~~  
23 fixtures and apparatus necessary for such lighting and the points of  
24 location for such lampposts. If ~~;~~ ~~and in case~~ any company owning or  
25 operating such railways shall fail to comply with such requirements, the  
26 city council may cause such lighting ~~the same~~ to be done and may assess  
27 the expense of such lighting ~~thereof~~ against such company. Such expense   
28 ~~and the same~~ shall constitute a lien upon any real estate belonging to  
29 such company and lying within such city and may be collected in the same  
30 manner as taxes for general purposes;

31 ~~City publicity.~~

1 (36) To provide for necessary publicity and to appropriate money for  
2 the purpose of advertising the resources and advantages of the city;

3 ~~Offstreet parking.~~

4 (37) To erect, establish, and maintain offstreet parking areas on  
5 publicly owned property located beneath any elevated segment of the  
6 National System of Interstate and Defense Highways or portion thereof, or  
7 public property title to which is in the city on May 12, 1971, or  
8 property owned by the city and used in conjunction with and incidental to  
9 city-operated facilities; ~~and~~ and to regulate parking on such property  
10 ~~thereon~~ by time limitation devices ~~devises~~ or by lease;

11 ~~Public passenger transportation systems.~~

12 (38) To acquire, by the exercise of the power of eminent domain or  
13 otherwise, lease, purchase, construct, own, maintain, operate, or  
14 contract for the operation of public passenger transportation systems,  
15 excluding taxicabs, transportation network companies and railroad  
16 systems, including all property and facilities required for such systems  
17 ~~therefor~~, within and without the limits of the city; ~~and~~ and to redeem such  
18 property from prior encumbrance in order to protect or preserve the  
19 interest of the city in such property; ~~therein~~, to exercise all powers  
20 granted by the Constitution of Nebraska and laws of the State of Nebraska  
21 or exercised by or pursuant to a home rule charter adopted pursuant  
22 thereto, including, but not limited to, receiving and accepting from the  
23 government of the United States or any agency thereof, from the State of  
24 Nebraska or any subdivision thereof, and from any person or corporation  
25 donations, ~~devises~~, gifts, bequests, loans, or grants for or in aid of  
26 the acquisition, operation, and maintenance of such public passenger  
27 transportation systems; ~~and~~ to administer, hold, use, and apply such  
28 donations, devises, gifts, bequests, loans, or grants ~~the same~~ for the  
29 purposes for which such donations, ~~devises~~, gifts, bequests, loans, or  
30 grants may have been made; ~~and~~ and to negotiate with employees and enter into  
31 contracts of employment; ~~and~~ and to employ by contract or otherwise individuals

1 singularly or collectively; ~~τ~~ to enter into agreements authorized under  
2 the Interlocal Cooperation Act or the Joint Public Agency Act; ~~τ~~ to  
3 contract with an operating and management company for the purpose of  
4 operating, servicing, and maintaining any public passenger transportation  
5 systems ~~the any city of the metropolitan class~~ shall acquire; ~~τ~~ and to  
6 exercise such other and further powers as may be necessary, incident, or  
7 appropriate to the powers of ~~the such~~ city; and

8 ~~Regulation of air quality.~~

9 (39) In addition to powers conferred elsewhere in the laws of the  
10 state ~~and notwithstanding any other law of the state~~, to implement and  
11 enforce an air pollution control program within the corporate limits of  
12 the city under subdivision (23) of section 81-1504 or subsection (1) of  
13 section 81-1528, which program shall be consistent with the federal Clean  
14 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include  
15 without limitation those involving injunctive relief, civil penalties,  
16 criminal fines, and burden of proof. Nothing in this section shall  
17 preclude the control of air pollution by resolution, ordinance, or  
18 regulation not in actual conflict with ~~the~~ state air pollution control  
19 regulations.

20 Sec. 4. Section 14-102.01, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-102.01 A city of the metropolitan class may enact any ~~make all~~  
23 ~~such~~ ordinances, bylaws, rules, regulations, and resolutions not  
24 inconsistent with the general laws of the state, as may be necessary or  
25 expedient, in addition to specific ~~the special~~ powers otherwise granted  
26 by law, for maintaining the peace, good government, and welfare of the  
27 city and for preserving order, securing persons or property from  
28 violence, danger, and destruction, for protecting public and private  
29 property, for promoting the public health, safety, convenience, comfort,  
30 ~~morals,~~ and general interests, and welfare of the inhabitants of the  
31 city.



1           Sec. 5. Section 14-102.02, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-102.02 All powers and duties connected with and incident to the  
4 appointment, removal, government, and discipline of the officers and  
5 members of the fire department and police department ~~departments~~ of any  
6 city of the metropolitan class ~~city~~ in the State of Nebraska, under such  
7 rules and regulations as may be adopted by the city council, shall be  
8 vested in and exercised by the city ~~said~~ council. Rules and regulations  
9 for the guidance of the officers and members ~~men~~ of such ~~said~~  
10 departments, and for the appointment, promotion, removal, trial, or  
11 discipline of such ~~said~~ officers, ~~men~~ and members ~~matrons~~, shall be such  
12 as the city council shall consider proper and necessary.

13           Sec. 6. Section 14-103, Revised Statutes Cumulative Supplement,  
14 2020, is amended to read:

15           14-103 The city council of a city of the metropolitan class shall  
16 have power to define, regulate, suppress, and prevent nuisances. The city  
17 council may create a board of health in cases of a general epidemic or  
18 may cooperate with the boards of health provided by the laws of this  
19 state. The city council may provide rules and regulations for the care,  
20 treatment, regulation, and prevention of all contagious and infectious  
21 diseases, for the regulation of all hospitals, dispensaries, and places  
22 for the treatment of the sick, for the sale of dangerous drugs, for the  
23 regulation of cemeteries, and for the burial of the dead. The  
24 jurisdiction of the city council in enforcing such ~~the foregoing~~  
25 regulations shall extend over such city and within its extraterritorial  
26 ~~three-mile~~ zoning jurisdiction.

27           Sec. 7. Section 14-104, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           14-104 The city council of a city of the metropolitan class shall  
30 have power to construct any bridge declared by ordinance necessary and  
31 proper for the passage of railway trains, street cars, motor vehicles

1 ~~trains, teams~~ and pedestrians across any stream either adjacent to or  
2 wholly within ~~the any city of the metropolitan class~~ at any point on such  
3 stream or within two miles from the corporate limits of ~~the such~~ city,  
4 with such conditions and regulations concerning the use of such bridge as  
5 may be deemed proper. The city council ~~It~~ shall have the power to license  
6 and regulate the keeping of toll bridges within or terminating within the  
7 city for the passage of persons, ~~teams,~~ and property over any river  
8 passing wholly or in part within or running by and adjoining the  
9 corporate limits of ~~the any such city;~~ to fix and determine the rates  
10 of toll over any such bridge, or over the part of such bridge thereof  
11 within the city; and to authorize the owner or owners of any such bridge  
12 to charge and collect the rates of toll so fixed and determined, from all  
13 persons passing over or using such bridge ~~the same~~.

14 Sec. 8. Section 14-105, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 14-105 The city council of a city of the metropolitan class may  
17 require any and all lots or pieces of ground within the city to be  
18 drained, filled, or graded, and upon the failure of the owners of such  
19 lots or pieces of ground to comply with such requirements, after thirty  
20 days' notice in writing, the city council may cause the lots or pieces of  
21 ground to be drained, filled, or graded, and the cost and expense of such  
22 work thereof shall be levied upon the property so filled, drained, or  
23 graded and shall be equalized, assessed, and collected as a special  
24 assessment.

25 Sec. 9. Section 14-106, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-106 The city council of a city of the metropolitan class shall  
28 have the power to regulate and provide for the lighting of streets,  
29 laying down gas and other pipes, and erection of lampposts, electric  
30 towers or other apparatus; to regulate the sale and use of gas and  
31 electric lights; to ~~and~~ fix and determine from time to time the price

1 of gas, the charge of electric lights and power, and the rents of gas  
2 meters within the city, when not furnished by public authority, and  
3 regulate the inspection of such gas meters thereof; to prohibit or  
4 regulate the erection of telegraph, telephone, or electric wire poles or  
5 other poles for whatsoever purpose desired or used in the public grounds,  
6 streets, or alleys, and the placing of wires on such poles thereon; and  
7 to require the removal from the public grounds, streets, or alleys, of  
8 any or all such poles; and to require the removal and placing under  
9 ground of any or all telegraph, telephone, or electric wires.

10 Sec. 10. Section 14-107, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-107 The city council of a city of the metropolitan class may  
13 erect, construct, purchase, maintain and operate subways or conduits,  
14 waterworks, gas works, electric light and power plants; ~~and~~ provide and  
15 equip aerial landing fields; ~~and may~~ determine, fix and charge rentals  
16 for subways and conduits; and fix rates to be charged by such  
17 enterprises, except as otherwise provided by ~~general~~ law. The city As to  
18 ~~all the activities authorized in this section,~~ the council may adopt and  
19 promulgate and enforce all needful and proper rules and regulations ~~and~~  
20 ~~enforce the same,~~ in connection with the operation of any such  
21 enterprises.

22 Sec. 11. Section 14-108, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-108 The city council of a city of the metropolitan class shall  
25 have power by ordinance to contract with any competent party for the  
26 supplying and furnishing of electric light, electric heat or power, or  
27 other similar service for the use of the city on its streets and public  
28 places. Any such The ordinance shall specify ~~contain specifically~~ the  
29 rates, terms, and conditions upon which such service ~~the same may and~~  
30 shall be supplied and furnished during the period named in the ordinance  
31 ~~of~~ contract. Any such contract exceeding the term of forty years shall be

1 void.

2 Sec. 12. Section 14-109, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 14-109 (1)(a) The city council of a city of the metropolitan class  
5 shall have power to tax for revenue, license, and regulate any person  
6 within the limits of the city by ordinance except as otherwise provided  
7 in this section. Such tax may include both a tax for revenue and license.  
8 The city council may raise revenue by levying and collecting a tax on any  
9 occupation or business within the limits of the city. After March 27,  
10 2014, any occupation tax imposed pursuant to this section shall make a  
11 reasonable classification of businesses, users of space, or kinds of  
12 transactions for purposes of imposing such tax, except that no occupation  
13 tax shall be imposed on any transaction which is subject to tax under  
14 section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602,  
15 or 77-4008 or which is exempt from tax under section 77-2704.24. The  
16 occupation tax shall be imposed in the manner provided in section  
17 18-1208, except that section 18-1208 does not apply to an occupation tax  
18 subject to section 86-704. All such taxes shall be uniform in respect to  
19 the class upon which they are imposed. All scientific and literary  
20 lectures and entertainments shall be exempt from taxation, as well as  
21 concerts and all other musical entertainments given exclusively by the  
22 citizens of the city. It shall be the duty of the city clerk to deliver  
23 to the city treasurer a the certified copy of the ordinance levying such  
24 tax, ~~and the city clerk shall append thereto a warrant requiring the city~~  
25 ~~treasurer to collect such tax.~~

26 (b) For purposes of this subsection, limits of the city does not  
27 include the extraterritorial zoning jurisdiction of such city.

28 (2)(a) Except as otherwise provided in subdivision (c) of this  
29 subsection, the city council shall also have the power to require any  
30 individual whose primary residence or person who owns a place of business  
31 which is within the limits of the city and that owns and operates a motor

1 vehicle within such limits to annually register such motor vehicle in  
2 such manner as may be provided and to require such person to pay an  
3 annual motor vehicle fee therefor and to require the payment of such fee  
4 upon the change of ownership of such vehicle. All such fees which may be  
5 provided for under this subsection shall be credited to a separate fund  
6 of the city, thereby created, to be used exclusively for constructing,  
7 repairing, maintaining, or improving streets, roads, alleys, public ways,  
8 or parts of such streets, roads, alleys, or ways thereof or for the  
9 amortization of bonded indebtedness when created for such purposes.

10 (b) No motor vehicle fee shall be required under this subsection if  
11 (i) a vehicle is used or stored but temporarily in such city for a period  
12 of six months or less in a twelve-month period, (ii) an individual does  
13 not have a primary residence or a person does not own a place of business  
14 within the limits of the city and does not own and operate a motor  
15 vehicle within the limits of the city, or (iii) an individual is a full-  
16 time student attending a postsecondary institution within the limits of  
17 the city and the motor vehicle's situs under the Motor Vehicle  
18 Certificate of Title Act is different from the place at which he or she  
19 is attending such institution.

20 (c) After December 31, 2012, no motor vehicle fee shall be required  
21 of any individual whose primary residence is within the extraterritorial  
22 zoning jurisdiction of such city or any person who owns a place of  
23 business within such ~~the extraterritorial zoning jurisdiction of such~~  
24 ~~city~~.

25 (d) For purposes of this subsection, limits of the city includes the  
26 extraterritorial zoning jurisdiction of such city.

27 (3) For purposes of this section, person includes bodies corporate,  
28 societies, communities, the public generally, individuals, partnerships,  
29 limited liability companies, joint-stock companies, cooperatives, and  
30 associations. Person does not include any federal, state, or local  
31 government or any political subdivision thereof.

1           Sec. 13. Section 14-110, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-110 If the manner of exercising any power conferred upon the city  
4 council of a city of the metropolitan class is not prescribed, the city  
5 council may provide by ordinance for the exercise of such power therefor.

6           Sec. 14. Section 14-111, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           14-111 The city council of a city of the metropolitan class shall  
9 have the care, management and control of the city and ~~τ~~ its property and  
10 finances, and shall have power to pass, amend, or repeal any and all  
11 ordinances necessary or proper to execute or carry into effect any of the  
12 provisions of sections 14-101 to 14-2004 ~~this act~~, or any of the powers  
13 ~~herein~~ granted in such sections, except as otherwise provided by law  
14 ~~herein~~.

15           Sec. 15. Section 14-112, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           14-112 In each city of the metropolitan class, the city shall have  
18 power by ordinance to erect, establish, and maintain public comfort  
19 stations. Such ~~It may locate such public comfort stations~~ may be located  
20 on any street, alley, public grounds, or on any lands acquired for such  
21 purpose.

22           Sec. 16. Section 14-113, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           14-113 In each city of the metropolitan class, the city council  
25 shall have power by ordinance to erect, establish, and maintain an armory  
26 in such said city, and may rent or lease such armory to the State of  
27 Nebraska for the purpose of housing the National Guard and State Guard of  
28 the state, or any unit thereof, under such terms and conditions as the  
29 city council ~~it~~ may deem proper.

30           Sec. 17. Section 14-115, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-115 (1)(a) No owner of real estate within the corporate limits  
2 of ~~a such city of the metropolitan class~~ shall be permitted to subdivide  
3 the real estate into blocks and lots, or parcels, without first having  
4 obtained from the city engineer a plat or plan for the avenues, streets,  
5 and alleys to be laid out within or across such real estate ~~the same~~ and,  
6 when applicable, having complied with sections 39-1311 to 39-1311.05.

7           (b) A copy of such plat must be filed in the office of the city  
8 clerk for at least two weeks before such plat can be approved. Public  
9 notice must be given for two weeks of the filing of the plat. ~~τ~~

10           (2) The city council shall have the power to:

11           (a) Order and such plat, ~~if ordered by the council,~~ shall be made so  
12 that such avenues, streets, and alleys so far as practicable, shall  
13 correspond in width, name, and direction and are ~~be~~ continuous of the  
14 avenues, streets, and alleys in the city contiguous to or near the real  
15 estate to be subdivided; ~~τ~~

16           (b) ~~Compel~~ ~~The council shall have power to compel~~ the owner of such  
17 real estate, in subdividing such real estate ~~the same~~, to lay out and  
18 dedicate to the public the avenues, streets, and alleys, to be within or  
19 across such real estate in accordance with the plat; ~~τ~~

20           (c) ~~Prohibit~~ ~~It shall further have the power to prohibit~~ the selling  
21 or offering for sale of any lots or parts of such real estate not  
22 subdivided and platted pursuant to this section; ~~and as herein required.~~

23           (d) ~~Establish~~ ~~It shall also have power to establish~~ the grade of all  
24 such streets and alleys and to require such streets and alleys ~~the same~~  
25 to be graded to such established grade before selling or offering for  
26 sale any of the lots or parts of the real estate.

27           (3) Any and all additions to be made to the city shall be made so  
28 far as such additions relate ~~the same relates~~ to the avenues, streets,  
29 and alleys in such additions ~~therein~~, under and in accordance with this  
30 section ~~the foregoing provisions.~~

31           (4)(a) Whenever the owners of all the lots and lands, except streets

1 and alleys, embraced and included in any existing plat or subdivision  
2 shall desire to vacate the plat or subdivision for the purpose of  
3 replatting the land embraced in the plat or subdivision, and shall  
4 present a petition praying for such vacation to the city council, and  
5 submit with such petition ~~therewith for the approval of the city council~~  
6 a proposed replat of such lots and lands ~~the same~~, which shall in all  
7 things be in conformity with the requirements of this section, the city  
8 council may, by concurrent resolution, declare the existing plat and the  
9 streets and alleys in such plat ~~therein~~ vacated and approve the proposed  
10 replat.

11 (b) Upon such approval, ~~Thereupon~~ the existing plat or subdivision  
12 shall be vacated and the land comprised within the streets and alleys so  
13 vacated shall revert to, and the title to such streets and alleys ~~thereto~~  
14 vest in, the owners of the abutting property and become a part of such  
15 property, each owner taking title to the centerline of the vacated street  
16 or alley adjacent to his or her property. When a portion of a street or  
17 alley is vacated only on one side of the center of such street or alley  
18 ~~thereof~~, the title to such land shall vest in the owner of the abutting  
19 property and become a part of such property.

20 (c) It shall require a two-thirds vote of all the members of the  
21 city council to adopt such resolution.

22 (5) Upon the vacation of any plat as provided in this section  
23 ~~aforesaid~~, it shall be the duty of the owners petitioning for such  
24 vacation ~~same~~ to cause to be recorded in the office of the register of  
25 deeds and county assessor of the county a duly certified copy of the  
26 petition, the action of the city council on such petition ~~therein~~, and  
27 the resolution vacating the plat.

28 Sec. 18. Section 14-116, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-116 (1) No owner of any real estate located in an area which is  
31 within the extraterritorial zoning jurisdiction ~~three miles of the~~



1 ~~corporate limits~~ of any city of the metropolitan class, when such real  
2 estate is located in any county in which such a city ~~of the metropolitan~~  
3 ~~class~~ is located, and is outside of any other organized city or village,  
4 shall be permitted to subdivide, plat, or lay out the real estate in  
5 building lots and streets or other portions of such real estate ~~the same~~  
6 intended to be dedicated for public use or for the use of the purchasers  
7 or owners of lots fronting on thereon or adjacent to such real estate  
8 ~~thereto~~ without first having obtained the approval ~~thereof~~ by the city  
9 council of such city and, when applicable, having complied with sections  
10 39-1311 to 39-1311.05. No plat of such real estate shall be recorded in  
11 the office of the register of deeds or have any force or effect unless  
12 such plat ~~the same~~ shall have been first approved by the city council of  
13 such city.

14 (2) The Such city shall have the authority within its  
15 extraterritorial zoning jurisdiction ~~such area~~ to:

16 (a) Regulate ~~regulate~~ the subdivision of land for the purpose,  
17 whether immediate or future, of transfer of ownership or building  
18 development;

19 (b) Prescribe ~~to prescribe~~ standards for laying out subdivisions in  
20 harmony with a comprehensive plan;

21 (c) Require ~~to require~~ the installation of improvements by the owner  
22 or by the creation of public improvement districts, ~~÷~~ by requiring a good  
23 and sufficient bond guaranteeing installation of such improvement, ~~÷~~ or by  
24 requiring the execution of a contract with the city insuring the  
25 installation of such improvements; and

26 (d) Require ~~to require~~ the dedication of land for adequate streets,  
27 drainage ways, and easements for sewers and utilities.

28 (3) All such requirements for improvements shall operate uniformly  
29 throughout the extraterritorial zoning area ~~of jurisdiction~~ of such city.

30 (4) For purposes of this section, subdivision shall mean the  
31 division of a lot, tract, or parcel of land into two or more lots,

1 blocks, or other divisions of lands for the purpose, whether immediate or  
2 future, of ownership or building developments except that the division of  
3 land shall not be considered to be subdivision when the smallest parcel  
4 created is more than ten acres in size.

5 (5) ~~The city council of any such city~~ may withhold approval of a  
6 plat until the appropriate department of the city has certified that the  
7 improvements required by ordinance have been satisfactorily installed, ~~or~~  
8 until a sufficient bond guaranteeing installation of the improvements has  
9 been posted with the city, ~~or~~ until public improvement districts have  
10 been created, ~~or~~ until a contract has been executed insuring the  
11 installation of such improvements.

12 Sec. 19. Section 14-117, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 14-117 The corporate limits of any city of the metropolitan class  
15 shall be fixed and determined by ordinance by the city council. The city  
16 council of any city of the metropolitan class may at any time extend the  
17 corporate limits of such city over any contiguous or adjacent lands,  
18 lots, tracts, streets, or highways, such distance as may be deemed proper  
19 in any direction, and may include, annex, merge, or consolidate with such  
20 city of the metropolitan class, by such extension of its limits, any  
21 adjoining city of the first class having a population of less than ten  
22 thousand inhabitants as determined by the most recent federal decennial  
23 census or the most recent revised certified count by the United States  
24 Bureau of the Census or any adjoining city of the second class or  
25 village. Any other laws and limitations defining the boundaries of cities  
26 or villages or the increase of area or extension of limits of such  
27 boundaries ~~thereof~~ shall not apply to lots, lands, cities, or villages  
28 annexed, consolidated, or merged under this section.

29 Sec. 20. Section 14-118, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-118 (1) Whenever any city of the metropolitan class shall extend

1 its boundaries so as to annex or merge with it any city or village, the  
2 laws, ordinances, powers, and government of such city of the metropolitan  
3 class city shall extend over the territory embraced within such annexed  
4 or merged city or village ~~so annexed or merged with the metropolitan city~~  
5 from and after the date of annexation or merger. The date of annexation  
6 or merger shall be set forth in the ordinance providing for such  
7 annexation or merger. ~~the same, and after~~

8 (2) After such said date, the city of the metropolitan class city  
9 shall:

10 (a) Succeed ~~succeed~~ to all the property and property rights of every  
11 kind, contracts, obligations, and choses in action of every kind held by  
12 or belonging to the annexed or merged city or village; and

13 (b) ~~Be annexed or merged with it, and the metropolitan city shall be~~  
14 liable for and recognize, assume, and carry out all valid contracts,  
15 obligations, and licenses of the annexed or merged any city or village so  
16 ~~annexed or merged with the metropolitan city.~~

17 (3) Any city or village so ~~merged or~~ annexed or merged with the city  
18 of the metropolitan class city shall be deemed fully compensated by  
19 virtue of such annexation or merger and assumption of its obligations and  
20 contracts, for all its properties and property rights of every kind so  
21 acquired.

22 (4) ~~Any as aforesaid by the metropolitan city; Provided, however,~~  
23 ~~that any~~ public franchise, license, or privilege granted to or held by  
24 any person or corporation from any of the cities or villages annexed or  
25 merged with any city of the metropolitan class city, before such  
26 annexation or merger, shall not, by virtue of such annexation or merger,  
27 be extended into, upon or over the streets, alleys, or public places of  
28 the city of the metropolitan class city involved in such annexation or  
29 ~~consolidation and merger.~~

30 Sec. 21. Section 14-120, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-120 All taxes, assessments, fines, license fees, claims and  
2 demands of every kind, due or to become due or owing to any city or  
3 village ~~thus~~ annexed or merged with any city of the metropolitan class as  
4 provided in sections 14-117 to 14-125 ~~city~~, shall be paid to and  
5 collected by the city of the metropolitan class ~~city~~.

6           Sec. 22. Section 14-121, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           14-121 All taxes or special assessments which any city or village ~~so~~  
9 annexed or merged with a city of the metropolitan class as provided in  
10 sections 14-117 to 14-125 was authorized to levy or assess, but which are  
11 not levied or assessed at the time of such annexation or merger for any  
12 kind of public improvements made by such city or village ~~it~~ or in process  
13 of construction or contracted for, may be levied or assessed by such city  
14 of the metropolitan class. ~~The city of the city as consolidated. Such~~  
15 metropolitan class ~~city~~ shall have the power to reassess all special  
16 assessments or taxes levied or assessed by such city or village thus  
17 consolidated with such city ~~it~~ in all cases where any city or village was  
18 authorized to make reassessments or relieves of such taxes or  
19 assessments.

20           Sec. 23. Section 14-122, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           14-122 Where, at the time of any ~~such~~ annexation or merger as  
23 provided in sections 14-117 to 14-125, the municipal license year, for  
24 any kind of license, of any city or village annexed or merged with a city  
25 of the metropolitan class as provided in such sections ~~so consolidated~~  
26 ~~with the metropolitan city~~ extends beyond or overlaps the municipal  
27 license year of the city of the metropolitan class ~~city~~, then the proper  
28 authorities of the city of the metropolitan class ~~may~~ ~~city~~ ~~are~~ hereby  
29 ~~authorized to~~ issue to the lawful holder of any yearly license issued by  
30 any such city or village annexed or merged with the city of the  
31 metropolitan class ~~city~~, or to any new applicants applying for license to

1 continue the business at the place covered by such expiring city or  
2 village license, a new license under such conditions as may be provided  
3 in the laws or ordinances governing the city of the metropolitan class  
4 ~~city~~ for the remainder of the city of the metropolitan class ~~city~~ license  
5 year, extending from the expiration of such city or village license up to  
6 the end of the city of the metropolitan class ~~city~~ license year, and  
7 charging and collecting for such license therefor only such portion of  
8 the yearly amount fixed for ~~any~~ such license by the laws or ordinances  
9 governing the city of the metropolitan class ~~city~~ as will represent  
10 proportionately the time for which the new license shall be granted.

11 Sec. 24. Section 14-123, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 14-123 All actions in law or in equity pending in any court in favor  
14 of or against any city or village ~~thus~~ annexed or merged with a city of  
15 the metropolitan class as provided in sections 14-117 to 14-125 ~~city~~ at  
16 the time such annexation or merger takes effect, shall be prosecuted by  
17 or defended by such city of the metropolitan class ~~city~~. All rights of  
18 action existing against any city or village consolidated with such city  
19 of the metropolitan class ~~city~~ at the time of such consolidation, or  
20 accruing thereafter on account of any transaction had with or under any  
21 law or ordinance of such city or village, may be prosecuted against such  
22 city of the metropolitan class ~~city~~ as existing after annexation or  
23 merger.

24 Sec. 25. Section 14-124, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-124 All officers of any city or village ~~so~~ annexed or merged with  
27 a city of the metropolitan class ~~city~~, having books, papers, bonds,  
28 funds, effects, or property of any kind in their hands or under their  
29 control belonging to any such city or village shall, upon the taking  
30 effect of such consolidation, deliver such books, papers, bonds, funds,  
31 effects, or property ~~the same~~ to the respective officers of the city of

1 ~~the metropolitan class city as may be by law or ordinance or resolution~~  
2 ~~of such metropolitan city entitled or authorized to receive such books,~~  
3 ~~papers, bonds, funds, effects, or property the same.~~ Upon such annexation  
4 and merger taking effect, the terms and tenure of all offices and  
5 officers of any city or village so consolidated with the city of the  
6 metropolitan class city shall terminate and entirely cease except as  
7 ~~herein~~ otherwise provided by law.

8       Sec. 26. Section 14-125, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       14-125 Any rights, power, or authority acquired, granted, or  
11 received, or possessed by any person, city, or village through  
12 consolidation effectuated under the terms of Chapter 212 of the Session  
13 Laws of Nebraska for 1915, are hereby granted and continued.

14       Sec. 27. Section 14-136, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       14-136 The city council of a city of the metropolitan class, or any  
17 committee of the members of the city council thereof, shall have the  
18 power to compel the attendance of witnesses for the investigation of  
19 matters that may come before them. ~~The , and the~~ presiding officer of the  
20 city council, or the chairperson ~~chairman~~ of such committee ~~for the time~~  
21 ~~being~~, may administer the requisite oaths, and the city ~~such~~ council or  
22 committee shall have the same authority to compel the giving of testimony  
23 as is conferred on courts of justice.

24       Sec. 28. Section 14-137, Revised Statutes Supplement, 2021, is  
25 amended to read:

26       14-137 The style enacting clause of ~~all~~ ordinances of ~~in~~ a city of  
27 the metropolitan class shall be as follows: Be it ordained by the city  
28 council of the city of ..... . All ordinances of the city shall be  
29 passed pursuant to such rules and regulations as the city council may  
30 prescribe. Upon the passage of all ordinances the yeas and nays shall be  
31 recorded in the minutes ~~entered upon the record~~ of the city council, and

1 a majority of the votes of all the members of the city council shall be  
2 necessary for ~~to~~ their passage. No ordinance shall be passed within a  
3 week after its introduction, except the general appropriation ordinances  
4 for salaries and wages. Ordinances of a general or permanent nature shall  
5 be read by title on three different days unless three-fourths of the city  
6 council vote to suspend this requirement, except that such requirement  
7 shall not be suspended (1) for any ordinance for the annexation of  
8 territory or the redrawing of boundaries for city council election  
9 districts or wards or (2) as otherwise provided by law.

10 Sec. 29. Section 14-201, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-201 In each ~~any~~ city of the metropolitan class, seven city  
13 council members shall be elected to the city council as provided in  
14 section 32-536. The general city election for the election of elective  
15 officers of cities of the metropolitan class shall be held on the first  
16 Tuesday after the second Monday in May 1993 and every four years  
17 thereafter. The terms of office of such city council members shall  
18 commence on the fourth Monday after such election.

19 Sec. 30. Section 14-201.03, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-201.03 The election commissioner in any county in which is  
22 situated a city of the metropolitan class shall divide the city into  
23 seven city council districts of compact and contiguous territory. Such  
24 districts shall be numbered consecutively from one to seven. One city  
25 council member shall be elected from each district. The city council  
26 shall be responsible for redrawing the city council district boundaries  
27 pursuant to section 32-553.

28 Sec. 31. Section 14-202, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-202 The city council of a city of the metropolitan class is  
31 authorized to call, by ordinance, special elections and to submit at such

1 ~~elections thereat~~ such questions and propositions as may be authorized by  
2 ~~law this act~~ to be submitted to the electors at a special election.  
3 Unless otherwise specifically directed, it shall be sufficient to give,  
4 in the manner required by law, thirty days' notice of the time and place  
5 of holding such special election. Unless otherwise ~~specifically specially~~  
6 designated, a majority vote of the electors voting on any proposition  
7 shall be regarded sufficient to approve or carry ~~such proposition the~~  
8 ~~same~~. The vote ~~at such special election thereat~~ shall be canvassed by the  
9 authority or officer authorized to canvass the vote at the general city  
10 election and the result ~~of such election thereof~~ certified or declared  
11 and certificate of election, if required, shall be issued.

12       Sec. 32. Section 14-204, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14       14-204 (1) A candidate for city council member of a city of the  
15 metropolitan class shall be a registered voter and a resident of the  
16 district from which he or she seeks election and shall have been a  
17 resident in the city and district or any area annexed by the city for six  
18 ~~months one year~~. The primary election for nomination of city council  
19 members shall be held on the first Tuesday of April preceding the date of  
20 the general city election.

21       (2) Any person desiring to become a candidate for city council  
22 member shall file a candidate filing form pursuant to sections 32-606 and  
23 32-607.

24       Sec. 33. Section 14-205, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26       14-205 Notwithstanding any more general law respecting primary  
27 elections in force in this state, the official ballot to be prepared and  
28 used at the primary election under section 14-204 shall be in  
29 substantially the form provided in this section. The names of all  
30 candidates shall be placed upon the ballot without any party designation.

31       Candidate for Nomination for City Council Member from City Council



1 District No. ...., of the City of ....., at the  
2 Primary Election

3 Vote for only one:

4 ~~(Names of candidates)~~.....

5 (Names of candidates)

6 In all other respects the general character of the ballot to be used  
7 shall be the same as authorized by the Election Act.

8 In printing, the names shall not be arranged alphabetically but  
9 shall be rotated according to the following plan: The form shall be set  
10 up by the printer, with the names in the order in which they are placed  
11 upon the sample ballot prepared by the officer authorized to conduct the  
12 general city election. In printing the ballots for the various election  
13 districts or precincts, the position of the names shall be changed for  
14 each election district, and in making the change of position the printer  
15 shall take the line of type containing the name at the head of the form  
16 and place it at the bottom, shoving up the column so that the name that  
17 was second before the change shall be the first after the change. The  
18 primary election shall be conducted pursuant to the Election Act except  
19 as provided in section 14-204 and unless otherwise provided in the home  
20 rule charter or city code.

21 Sec. 34. Section 14-206, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-206 The two candidates receiving the highest number of votes in  
24 each city council district at the primary election under section 14-204  
25 shall be the candidates and the only candidates whose names shall be  
26 placed upon the official ballot for city council members in such city  
27 council district at the general city election in such city.

28 Sec. 35. Section 14-207, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-207 At the general city election at which city council members  
31 are to be elected, the ballot shall be prepared in substantially the same

1 form as provided in section 14-205, and the person receiving the highest  
2 number of votes in each of the city council districts shall be the city  
3 council member elected. The general city election shall be conducted  
4 pursuant to the Election Act unless otherwise provided in the home rule  
5 charter or city code.

6 Sec. 36. Section 14-210, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-210 (1) The right to enact ordinances for any city of the  
9 metropolitan class city is hereby granted to the qualified electors of  
10 such city, but such grant is made upon the following conditions and in  
11 addition to the right ~~herein~~ granted to the city council to legislate as  
12 provided in this section. ÷

13 (2)(a) Whenever qualified electors of any such city of the  
14 metropolitan class equal in number to fifteen percent of the vote cast at  
15 the last preceding city election petition the city council to enact a  
16 proposed ordinance, it shall be the duty of the city council to either  
17 enact such ordinance without amendment within thirty days or submit such  
18 ordinance ~~the same~~ to a vote of the people at the next election held  
19 within such city regardless of whether such election be a city, county,  
20 or state election.

21 (b) Whenever such proposed ordinance is petitioned for by qualified  
22 electors equal in number to twenty-five percent of the votes cast at the  
23 last preceding city election and such petition requests that a special  
24 election be called to submit the proposed ordinance to a vote of the  
25 people in the event that the city council shall fail to enact such  
26 ordinance ~~the same, it shall be the duty of the city council shall to~~  
27 either enact such ordinance without amendment within thirty days or  
28 submit such ordinance to a vote of the people at a special election  
29 called by the city council for that purpose. The date of such election  
30 shall not be less than fifty days nor more than seventy days after the  
31 filing of the petition for the proposed ordinance.

1           (3) ~~The petition herein provided for in this section shall be in the~~  
2 ~~general form and as to signatures and verification as provided in section~~  
3 ~~14-212 and 7 shall be filed with the city clerk, and if there be no city~~  
4 ~~clerk, then with such other officer having charge of the records of the~~  
5 ~~city council. Said officer shall immediately ascertain the percent of the~~  
6 ~~voters signing such petition and transmit his findings, together with~~  
7 ~~such petition, to the council. Upon the filing of a petition, the city~~  
8 ~~clerk and the county clerk or election commissioner of the county in~~  
9 ~~which the city is located may by mutual agreement provide that the county~~  
10 ~~clerk or election commissioner shall ascertain whether the petition is~~  
11 ~~signed by the requisite number of voters. When the verifying official has~~  
12 ~~ascertained the percent of the voters signing such petition, such~~  
13 ~~official shall transmit his or her findings, together with such petition,~~  
14 ~~to the city council.~~

15           (4) In the event the city council shall fail to enact such  
16 ordinance, the city council shall submit such ordinance ~~the same~~ to a  
17 vote of the people of such city as ~~herein~~ provided in this section. The  
18 mayor shall notify ~~issue a proclamation notifying~~ the electors of such  
19 election at least fifteen days prior to such election, and the city  
20 council shall cause to have published a notice of the election, ~~and a~~  
21 copy of such proposed ordinance in a legal newspaper in or once in each  
22 ~~of the daily newspapers~~ of general circulation in the city, ~~and, if there~~  
23 ~~be no daily newspaper published within such city, then once in each~~  
24 ~~weekly newspaper of general circulation in such city, such publication to~~  
25 ~~be not more than twenty nor less than five days prior to such election~~  
26 ~~before the submission of the proposed ordinance to the electors.~~

27           (5) All proposed ordinances shall have a title which shall state in  
28 a general way the purpose and intent of such ordinance.

29           (6) The ballots used when voting upon such proposed ordinance shall  
30 contain the following: For the ordinance (set forth the title thereof)  
31 and Against the ordinance (set forth the title thereof).

1           (7) If a majority of the electors voting on the proposed ordinance  
2 shall vote in favor of the question thereof such ordinance shall  
3 ~~thereupon~~ become a valid and binding ordinance of the city. An ordinance  
4 ~~so~~ adopted as provided in this section shall not be altered or modified  
5 by the city council within one year after such the adoption ~~thereof~~ by  
6 ~~the people~~.

7           (8) Any number of proposed ordinances may be voted upon at the same  
8 election in accordance with the provisions of this section except that ;  
9 ~~Provided~~, the same measure, either in form or essential substance, shall  
10 not be submitted more often than once every ~~in~~ two years.

11           Sec. 37. Section 14-211, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           14-211 (1)(a) No ordinance passed by the city any such council of a  
14 city of the metropolitan class, except when otherwise required by the  
15 general laws of the state, ~~or~~ by other provisions of sections 14-201 to  
16 14-229, or as provided in subdivision (1)(b) of this section ~~except~~  
17 ~~ordinances appropriating money to pay the salary of officers and~~  
18 ~~employees of the city, emergency ordinances for the immediate~~  
19 ~~preservation of the public peace, health or safety, and which contain a~~  
20 ~~statement of such emergency,~~ shall go into effect before fifteen days  
21 from the time of its final passage.

22           (b) An ordinance passed by the city council of a city of the  
23 metropolitan class may take effect sooner than fifteen days from the time  
24 of its final passage if the ordinance is:

25           (i) For the appropriation of money to pay the salary of officers or  
26 employees of the city; or

27           (ii) An emergency ordinance that is for the preservation of the  
28 public peace, health, or safety and that contains a statement of such  
29 emergency.

30           (2)(a) If during such said fifteen days a petition, signed and  
31 ~~verified,~~ as hereinbefore provided in this section , by electors of the

1 city equal in number to at least fifteen percent of the highest number of  
2 votes cast for any city council member ~~of such councilmen~~ at the last  
3 preceding general city election, protesting against the passage of such  
4 ordinance, shall be presented to the city ~~such~~ council, then such  
5 ordinance shall ~~thereupon~~ be suspended from going into operation, and it  
6 shall be the duty of the city council to reconsider such ordinance.

7 (b) If such ordinance is not ~~the same~~ ~~be not~~ ~~entirely~~ repealed by  
8 the city council, then the city council shall proceed to submit to the  
9 voters such ordinance at a special election to be called for such ~~that~~  
10 purpose or at a general city election, and such ordinance shall not go  
11 into effect or become operative unless a majority of the qualified  
12 electors voting on such ordinance ~~the same~~ shall vote in favor of the  
13 question thereof.

14 (3) Such petition shall be in all respects in accordance with the  
15 provisions of section 14-212 relating to signatures, verification,  
16 inspection, and certification.

17 Sec. 38. Section 14-212, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-212 All petitions provided for in sections 14-204, 14-210, and  
20 14-211 shall be signed by none but legal voters of the city and each  
21 petition shall contain, in addition to the names of the petitioners, the  
22 street and house number where the petitioner resides. The signatures to  
23 such petition need not all be appended in a single sheet ~~to one paper~~,  
24 and at least one of the signatories of each sheet ~~paper~~ shall make oath  
25 before some officer, competent to administer oaths, that the statements  
26 made in any such petition are true ~~as he or she verily believes~~, and that  
27 the signatories were, at the time of signing such petition, legal voters  
28 of the city ~~as he or she verily believes~~. He or she shall also state in  
29 the affidavit the number of signatories upon the petition, or part of  
30 such petition ~~thereof~~, sworn to or affirmed by him or her, at the time he  
31 or she makes such affidavit.

1           Sec. 39. Section 14-213, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-213   (1) The executive and administrative powers, authorities,  
4 and duties in a city of the metropolitan class ~~such cities~~ shall be  
5 distributed among the following departments:

6           (a) Finance;

7           (b) Fire;

8           (c) Human Resources;

9           (d) Human Rights and Relations;

10          (e) Law;

11          (f) Parks, Recreation, and Public Property;

12          (g) Planning;

13          (h) Police; and

14          (i) Public Works.

15          ~~as follows: (1) Department of public affairs, (2) department of~~  
16 ~~accounts and finances, (3) department of police, sanitation and public~~  
17 ~~safety, (4) department of fire protection and water supply, (5)~~  
18 ~~department of street cleaning and maintenance, (6) department of public~~  
19 ~~improvements, and (7) department of parks and public property.~~

20          (2) The city council shall determine the powers and duties to be  
21 exercised and performed by such departments, and assign such powers and  
22 duties accordingly ~~them to, the appropriate departments. The city council~~  
23 ~~It~~ may prescribe the powers and duties of all officers and employees of  
24 the city, and may assign particular officers or employees to more than  
25 one of the city departments. The city council ~~It~~ may require any officer  
26 or employee to perform duties in two or more of the departments, and may  
27 make such other rules and regulations as may be necessary or proper for  
28 the efficient and economical management of the business affairs of the  
29 city.

30          Sec. 40. Section 14-214, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-214 The city council of a city of the metropolitan class shall  
2 possess and exercise, by itself or through such methods as the city  
3 council ~~it~~ may provide, all executive, legislative, or judicial powers of  
4 the city, except as otherwise expressly provided by general law or  
5 sections 14-101 to 14-2004. The city council ~~this act~~. It shall have the  
6 power to elect or appoint any officer and define such officer's ~~his~~  
7 duties, or any employee deemed ~~it may deem~~ necessary, and any such  
8 officer or employee elected or appointed by the city council may be  
9 removed by the city council ~~it~~ at any time, except as otherwise provided  
10 by law ~~in this act~~.

11           Sec. 41. Section 14-215, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           14-215 The city council of a city of the metropolitan class shall  
14 have power to:

15           (1) Create ~~create~~ any office or board deemed ~~it deems~~ necessary;

16           (2) Discontinue ~~, and shall have power to discontinue~~ any employment  
17 or abolish any office at any time when, in the judgment of the city  
18 council, such employment or office is no longer necessary; ~~-~~

19           (3) Fix ~~It shall have power to fix~~ the salary and compensation of  
20 all city officers and employees where such salary or compensation is not  
21 fixed or established by law; ~~and this act~~.

22           (4) Create ~~It may create~~ a board of three or more members and confer  
23 upon such board powers not required to be exercised by the city council  
24 itself. The city council ~~, and~~ may require such other officers to serve  
25 upon any such board and perform the services required of it, with or  
26 without any compensation or additional compensation for such services or  
27 additional services.

28           Sec. 42. Section 14-216, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30           14-216 The regular meetings of the city council of a city of the  
31 metropolitan class shall be held once each week upon such day and hour as

1 the city council may designate. Special meetings of the city council may  
2 be called from time to time by the mayor or three city ~~two~~ council  
3 members, giving notice in such manner as may be fixed or determined by  
4 ordinance or resolution. A majority of such city council shall constitute  
5 a quorum for the transaction of any business, but it shall require a  
6 majority vote of the whole city council ~~in any such city~~ to pass any  
7 measure or transact any business. The vote of five members of the city  
8 council shall be required to override any veto by the mayor.

9 Sec. 43. Section 14-217.02, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 14-217.02 Vacancies in the office of mayor or city council in a city  
12 of the metropolitan class shall be filled as provided in section 32-568.  
13 Salaries of the mayor and members of the city council shall be determined  
14 by ordinance ~~local law~~.

15 Sec. 44. Section 14-218, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 14-218 The mayor of a city of the metropolitan class shall, in a  
18 general way, constantly investigate all public affairs concerning the  
19 interest of the city, and shall investigate and ascertain in a general  
20 way the efficiency and manner in which all departments of the city  
21 government are being conducted. The mayor ~~He~~ shall recommend to the city  
22 council all such matters as in the mayor's ~~his~~ judgment should receive  
23 the investigation, consideration, or action of the city council ~~that~~  
24 ~~body~~.

25 Sec. 45. Section 14-219, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-219 The mayor of a city of the metropolitan class shall be the  
28 chief executive officer and conservator of the peace throughout the city.  
29 The mayor ~~He~~ shall have such jurisdiction as may be vested in such office  
30 ~~him~~ by ordinance over all places within the extraterritorial zoning  
31 jurisdiction ~~three miles of the corporate limits~~ of the city, for the



1 enforcement of any health and quarantine ordinance or ~~the~~ regulations  
2 thereof.

3 Sec. 46. Section 14-220, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-220 The mayor of a city of the metropolitan class shall have the  
6 superintending control of all officers and affairs of the city except  
7 when otherwise specially provided by law. The mayor He may, when deemed  
8 ~~he deems it~~ necessary, require any officer of the city to exhibit such  
9 officer's ~~his~~ accounts or any other papers and to make report to the city  
10 council, in writing, touching any subject or matter the mayor he may  
11 require pertaining to such ~~his~~ office. The mayor He shall, from time to  
12 time, communicate to the city council such information and recommend such  
13 measures as, in the mayor's ~~his~~ opinion, may tend to the improvement of  
14 the finances, police, health, security, ornament, comfort, and general  
15 prosperity of the city. The mayor He shall be active and vigilant in  
16 enforcing all laws and ordinances of the city and shall cause all  
17 subordinate officers to be dealt with promptly in any neglect or  
18 violation of duty. The mayor He shall give written notice to the city  
19 clerk of the mayor's ~~his~~ intended absence from the city.

20 Sec. 47. Section 14-221, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-221 It shall be the duty of the mayor of a city of the  
23 metropolitan class to:

24 (1) Enforce ~~enforce~~ the laws of the state and the ordinances of the  
25 city;

26 (2) Order ~~to order~~, direct, and enforce, through the officers of the  
27 police department, the arrest and prosecution of persons violating such  
28 laws and ordinances; and

29 (3) Cooperate ~~to cooperate~~ with and assist the county sheriff ~~of the~~  
30 ~~county~~ in suppressing riots and mobs, and in the arrest and prosecution  
31 of persons charged with crimes ~~and misdemeanors~~.

1           Sec. 48. Section 14-224, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-224 The mayor and city council members and all other officers,  
4 agents, and employees of a the city of the metropolitan class are  
5 prohibited from soliciting or receiving, directly or indirectly, for any  
6 purpose whatsoever, any contribution of money or supplies of whatsoever  
7 kind, or any valuable or special privilege at the hands of any city  
8 contractor, or his or her agents, or from any franchised municipal  
9 corporation. Such ~~for any purpose whatsoever, and such~~ conduct shall  
10 constitute malfeasance in office. No officer, appointee, agent, or  
11 employee shall directly or indirectly solicit or receive any gift or  
12 contribution of money or supplies, or any valuable service, from any  
13 appointee, agent, or employee of such city, for the benefit of the person  
14 asking for such gift or contribution or for the benefit of another. A ~~Any~~  
15 violation of this section is ~~provision shall constitute~~ a Class III  
16 misdemeanor.

17           Sec. 49. Section 14-225, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           14-225 No officer or agent of a the city of the metropolitan class  
20 shall solicit, directly or indirectly, the political support of any  
21 contractor, municipal franchised corporation, or railway company, or the  
22 officials or agents of such companies, for any municipal election or for  
23 any other election ~~or primary election~~ held in the city ~~in pursuance of~~  
24 ~~law.~~ No ~~Nor shall~~ any franchised corporation or railway company, through  
25 its agents or officials, or by any other means, shall furnish or  
26 appropriate any money, directly or indirectly, to promote the success or  
27 defeat of any person ~~whomsoever,~~ in any election ~~or primary election~~ held  
28 in such city, or to promote or prevent the appointment or confirmation of  
29 any appointive officer of such city. A violation of any of this section  
30 ~~these provisions~~ on the part of any officer or agent of the city shall be  
31 deemed malfeasance in office, and upon conviction of such violation

1 ~~thereof~~ such officer shall be removed from office by the order of the  
2 court, and fined in any sum not to exceed five hundred dollars. A  
3 violation of this section ~~any of these provisions~~ on the part of any  
4 franchised corporation through its officials or agents, upon conviction  
5 by any court of competent jurisdiction, shall subject such corporation to  
6 forfeiture of its franchise and the imposition of a fine of not exceeding  
7 five hundred dollars upon every officer or agent of such company who  
8 shall have been proved guilty of such violation.

9 Sec. 50. Section 14-226, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 14-226 (1) An ~~If any~~ officer or agent of a ~~the~~ city of the  
12 metropolitan class shall not:

13 (a) Make ~~make~~ a demand for money or other consideration of a  
14 franchised corporation or public contractor, or such corporation's or  
15 contractor's ~~their~~ agents, with a threat to introduce or support a  
16 measure, or vote for ~~any specific~~, or propose a resolution or ordinance,  
17 adverse to their interests, if such demand be not complied with; ~~or~~

18 (b) Offer ~~if such officer or agent shall offer~~ to prepare or  
19 introduce or support a resolution or ordinance favorable to such company  
20 or contractor for a valuable consideration. ~~or~~

21 (2) A violation of this section ~~such action~~ shall be deemed a  
22 malfeasance in office, and upon conviction such offender shall be fined  
23 in any sum not exceeding five hundred dollars, and such officer shall be  
24 removed from office by direction of the court.

25 Sec. 51. Section 14-227, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-227 (1) Unless otherwise provided by law, when an officer or  
28 agent of a city of the metropolitan class collects a fine, penalty, or  
29 forfeiture imposed for a violation of city ordinance or for a misdemeanor  
30 violation of state law committed within the city, such officer or agent  
31 shall remit such fine, penalty, or forfeiture to the city treasurer no

1 later than thirty days after collection of such fine, penalty, or  
2 forfeiture or within ten days after being requested to do so by the  
3 mayor.

4 (2) A violation of this section is a Class II misdemeanor. Upon  
5 conviction, such officer or agent All fines, penalties, and forfeitures  
6 collected for offenses against the ordinances of the city, or for  
7 misdemeanors against the laws of the state, committed within the city,  
8 shall, unless otherwise provided by law, be paid by the person receiving  
9 the same to the city treasurer. Any person receiving such fines,  
10 penalties and forfeitures, who shall fail to pay the same over as above  
11 provided within thirty days after the receipt of the same by him, or  
12 within ten days after being requested by the mayor so to do, shall be  
13 deemed guilty of a misdemeanor, and, upon conviction thereof shall be  
14 punished by a fine of not to exceed one thousand dollars and imprisonment  
15 not to exceed six months in the county jail. Such person shall be guilty  
16 of malfeasance in office and shall be removed from office.

17 (3) The city comptroller shall ~~It shall be the duty of the~~  
18 ~~comptroller to~~ audit the accounts of all such officers and agents at  
19 least once each month and to approve or disapprove their reports.

20 Sec. 52. Section 14-228, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-228 It shall be the duty of all officers of a city of the  
23 metropolitan class at the expiration of their terms of office to prepare  
24 written detailed abstracts of all books, documents, tools, implements,  
25 and materials of every kind belonging to the city in their trust and  
26 care, ~~also all work or storehouses owned or leased by the city for~~  
27 ~~storage or other purposes, in duplicate,~~ and to certify as members of  
28 such boards, to the correctness of such books, documents, tools,  
29 implements, and materials thereof. Such certified abstracts shall be  
30 delivered to the mayor, who shall file one copy of each of such copies  
31 for record with the city clerk, and with the other copies shall be handed

1 to the heads of the respective departments ~~to be used as a basis of~~  
2 ~~checking up the abstract.~~

3 Sec. 53. Section 14-229, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-229 Any officer or employee of a such city of the metropolitan  
6 class who, by solicitation or otherwise, shall ~~exert his~~ influence  
7 directly or indirectly ~~to influence~~ any other officers or employees of  
8 such city to adopt such person's ~~his~~ political views shall be guilty of a  
9 Class IIIA misdemeanor ~~and upon conviction shall be punished by a fine~~  
10 ~~not exceeding one hundred dollars or be imprisoned in the county jail not~~  
11 ~~exceeding thirty days.~~

12 Sec. 54. Section 14-230, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-230 The Legislature, recognizing the importance to the entire  
15 State of Nebraska of sound and stable government in cities of the  
16 metropolitan class, hereby declares that the qualifications for candidacy  
17 for the office of mayor and city council member of such cities, whether  
18 any such city is governed by a home rule charter or not, are matters of  
19 general statewide concern. The provisions of any ordinance or home rule  
20 charter of any such city to the contrary notwithstanding, no person shall  
21 be disqualified from candidacy for the office of mayor or city council  
22 member of any such city because of the fact that such person holds any  
23 other public office, either elective or appointive, except any office  
24 subordinate to the mayor and city council member of such city, and no  
25 holder of any such other office shall be required to resign such other  
26 office in order to become and remain a candidate for the office of mayor  
27 or city council member of any such city.

28 Sec. 55. Section 14-360, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-360 (1) Except as provided in subsection (2) of this section, a  
31 The city of the metropolitan class shall have the power to:

1        (a) Lay lay out the city, or parts thereof, or portions of the  
2 extraterritorial zoning jurisdiction of the city territory within three  
3 miles of the corporate limits thereof, into suitable districts for the  
4 purpose of establishing a system of sewerage and drainage;

5        (b) Provide ~~to provide~~ such system and regulate the construction and  
6 repair and use of sewers and drains, the reconstruction of sewers in any  
7 district or part of such district, thereof and all proper house  
8 construction and branches;

9        (c) Provide ~~to provide~~ penalties for any obstruction of, or injury  
10 to, any sewer or part of such sewer thereof; and

11        (d) Require ~~to require~~ and compel sewer connections to be made. ;  
12 ~~Provided, the~~

13        (2) The city shall not create a district outside the corporate  
14 limits of such city, when the district includes land already included  
15 within a sanitary and improvement district ~~an existing district created~~  
16 ~~under the provisions of Chapter 31, article 7,~~ without the consent of the  
17 trustees of such district.

18        Sec. 56. Section 14-361, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20        14-361 Whenever sewer connections for sewerage or drainage may be  
21 deemed necessary or advisable, whether within the corporate limits or  
22 within the extraterritorial zoning jurisdiction of a city of the  
23 metropolitan class areas within three miles of such corporate limits, the  
24 property owners shall be given thirty days from the publication of the  
25 ordinance ordering such improvements and connections, to make such  
26 improvements and connections ~~the same~~ in conformity with approved plans  
27 to be kept on file by the city. The publication of such ordinance  
28 ordering such connections in the official newspaper shall be the only  
29 notice required to be given such property owners. Upon the failure or  
30 neglect of the property owners to construct such connections within the  
31 time fixed, the city shall cause such work to be done and shall contract

1 ~~for such construction therefor~~ with the lowest responsible bidder. The  
2 cost ~~of construction thereof~~, including superintendence and inspection,  
3 shall be assessed against the property to which such connections have  
4 been made ~~as a special assessment in the same manner as special taxes are~~  
5 ~~levied for other purposes.~~

6 Sec. 57. Section 14-362, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-362 ~~A~~ The city of the metropolitan class shall require the  
9 issuance of a permit to connect with any sewer on any street, alley or  
10 private property within the corporate limits or within the  
11 extraterritorial zoning jurisdiction of such city ~~three miles thereof,~~  
12 and shall require the sewer assessment on the abutting property to be  
13 paid before such permit is issued, except ~~;~~ ~~Provided,~~ that if such  
14 assessment is being paid in installments as ~~by law provided~~ by law, the  
15 city shall require delinquent and current installments to be paid before  
16 such permit is issued. In case the cost of the sewer has not been  
17 assessed, or such assessment has been declared invalid by any court of  
18 competent jurisdiction, the city shall require the payment of the pro  
19 rata share of the cost of such sewer before such permit is issued.

20 Sec. 58. Section 14-363, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 14-363 The city council of a city of the metropolitan class may  
23 provide for the sprinkling or armor coating of the streets of the city  
24 and, for the purpose of accomplishing such work, may by ordinance create  
25 suitable districts to be designated sprinkling or armor-coating districts  
26 and may order and direct the work, including preparatory grading, to be  
27 done upon any or all of the streets in such ~~the~~ districts. The work shall  
28 be done upon contract in writing let upon advertisement to the lowest  
29 responsible bidder. Such advertisement shall specify the district or  
30 districts proposed to be so worked, specifically ~~especially~~ describing  
31 such district or districts, and bids shall be made and contracts let with

1 reference to such district or districts so specified. For the purpose of  
2 paying the cost of the work contemplated and contracted for, the city  
3 council may levy and assess the cost upon all lots, lands, and real  
4 estate in such ~~the~~ district, such tax or assessment to be equal and  
5 uniform upon all front footage or property within or abutting upon the  
6 streets within the district so created. The assessment shall be a lien  
7 upon all such lots, lands, and real estate and shall be enforced and  
8 collected as a special assessment.

9       Sec. 59. Section 14-364, Revised Statutes Cumulative Supplement,  
10 2020, is amended to read:

11       14-364 The city council of a city of the metropolitan class may  
12 establish and maintain a paving repair plant and may pave or repair  
13 paving. The cost of such repairs may be paid from the funds of the city  
14 or may be assessed upon the abutting property, except that the cost may  
15 be assessed against abutting property only following the creation of a  
16 paving repair or repaving district established and assessed as a special  
17 assessment in the same manner provided for a sprinkling or armor-coating  
18 district by section 14-363. The assessable paving repairs shall be only  
19 those made with asphaltic concrete on streets in previously developed  
20 areas which were not constructed to city permanent design standards.

21       Sec. 60. Section 14-365, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       14-365 All persons who contract with a the city of the metropolitan  
24 class for work to be done, or material or supplies to be furnished, shall  
25 give bond to the city, with not less than two sureties in an amount not  
26 less than fifty percent of the amount of the contract price, for the  
27 faithful performance of such work ~~the same~~. The sureties on the bonds  
28 shall be resident property owners ~~freeholders~~ of the county within which  
29 the city is located ~~situated~~ and shall certify ~~justify~~ under oath that  
30 they are worth double the amount for which they may sign the bond, over  
31 and above all debts, liabilities, obligations, and exemptions. The city



1 council may also ~~, however,~~ accept security from one or more reliable  
2 sureties or guaranty companies for the same amount.

3 Sec. 61. Section 14-365.01, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-365.01 (1) Any city of the metropolitan class ~~in this state~~ is  
6 hereby authorized to:

7 (a) Own ~~own~~, construct, equip, and operate either within or without  
8 the corporate limits of such city ~~municipality~~ a sewerage system,  
9 including any storm sewer system, and plant or plants for the treatment,  
10 purification, and disposal in a sanitary manner of the liquid and solid  
11 wastes and ~~, sewage, and night soil~~ of the area; and ~~or~~

12 (b) Extend ~~to extend~~ or improve any existing sewerage system,  
13 including any storm sewer system.

14 (2) The city ~~It~~ shall have the authority to acquire by gift, grant,  
15 purchase, or condemnation necessary lands for such sewerage system  
16 ~~therefor~~, either within or without the corporate limits of the city ~~such~~  
17 ~~municipality~~.

18 (3) For the purpose of carrying out the powers set forth in this  
19 section, a ~~owning, operating, constructing, maintaining, and equipping~~  
20 ~~such sewage disposal plant and sewerage system, including any storm sewer~~  
21 ~~system, or improving or extending such existing system,~~ any city of the  
22 metropolitan class is also authorized and empowered to make a special  
23 levy each year of not to exceed three and five-tenths cents on each one  
24 hundred dollars upon the taxable value of all the taxable property in  
25 such city, as well as all taxable property within the extraterritorial  
26 zoning jurisdiction ~~three miles of the corporate limits~~ of such city,  
27 which property is within a district established under section 14-360,  
28 subject to sections 14-365.12 and 14-365.13. The proceeds of such ~~the~~ tax  
29 shall be used for any of the purposes enumerated in this section and for  
30 no other purpose.

31 Sec. 62. Section 14-365.02, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-365.02 For the purpose of owning, operating, constructing, and  
3 equipping ~~a such~~ sewage disposal plant or sewerage system, including any  
4 storm sewer system, or improving or extending such existing system, as  
5 provided in section 14-365.01, a city of the metropolitan class  
6 ~~municipality~~ may issue revenue mortgage bonds ~~therefor~~. Such revenue  
7 ~~mortgage~~ bonds as provided in this section shall not impose any general  
8 liability upon the city municipality but shall be secured only on the  
9 property and revenue, as provided in section 14-365.04, of such utility  
10 including a franchise stating the terms upon which, in case of  
11 foreclosure, the purchaser may operate the system. Such franchise shall  
12 in no case extend for a longer period than twenty years from the date of  
13 the sale of such franchise thereof on foreclosure. Such revenue mortgage  
14 bonds shall be sold for not less than par. The amount of such revenue  
15 ~~mortgage~~ bonds, either issued or outstanding, shall not be included in  
16 computing the maximum amount of bonds which such city ~~the said~~  
17 ~~municipality~~ may be authorized to issue under its city charter or any  
18 ~~statute of this state~~ statute.

19 Sec. 63. Section 14-365.03, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-365.03 (1) The city council governing body of a city of the  
22 metropolitan class ~~such municipality~~ may make all necessary rules and  
23 regulations governing the use, operation, and control of a sewerage  
24 system established under section 14-365.01 thereof. The city council  
25 ~~governing body~~ may establish just and equitable rates or charges to be  
26 paid to the city ~~it~~ for the use of such sewage disposal plant and  
27 sewerage system by the owner of the property served or by the person,  
28 firm, or corporation using the services.

29 (2) If any service rate or charge so established is not paid when  
30 due, such sum may be:

31 (a) Recovered ~~recovered~~ by the city municipality in a civil

1 action; ~~or~~

2 (b) Certified ~~it may be certified~~ to the city treasurer, tax  
3 ~~assessor~~ and assessed against the premises served, and collected or  
4 returned in the same manner as other municipal taxes are certified,  
5 assessed, collected, and returned; ~~or~~

6 (c) Assessed ~~it may be assessed~~ against the premises served in the  
7 same manner as special taxes or assessments are assessed by such city and  
8 ~~shall~~ be certified, enforced, collected, and returned as other special  
9 taxes or assessments of such city.

10 Sec. 64. Section 14-365.04, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-365.04 Bonds which are issued and secured by a mortgage on the  
13 utility, as provided in section 14-365.02, shall not be a general  
14 obligation of the city municipality, but shall be paid only out of the  
15 revenue received from the service charges, as provided in section  
16 14-365.03, or from a sale of the property and the franchise, referred to  
17 in section 14-365.02, to operate the system, under a foreclosure  
18 proceeding. If a service rate or charge is charged, ~~to be paid as herein~~  
19 ~~provided~~, such portion of such rate or charge thereof as may be deemed  
20 sufficient shall be set aside as a sinking fund for the payment of the  
21 interest on such ~~said~~ bonds, ~~and the principal of such bonds~~ thereof at  
22 maturity.

23 Sec. 65. Section 14-365.05, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-365.05 For the purpose of providing for a ~~such~~ sewage disposal  
26 plant and sewerage system, including any storm sewer system, or improving  
27 or extending such existing system, as provided in section 14-365.01, any  
28 city of the metropolitan class ~~such municipality~~ may also enter into a  
29 contract with any corporation organized under or authorized by the laws  
30 of this state to engage in such ~~the business herein mentioned~~, to receive  
31 and treat, in the manner provided in sections 14-365.01 to 14-365.13

1 ~~hereinbefore mentioned~~, the sewage of such system and ~~night soil thereof~~,  
2 and to construct and provide the facilities and services as provided in  
3 sections 14-365.01 to 14-365.13 ~~hereinbefore described~~. Such contract may  
4 also authorize the corporation to charge the owners of the premises  
5 served such a service rate therefor as the city council governing body of  
6 ~~such municipality~~ may determine to be just and reasonable. The city  
7 ~~municipality~~ may contract to pay such ~~the said~~ corporation a flat rate  
8 for such service, and pay such rate ~~therefor~~ out of its general fund or  
9 the proceeds of any tax levy applicable to the purposes of such contract,  
10 or assess the owners of the property served a reasonable charge for such  
11 services ~~therefor~~ to be collected, as provided in section 14-365.03, and  
12 paid into a fund to be used to defray such contract charges.

13       Sec. 66. Section 14-365.06, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       14-365.06 For the purpose of owning, operating, constructing, and  
16 equipping ~~a such~~ sewage disposal plant and sewerage system, including any  
17 storm sewer system, or improving or extending such existing system, as  
18 provided in section 14-365.01, or for the purpose stated in sections  
19 14-365.01 to 14-365.05, any city of the metropolitan class ~~such~~  
20 ~~municipality~~ is also authorized and ~~empowered hereby~~ to issue and sell  
21 ~~the~~ general obligation bonds of such city ~~municipality~~ upon compliance  
22 with section 14-365.07. Such bonds shall not be sold or exchanged for  
23 less than the par value of such bonds ~~thereof~~ and shall bear interest  
24 payable semiannually. The city council governing body of any such  
25 ~~municipality~~ shall have the power to determine the denominations of such  
26 bonds, and the date, time, and manner of payment.

27       Sec. 67. Section 14-365.07, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       14-365.07 (1) Revenue bonds authorized by section 14-365.02 may be  
30 issued by ordinance duly passed by the mayor and city council of any city  
31 of the metropolitan class without any other authority.

1 (2) General obligation bonds authorized by section 14-365.06 may be  
2 issued only (a) after the question of their issuance has been submitted  
3 to the electors of the city of the metropolitan class at a general or  
4 special election, of which three weeks' notice has been published in a  
5 legal newspaper in or of general circulation in such city, and (b) if a  
6 majority of the electors voting at the election have voted in favor of  
7 the issuance of the bonds. Publication of such a notice in such a  
8 newspaper once each week during three consecutive weeks prior to the date  
9 of such election shall constitute a compliance with the requirements of  
10 this section for notice of such election. General obligation bonds shall  
11 not be issued in excess of one and eight-tenths percent of the taxable  
12 value of all the taxable property in the city or in excess of the amount  
13 authorized by sections 14-365.12 and 14-365.13.

14 Sec. 68. Section 14-365.08, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-365.08 Whenever the city council ~~governing body~~ of a city of the  
17 metropolitan class ~~any metropolitan city~~ shall have ordered the  
18 installation of a sewerage system, including any storm sewer system, and  
19 sewage disposal plant or the improvement or extension of an existing  
20 system, the fact that such order was issued shall be recited in the  
21 official minutes of the city council ~~governing body~~. The city council  
22 ~~said body~~ shall ~~thereupon~~ require that plans and specifications be  
23 prepared of such sewerage system, including any storm sewer system, and  
24 sewage disposal plant, or such improvement or extension. Upon approval of  
25 such plans, the city council ~~governing body~~ shall ~~thereupon~~ advertise for  
26 sealed bids for the construction of such ~~said~~ improvements once a week  
27 three consecutive weeks in a legal newspaper ~~paper~~ published in or of  
28 general circulation within the city ~~said municipality~~. The contract for  
29 such construction shall be awarded to the lowest responsible bidder.

30 Sec. 69. Section 14-365.09, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-365.09 The owner of any sewerage system, including any storm  
2 sewer system, or sewage disposal plant provided for in sections 14-365.01  
3 to 14-365.08, or any city of the metropolitan class ~~the municipality~~, is  
4 hereby authorized to extend such sewerage system ~~the same~~ beyond the  
5 corporate limits of the ~~metropolitan city~~ ~~which it serves~~, under the same  
6 conditions, as nearly as may be, as within such corporate limits, and to  
7 charge to users of its services reasonable and fair rates consistent with  
8 those charged or which might be charged within such corporate limits and  
9 consistent with the expense of extending and maintaining such sewerage  
10 system ~~the same for the users thereof~~ outside such corporate limits at a  
11 fair return to the owner of such sewerage system ~~thereof~~. The mayor and  
12 city council ~~of any metropolitan city~~ shall have the authority to enter  
13 into contracts with users of such sewerage system, including any storm  
14 sewer system except that ; ~~Provided~~, no such contract shall call for  
15 furnishing of such service for a period in excess of ten years.

16           Sec. 70. Section 14-365.10, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           14-365.10 The mayor and city council of any city of the metropolitan  
19 class city, in addition to other sources of revenue available to the  
20 city, may by ordinance set up appropriate rental or use charges to be  
21 collected from users of ~~any of its system of sanitary sewerage system and~~  
22 provide methods of collection of such charges, except thereof; ~~Provided~~,  
23 that users shall include in part any users outside of such city where the  
24 sewer is directly or indirectly connected to the sewerage system of such  
25 city and users within any sanitary and improvement district now existing  
26 or hereafter organized under the laws of this state when the sewerage  
27 system, or any part thereof, of the sanitary and improvement district  
28 directly or indirectly connects to any part of the sewerage system of the  
29 ~~metropolitan city~~. Such The charges shall be charged to each property  
30 served by the ~~its~~ sewerage system, shall be a lien upon the property  
31 served, and may be collected either from the owner or the person, firm,

1 or corporation using the service. All money raised from such ~~the~~ charges  
2 shall be used for maintenance or operation of the existing sewerage  
3 system, for payment of principal and interest on bonds issued, as is  
4 provided for in section 14-365.06, or to create a reserve fund for the  
5 payment of future maintenance, operation, or construction of a new  
6 sewerage sewer system for or additions to the sewerage system of the  
7 city. Any funds raised from such charges ~~this charge~~ shall be placed in a  
8 separate fund and not be used for any other purpose or diverted to any  
9 other fund.

10 Sec. 71. Section 14-365.11, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-365.11 The terms sewage system, sewerage system, including storm  
13 sewer system, and disposal plant or plants, as used in sections 14-365.01  
14 to 14-365.13 ~~herein are defined to~~ mean and include any system or works  
15 above or below ground which has for its purpose any or all of the  
16 following: The removal, discharge, conduction, carrying, treatment,  
17 purification, or disposal of the liquid and solid waste ~~and night soil~~ of  
18 a city of the metropolitan class municipality, surface waters, and storm  
19 waters. ~~The It is intended that the~~ powers conferred by ~~the terms of~~  
20 sections 14-365.01 to 14-365.13 may also be employed in connection with  
21 sewage and sewer projects which do not include the erection or  
22 enlargement of a sewage disposal plant.

23 Sec. 72. Section 14-365.12, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-365.12 If any tax is levied or general obligation bonds are  
26 issued by a ~~metropolitan~~ city of the metropolitan class as authorized  
27 under sections 18-501 to 18-511 ~~by the provisions of Chapter 18, article~~  
28 ~~5,~~ the amount of such ~~the~~ tax that may be levied by the provisions of  
29 section 14-365.01, or the amount of general obligation bonds that may be  
30 issued by the provisions of section 14-365.07 by such ~~metropolitan~~ city  
31 must be reduced by the amount of the tax levied or bonds issued as

1 authorized under sections 18-501 to 18-511 ~~by the provisions of Chapter~~  
2 ~~18, article 5.~~

3 Sec. 73. Section 14-365.13, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-365.13 The provisions of sections 14-365.01 to 14-365.13 shall be  
6 independent of and in addition to any other provisions of the laws of the  
7 State of Nebraska with reference to sewage disposal plants and sewerage  
8 systems, including any storm sewer system, in cities of the metropolitan  
9 class cities. The provisions of sections 14-365.01 to 14-365.13 shall not  
10 be considered amendatory of or limited by any other provision of the laws  
11 of the State of Nebraska, except as provided in section 14-365.12.

12 Sec. 74. Section 14-366, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-366 (1) A The city of the metropolitan class may purchase or  
15 acquire by the exercise of the power of eminent domain private property  
16 or public property which is not at the time devoted to a specific public  
17 use, for:

18 (a) Streets ~~the following purposes and uses:~~ (1) ~~For streets,~~  
19 ~~alleys, avenues, parks, recreational areas, parkways, playgrounds,~~  
20 ~~boulevards, sewers, public squares, market places, and for other needed~~  
21 ~~public uses or purposes authorized under sections 14-101 to 14-2004 by~~  
22 ~~this act,~~ and for adding to, enlarging, widening, or extending such  
23 facilities any of the foregoing; and

24 (b) Constructing (2) ~~for constructing~~ or enlarging waterworks, gas  
25 plants, or other municipal utility purposes or enterprises authorized  
26 under sections 14-101 to 14-2004 by this act.

27 (2) The power to ~~so~~ purchase or appropriate private property or  
28 public property, ~~as provided in this section in this act specified,~~ for  
29 parks, recreational areas, parkways, boulevards, sewers, and for the  
30 purpose of constructing waterworks, gas works, light plants, or other  
31 municipal enterprises authorized under sections 14-101 to 14-2004 by this



1 ~~act~~, may be exercised by the city within the corporate limits of the city  
2 or within seventy-five miles of the corporate limits thereof.

3 (3) The power to ~~so~~ purchase or appropriate private property or  
4 public property, ~~as provided in this section in this act specified,~~ for  
5 streets, alleys, avenues, and other construction of a similar nature ~~like~~  
6 ~~kind~~ may be exercised by the city within the corporate limits of the city  
7 or within the extraterritorial zoning jurisdiction of the city ~~three~~  
8 ~~miles~~ thereof.

9 Sec. 75. Section 14-367, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 14-367 Whenever property is purchased for any of the purposes stated  
12 in section 14-366 the purchase of such property ~~thereof~~ shall be made by  
13 ordinance. Whenever it becomes necessary to appropriate property for the  
14 purposes stated in section 14-366 the purpose and necessity for such  
15 appropriation shall be declared by ordinance. ~~The Thereupon~~ the procedure  
16 to condemn property shall be exercised in the manner set forth in  
17 sections 76-704 to 76-724.

18 Sec. 76. Section 14-372, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-372 Whenever property is acquired for the purpose of constructing  
21 or enlarging waterworks, gas plants, or other municipal utility purposes  
22 or enterprises authorized under section 14-366, such property ~~by this~~  
23 ~~act, the same~~ shall be paid for from such funds as may be provided for  
24 any such purposes. The title to such property ~~thereto~~ shall be held by  
25 ~~lodged~~ in the city after the condemnation proceedings have been completed  
26 and the amount awarded has been paid by the city.

27 Sec. 77. Section 14-373, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-373 Each city of the metropolitan class is authorized and  
30 required to prepare a plan for the ~~its~~ future physical development and  
31 growth of the city. Such plan shall be prepared and shall be carried out

1 by an appropriate city board or official. The plan may include such lands  
2 outside the corporate limits of the city as may bear a relation to the  
3 development of the city. A planning board may be given such other powers  
4 and duties by statute or charter as may be appropriate. On ~~, and on~~ or  
5 after January 1, 1998, the planning board shall have one member qualified  
6 and appointed as provided in section 14-373.02.

7 Sec. 78. Section 14-373.01, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-373.01 The Legislature finds that:

10 (1) The exercise of zoning, planning, and other concomitant powers  
11 by a city of the metropolitan class in the area of extraterritorial  
12 zoning jurisdiction described and authorized by state law necessarily  
13 affects property outside the corporate boundaries of the city and persons  
14 who are not inhabitants of or electors in the city;

15 (2) The protection of unrepresented persons and property affected by  
16 a statutorily created zoning and planning process is a matter of state  
17 concern; and

18 (3) The protection of such unrepresented persons and property would  
19 be facilitated by requiring that at least one person residing in the area  
20 of extraterritorial zoning jurisdiction and appointed by an elected body  
21 of the area of extraterritorial zoning jurisdiction serve as a member of  
22 the planning board of the city of the metropolitan class if such a  
23 planning board exists.

24 Sec. 79. Section 14-373.02, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-373.02 (1) Notwithstanding any provision of a city charter to the  
27 contrary, the next vacancy that occurs on a city planning board on or  
28 after January 1, 1998, shall be filled by the appointment of a person who  
29 resides in the area of extraterritorial zoning jurisdiction as provided  
30 in subsection (2) of this section. At all times following the initial  
31 appointment of a planning board member who resides in the area of

1 extraterritorial zoning jurisdiction, one member of the planning board  
2 shall be so qualified and appointed.

3 (2) The city clerk shall formally notify the county clerk of the  
4 existence of the next vacant position that occurs on the planning board  
5 on or after January 1, 1998, within ten days after the date of the  
6 vacancy. The county board, within thirty days after such notice, shall  
7 hold a meeting to consider nominations for appointment to the vacancy and  
8 shall appoint a person qualified under subsection (1) of this section to  
9 fill the vacancy. Prior to holding such meeting, the county board shall  
10 cause to be published a notice of the vacancy and the date of the  
11 meeting. The notice shall be published in a legal newspaper in or of  
12 general circulation in the county in which such planning board is located  
13 at least once in each of the two weeks immediately preceding the week of  
14 the meeting. A nominee for the vacancy shall be appointed by majority  
15 vote of the county board. The appointee shall become a member of the  
16 planning board when the city clerk receives certification from the county  
17 clerk of the name of the appointee.

18 (3) Following the initial appointment of the extraterritorial member  
19 to the planning board pursuant to this section, the city clerk shall  
20 inform the county clerk of any vacancy occurring in the extraterritorial  
21 member's position within ten days after its occurrence or at least thirty  
22 days prior to the expiration of the extraterritorial member's term.

23 (4) Any person qualified and appointed under this section shall  
24 serve for terms equal to that of the planning board members who reside  
25 within the corporate boundaries of the city and shall become a member of  
26 the planning board with all rights, duties, responsibilities, and  
27 privileges relating ~~perquisites appertaining~~ to the position by state  
28 law, city charter, or city ordinance.

29 (5) For purposes of this section:

30 (a) Area of extraterritorial zoning jurisdiction means the  
31 unincorporated area three miles beyond and adjacent to ~~outside~~ the

1 corporate boundaries of a city of the metropolitan class ~~but within the~~  
2 ~~largest area subject to such city's zoning, planning, and concomitant~~  
3 ~~jurisdiction as described in sections 14-116, 14-418, and 14-419;~~

4 (b) City means a city of the metropolitan class;

5 (c) County board means the county board of a county in which a city  
6 of the metropolitan class is located;

7 (d) County clerk means the county clerk of a county in which a city  
8 of the metropolitan class is located; and

9 (e) Planning board means a planning board as organized pursuant to  
10 section 14-407.

11 Sec. 80. Section 14-374, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 14-374 Each city of the metropolitan class shall have the power to  
14 acquire by gift, purchase, condemnation, or bequest, such real estate  
15 within the corporate limits and within the extraterritorial zoning  
16 jurisdiction of the city ~~three miles thereof~~ as may be necessary for any  
17 public use and may later convey, lease, sell, or otherwise dispose of any  
18 real estate so ~~thus~~ acquired and not necessary for present use or future  
19 development upon such terms as the city ~~it~~ may deem appropriate. In  
20 addition to any other public uses, the following are declared to be for a  
21 public purpose and for the public health and welfare: Establishing,  
22 laying out, widening, and enlarging waterways, streets, bridges,  
23 boulevards, parkways, parks, playgrounds, sites for public buildings, and  
24 property for administrative, institutional, educational, and all other  
25 public uses, and for reservations in, about, along, or leading to any or  
26 all of such facilities ~~the same~~. The powers provided in this section  
27 shall be in addition to and not in restriction of any other powers ~~now~~  
28 held by cities of the metropolitan class ~~such cities~~.

29 Sec. 81. Section 14-375, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-375 Upon the recommendation of the city planning board, the city

1 council of a city of the metropolitan class may, by ordinance or  
2 resolution, vacate any street or alley within ~~any~~ such city without any  
3 petition being filed for such vacation ~~therefor~~. Before any such street  
4 or alley shall be vacated, the city council shall appoint a committee of  
5 at least three city council members ~~thereof~~, who shall faithfully and  
6 impartially and after reasonable notice to the owners and parties  
7 interested in property affected by such vacation, assess the damages, if  
8 any, to such owners and ~~parties~~ affected parties. The committee They  
9 shall take into consideration the amount of special benefits, if any,  
10 arising from such vacation and shall file their report in writing with  
11 the city clerk. Any owner or party interested in property affected by  
12 such vacation, who shall file a written protest with such committee, may  
13 appeal from the adoption by the city council of such appraisers' report  
14 in the manner provided in section 14-813, but such appeal shall not stay  
15 the passage of the ordinance or resolution vacating such street or alley.  
16 The award of appraisers shall be final and conclusive as the order of a  
17 court of general jurisdiction, unless appealed from. When the city  
18 vacates a street or alley, the city shall, within thirty days after the  
19 effective date of the vacation, file a certified copy of the vacating  
20 ordinance or resolution with the register of deeds for the county in  
21 which the vacated property is located to be indexed against all affected  
22 lots.

23 Sec. 82. Section 14-376, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-376 Whenever the qualified electors of any city of the  
26 metropolitan class vote at any general or special election to acquire and  
27 appropriate by an exercise of the power of eminent domain, any  
28 waterworks, waterworks system, gas plant, electric light plant, ~~or~~  
29 electric light and power plant, ~~or~~ street railway, or street railway  
30 system, located or operating within or partly within and partly without  
31 such city if the main part of such works, plant, or system be within any

1 such city and even though a franchise for the construction and operation  
2 of ~~any~~ such works, plant, or system may or may not have expired, then the  
3 ~~any such~~ city shall have the power and authority by an exercise of the  
4 power of eminent domain to appropriate and acquire for the public use of  
5 the any such city, any such works, plant, or system. The procedure to  
6 condemn property shall be exercised in the manner set forth in sections  
7 76-704 to 76-724. The ~~duly constituted authorities of any such city~~  
8 council shall have the power to submit such question or proposition, ~~in~~  
9 ~~the usual manner,~~ to the qualified electors of the any such city at any  
10 general city election or at any special city election and may submit such  
11 proposition in connection with any city special election called for any  
12 other purpose, and the votes cast on such question ~~thereon~~ shall be  
13 canvassed and the result found and declared as in any other city  
14 election. The city council ~~Such city authorities~~ shall submit such  
15 question at any ~~of~~ such election ~~elections~~ whenever a petition asking for  
16 such submission is signed by the legal voters of the city equaling in  
17 number fifteen percent of the votes cast at the last general city  
18 election, and is filed in the city clerk's office at least fifteen days  
19 before the election at which the submission is asked.

20 Sec. 83. Section 14-383, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-383 Without limiting the applicability of sections 14-366 to  
23 14-372, the city council of a city of the metropolitan class is  
24 authorized to levy special taxes and assessments on properties benefited  
25 by parks, recreational areas, and playgrounds acquired either by purchase  
26 or condemnation without regard to whether the benefited property is  
27 within or without the corporate limits of the such city when an  
28 improvement district is created by the city council and approved by a  
29 majority of the property owners in the district as provided in this  
30 section. Each property owner may cast one vote at an election to be held  
31 to determine whether such improvement district shall be created for each

1 fifteen thousand dollars of taxable valuation, or fraction of such  
2 valuation thereof, of real property and improvements in the proposed  
3 district as determined by the official records of the county assessor for  
4 the previous calendar year. When such a district is created by the city  
5 council and approved by a majority of the property owners, the special  
6 taxes shall be levied proportionately to the taxable valuation of the  
7 district. Notice of the election shall be given and the election shall be  
8 held in the same manner as other special elections are held in such a  
9 city.

10 Sec. 84. Section 14-384, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-384 As used in sections 14-384 to 14-3,127, unless the context  
13 otherwise requires:

14 (1) Alley means ~~shall mean~~ an established public way for vehicles  
15 and pedestrians affording a secondary means of access in the rear to  
16 properties abutting on a street or highway;

17 (2) Boulevard means a street for noncommercial traffic with full or  
18 partial control of access, usually located within a park or a ribbon of  
19 park-like development;

20 ~~(2) Major traffic street shall mean a street primarily for through~~  
21 ~~traffic and contained as such in the master plan of the city;~~

22 (3) City means ~~shall mean~~ a city of the metropolitan class;

23 (4) Connecting link means ~~shall mean~~ the roads, streets, and  
24 highways designated as part of the State Highway System and which are  
25 within the corporate limits of a city of the metropolitan class;

26 (5) Controlled-access facility means ~~shall mean~~ a highway or street  
27 especially designed for through traffic, and over, from, or to which  
28 owners or occupants of abutting land or other persons have no right or  
29 easement or only a controlled right or easement of access, light, air, or  
30 view by reason of the fact that their property abuts on such controlled-  
31 access facility or for any other reason;

1        (6) Highway means a road or street including the entire area within  
2 the right-of-way which has been designated a part of the State Highway  
3 System by appropriate authority;

4        (7) (6) Main thoroughfare means shall mean a street primarily for  
5 through travel having been determined as such by the city and contained  
6 as such in the master plan of the city;

7        ~~(7) Highway shall mean a road or street including the entire area~~  
8 ~~within the right-of-way which has been designated a part of the State~~  
9 ~~Highway System by appropriate authority;~~

10       (8) Major traffic street means a street primarily for through  
11 traffic and contained as such in the master plan of the city;

12       ~~(8) Boulevard shall mean a street for noncommercial traffic with~~  
13 ~~full or partial control of access, usually located within a park or a~~  
14 ~~ribbon of park-like development;~~

15       (9) Street means shall mean a public way for the purpose of  
16 vehicular and pedestrian travel in the city and shall include the entire  
17 area within the right-of-way; and

18       (10) Temporary surfacing means shall mean surfacing applied to any  
19 ~~major traffic~~ street, connecting link, controlled-access facility, main  
20 thoroughfare, highway, or boulevard or street wherein it is planned by  
21 the city that the grade or surfacing of any such street, link, facility,  
22 thoroughfare, highway, or boulevard of the aforementioned shall be  
23 changed within two years from the date of completion of such said  
24 temporary surfacing and a permanent grade established or surfacing  
25 applied.

26       Sec. 85. Section 14-385, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28       14-385 (1) Subject to sections 14-384 to 14-3,127, any The city  
29 shall have the power and is authorized to:

30       (a) Pave ~~pave~~, repave, surface, resurface, and relay paving;

31       (b) Widen ~~to widen~~, to improve the horizontal and vertical



1 alignment, ~~to~~ insert traffic medians, channels, overpasses, and  
2 underpasses;

3 ~~(c) Apply to apply~~ temporary surfacing;

4 ~~(d) Curb to curb~~;

5 ~~(e) Gutter to gutter~~ as provided in sections 14-386 to 14-388;

6 ~~(f) Improve to improve~~ in combinations as authorized in section  
7 14-391;

8 ~~(g) Recurb and to recurb~~ and regutter streets, boulevards, alleys,  
9 public grounds and parts of such streets, boulevards, alleys, or grounds  
10 thereof;

11 ~~(h) Regulate to regulate~~, restrict, eliminate, or prohibit access  
12 to, and vehicular travel upon, any existing or subsequently hereafter  
13 acquired street or other public way; ~~;~~

14 ~~(i) Construct to construct~~ malls on such street or public way  
15 ~~thereon~~, and landscape, beautify, and enhance such street or streets and  
16 other public way ways in any manner the city council may deem proper; ~~;~~  
17 and

18 ~~(j) Create to create~~ separate or combined street and sidewalk, ~~or~~  
19 street, or sidewalk improvement districts, ~~all according to and subject~~  
20 ~~to the requirements of sections 14-384 to 14-3,127~~

21 ~~(2) The ; but the city shall~~ may not be required to make any of the  
22 improvements authorized in this section if for good reason the city ~~it~~  
23 deems such improvements ~~the same~~ should not be made even though such  
24 improvements were ~~be~~ petitioned for as provided in section 14-390.

25 Sec. 86. Section 14-386, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-386 To accomplish any of the purposes stated in section 14-385, a  
28 ~~the~~ city is authorized in all such proceedings to delineate proposed  
29 street improvement districts, proposed mall improvement districts,  
30 proposed separate or combined street and sidewalk, ~~or~~ street, ~~or~~  
31 sidewalk, or streets and sidewalks improvement districts which shall

1 embrace in such districts ~~therein~~ the street or streets, sidewalk or  
2 sidewalks, street or sidewalk, or streets and sidewalks, or part or parts  
3 thereof, to be improved as well as the abutting, adjacent, and benefited  
4 property proposed to be assessed to cover in whole or in part the cost,  
5 including land acquisition expenses if any, of the proposed improvement.

6 Sec. 87. Section 14-387, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-387 A ~~The~~ city is authorized without petition to order any of  
9 the improvements specified in section 14-385 within street improvement  
10 districts, mall improvement districts, separate or combined street and  
11 sidewalk, or street, or sidewalk, or streets and sidewalks improvement  
12 districts within the corporate limits of the city or when the improvement  
13 is on a controlled-access facility or a major traffic street contained in  
14 the approved master plan of the city, and on sidestreets connecting with  
15 such major traffic streets for a distance not to exceed one block from  
16 such major traffic street.

17 Sec. 88. Section 14-388, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-388 Any ~~The~~ city may without petition order any main  
20 thoroughfare or major traffic street or part of such thoroughfare or  
21 street ~~thereof~~ improved in any manner specified in section 14-385 after  
22 the city shall determine it to be such a main thoroughfare or major  
23 traffic street, which determination shall be conclusive. Such main  
24 thoroughfares or major traffic streets shall include all connecting links  
25 as well as county highways leading into the city, and may include part or  
26 all of any street which lies partly in the city and partly in the  
27 abutting county. The city ~~It~~ may create improvement districts for such  
28 purposes, including the abutting, adjacent, or benefited property. The  
29 costs of such improvements to the extent of special benefits conferred  
30 ~~occasioned~~ by the improvement may be assessed in whole or in part against  
31 the property in such districts and the assessments supplemented either by

1 federal or state aid or both or by other ~~city municipal~~ funds, but  
2 including permanent improvement funds, all other street resurfacing  
3 funds, or highway bond funds.

4 Sec. 89. Section 14-389, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-389 (1) Any ~~The~~ city shall have the power to designate and  
7 establish controlled-access facilities, and may design, construct,  
8 maintain, improve, alter, and vacate such facilities and may by ordinance  
9 regulate, restrict, or prohibit access to such facilities so as best to  
10 serve the traffic for which such facilities are intended. The city may  
11 provide for the elimination of intersections at grade with existing  
12 roads, streets, highways, or alleys if it finds the public interest shall  
13 be served by such elimination ~~thereby~~. An existing road, street, alley,  
14 or other traffic facility may be included within such facilities or such  
15 facilities may include new or additional roads, streets, or highways, ~~or~~  
16 ~~the like~~.

17 (2) In order to carry out the purposes of this section, in addition  
18 to any other powers the city ~~it~~ may have, the city may acquire in public  
19 or private property such rights of access as are deemed necessary,  
20 including, but not necessarily limited to, air, light, view, ingress, and  
21 egress. Such acquisitions may be by gift, devise, purchase, agreement,  
22 adverse possession, prescription, condemnation, or otherwise as provided  
23 by law and may be in fee simple absolute or in any lesser estate or  
24 interest. The city may make provision to mitigate damages caused by such  
25 acquisitions, terms, and conditions regarding the abandonment or reverter  
26 of such acquisitions, and any other provisions or conditions that are  
27 desirable for the needs of the city and the general welfare of the  
28 public.

29 (3) The city is further authorized to designate, establish, design  
30 and construct, maintain, vacate, alter, improve, and regulate frontage  
31 roads within the boundaries of any present or subsequently hereafter

1 acquired right-of-way and exercise the same powers over such frontage  
2 roads as is exercised over controlled-access facilities. Such frontage  
3 roads may be connected to or separated from the controlled-access  
4 facilities at such places as the city shall determine to be consistent  
5 with public safety. Upon the construction of any frontage road, any right  
6 of access between the controlled-access facility and property abutting or  
7 adjacent to such frontage roads shall terminate and ingress and egress  
8 shall be provided to the frontage road at such places as will afford  
9 reasonable and safe connections.

10 (4) If the construction or reconstruction of any controlled-access  
11 facility results in the abutment of property on such facility that did  
12 not previously ~~theretofore~~ have direct egress from or ingress to such  
13 facility ~~it~~, no rights of direct access shall accrue because of such  
14 abutment, but the city may prescribe and define the location of the  
15 privilege of access, if any, of properties that then, but did not  
16 previously ~~not theretofore~~, abut on such facility.

17 Sec. 90. Section 14-390, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-390 Except as otherwise specifically specified ~~and~~ provided in  
20 sections 14-384 to 14-3,127, any ~~the~~ city shall not order or cause to be  
21 made any of the improvements provided in such sections ~~herein enumerated~~  
22 in any improvement district except upon a petition of the record owners  
23 of the majority of the frontage of taxable property in the district  
24 abutting upon the streets or parts of streets proposed to be improved.

25 Sec. 91. Section 14-391, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-391 A ~~The~~ city may, upon a petition of the record owners of a  
28 majority of the frontage of taxable property upon the streets or parts of  
29 streets within a district created for that purpose, order any of the  
30 improvements authorized in section 14-385, on any street or any number of  
31 consecutive streets which extend in the same general direction, together

1 with parts of streets, alleys, and ways either intersecting or connecting  
2 therewith, within reasonable, appropriate, or necessary limits in one  
3 proceeding and in one improvement district, by causing such improvements  
4 ~~the same~~ in whole or in part to be paved, repaved, curbed, or recurbed,  
5 ~~or the grades to be changed or graded,~~ ~~or the paving to be resurfaced or~~  
6 ~~relaid,~~ or any combination of such work to be done, including a change of  
7 grade and grading or either or both, or construction of malls, either  
8 street or sidewalk, or streets and sidewalks, on any of the streets or  
9 ways within such districts. The city may also include in such districts  
10 the replacement, or repair of sidewalks. In addition to the creation of  
11 districts lying wholly within the corporate limits, the city may create  
12 such districts on streets lying partly within the city and partly without  
13 the corporate limits.

14 Sec. 92. Section 14-392, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 14-392 (1) For the purpose of covering in whole or in part the  
17 costs of any of the improvements and costs incident thereto, authorized  
18 in sections 14-384 to 14-3,127, or costs incident to such improvements,  
19 including grading done in combination with any other improvements, a the  
20 city may:

21 (a) Assess ~~assess~~ the property within an ~~the~~ improvement district or  
22 the property benefited by change of grade or grading when not made in  
23 combination with other improvements, to the full extent of the special  
24 benefits ~~thereby~~ conferred upon the respective lots, tracts, and parcels  
25 of land; ~~or~~

26 (b) If ~~if~~ the city council finds that there are common benefits  
27 enjoyed by the public at large without reference to the ownership of  
28 property abutting or adjacent to the improvement or improvements, or that  
29 there is a common benefit to the property embraced within such ~~the~~  
30 ~~district or districts, the city may~~ assess the costs of such improvement  
31 or improvements against all the property included in such district or

1 districts. ~~r~~

2 (2) All such assessments shall be:

3 (a) Done according to such rules as the city council sitting as a  
4 board of equalization, ~~r~~ shall adopt for the distribution or adjustment of  
5 the costs of the improvement or improvements; and ~~r~~

6 (b) Equalized ~~All such assessments shall be equalized,~~ levied, and  
7 collected as special assessments.

8 Sec. 93. Section 14-393, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 14-393 Whenever it is desired to establish or to change the  
11 previously established grade of any street, highway, boulevard, main  
12 thoroughfare, controlled-access facility, connecting link, major traffic  
13 street, alley, or part of such street, highway, boulevard, thoroughfare,  
14 facility, link, or alley thereof, such establishment or change may be  
15 authorized by a ~~the~~ city. Such authorization shall state the proposed  
16 grade by elevations or other definite data and shall refer to a plat with  
17 specifications fully detailing and showing the established grade or the  
18 amount of change in the grade line, which plat shall remain on file in  
19 the city offices. The authorization for and the order establishing or  
20 changing the previous grade may include the establishment of or the  
21 change of the previously established grade on any number of intersecting  
22 or connecting streets which may be reasonably appropriate and necessary  
23 to a proper adjustment of grade lines to the principal grade line  
24 proposed to be changed or to include the change of grade on cross streets  
25 so that traffic on such cross streets may pass under the street to the  
26 principal grade line to be changed by a subway or over the street to the  
27 principal grade line on a bridge, viaduct, or overpass.

28 Sec. 94. Section 14-394, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-394 A ~~The~~ city is authorized to change the grade of any street,  
31 ~~boulevard,~~ highway, boulevard, main thoroughfare, controlled-access

1 facility, connecting link, major traffic street, alley, or part of such  
2 street, highway, boulevard, thoroughfare, facility, link, or alley  
3 ~~thereof~~ when a petition for a proper and satisfactory change of grade has  
4 been signed and filed by the record owners of a majority of the frontage  
5 of taxable property abutting upon that part of the street of which the  
6 change of grade is proposed. A petition for the order changing the grade  
7 may include the change of grade of any number of intersecting or  
8 connecting streets which may be reasonably appropriate and necessary to a  
9 proper adjustment of grades. In such event the sufficiency of the  
10 petition shall be determined by a consideration of the total frontage  
11 feet of taxable property upon all the streets or parts of such streets  
12 ~~thereof~~ upon which it is proposed to change the grades.

13 Sec. 95. Section 14-395, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-395 A ~~The~~ city may authorize any street, ~~boulevard,~~ highway,  
16 boulevard, main thoroughfare, controlled-access facility, connecting  
17 link, major traffic street, alley, or part of such street, highway,  
18 boulevard, thoroughfare, facility, link, or alley ~~thereof~~ graded to a  
19 grade as established or changed in accordance with section 14-393.

20 Sec. 96. Section 14-396, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-396 A ~~The~~ city may order any street or alley or part of such  
23 street or alley ~~thereof~~ graded to an established grade whenever there is  
24 filed an approved petition of the record owners of a majority of the  
25 frontage of taxable property upon that part of the street proposed to be  
26 graded.

27 Sec. 97. Section 14-397, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-397 In order to cover the entire cost of changing the grade or  
30 grading, as provided by sections 14-384 to 14-3,127, of any street,  
31 boulevard, highway, main thoroughfare, controlled-access facility,

1 connecting link, major traffic street, alley, or part thereof, including  
2 ~~as well,~~ intersections and damages awarded, ~~a~~ the city is authorized to  
3 levy special assessments to the extent of the special benefits conferred  
4 by the improvement on the lots and parcels of land especially benefited  
5 by reason of the grading of any street or part thereof whether such  
6 property abuts on or is in the vicinity of the street or the part of the  
7 street so graded. All such special assessments shall be equalized,  
8 levied, and collected in the manner provided by law for the equalization,  
9 levying, and collection of special assessments. All grading shall be done  
10 to the full width of the street unless for good and sufficient reason the  
11 city finds that such grading shall be done to ~~directs~~ a different width.

12 Sec. 98. Section 14-398, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 14-398 Under the methods provided in sections 14-384 to 14-3,127 to  
15 grade streets, ~~boulevards,~~ highways, boulevards, main thoroughfares,  
16 controlled-access facilities, connecting links, major traffic streets,  
17 alleys, and parts of such streets, highways, boulevards, thoroughfares,  
18 facilities, links, or alleys thereof, any number of intersecting and  
19 connecting streets reasonably required and proper and necessary to the  
20 better and improved use of the streets may be authorized to be graded in  
21 one ~~and the same~~ proceeding. The cost of such grading ~~thereof~~ as provided  
22 in sections 14-384 to 14-3,127 may be assessed upon property specially  
23 benefited as a special assessment. In such instances, in determining the  
24 sufficiency of either an authorized protest or petition, the total  
25 frontage of taxable property on all sides on all of the streets to be  
26 graded shall be taken into consideration.

27 Sec. 99. Section 14-399, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-399 All petitions authorized by sections 14-384 to 14-3,127 for  
30 changing the grade of streets or grading streets shall contain provisions  
31 waiving damages on account of such grading ~~thereof~~, and such petitions as



1 well as protests authorized shall be signed and executed and filed in the  
2 manner required for petitions for street improvements.

3 Sec. 100. Section 14-3,100, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-3,100 After the grade of any street or alley shall be finally  
6 changed or the grading of such street or alley ~~thereof~~ finally ordered as  
7 provided in sections 14-384 to 14-3,127 and before any assessments are  
8 levied, a committee of at least three disinterested residents of the city  
9 shall be appointed by the city to appraise the damages caused by the  
10 change of grade or grading. The committee shall promptly make an  
11 appraisal of and report its award of such damages as the committee ~~it~~  
12 determines have been occasioned by such change of grade or grading. Prior  
13 to entering upon their duties, such appraisers shall take and file such  
14 oath as may be required ~~by law or ordinance required~~. The committee shall  
15 hold meetings on such reasonable notice to the interested parties as the  
16 city may from time to time provide, and may take testimony with respect  
17 to the question of damages. The committee shall report its award to the  
18 city and the city shall ~~thereupon~~ have the authority to approve such  
19 report ~~the same~~, to change or modify any award on reasonable notice to  
20 the interested parties, or to reject the entire report or the award as to  
21 any particular property. The appraisers appointed under this section  
22 shall be entitled to fees for their time spent which shall be determined  
23 in such manner as the city shall from time to time provide.

24 Sec. 101. Section 14-3,101, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-3,101 Whenever an award of damages for a change in grade or  
27 grading has been finally approved such damages ~~the same~~ may be assessed  
28 to the extent of the special benefits conferred by the improvement  
29 against the lots and parcels of land abutting upon or in the vicinity of  
30 the improvements made. Within sixty days after such assessment the award  
31 of damages shall become due and payable and ~~they~~ must be paid by warrants

1 drawn against a the special assessment fund thus created for such  
2 purpose. Any person feeling aggrieved by reason of an award of damages or  
3 failure to award sufficient damages may appeal to the district court of  
4 the county within which the property is located within the time and in  
5 the manner provided by law for such appeals.

6 Sec. 102. Section 14-3,102, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 14-3,102 Whenever it is desired to make any improvement or  
9 improvements authorized in section 14-385, where the costs of such  
10 improvement or improvements are to be assessed against the adjacent and  
11 abutting property benefited by such improvement or improvements thereby,  
12 and no petition has been filed for such improvement or improvements  
13 ~~therefor~~ in accordance with section 14-391, the city ~~for that purpose~~ may  
14 propose such improvement or improvements stating the specific character  
15 of the improvement or improvements ~~thus~~ to be made. The city shall cause  
16 to be published in the official newspaper a brief notice of such proposal  
17 stating the character of the improvement or improvements proposed  
18 ~~thereby~~, and shall give additional notice to the property owners in the  
19 improvement district or districts, or proposed improvement district or  
20 districts, as required by section 25-520.01. If within thirty days after  
21 giving notice ~~thereafter~~ the owners of fifty-one percent of the taxable  
22 property abutting upon the street or streets, or part or parts of such  
23 street or streets ~~thereof~~ proposed to be improved protest against such  
24 project, such work shall not be done. In the absence of such protest, the  
25 city shall be authorized to proceed with the work as proposed. The cost  
26 and expense of such improvement or improvements ~~thereof~~, as provided by  
27 law, may be assessed against the property within the improvement district  
28 or districts specially benefited to the extent of such benefits as a  
29 special assessment. Where assessment against the property within the  
30 improvement district or districts specially benefited is not made, or  
31 where the improvement or improvements are on a main thoroughfare, major

1 traffic street, or connecting link, or made pursuant to sections 14-3,103  
2 to 14-3,106, this section shall not apply.

3 Sec. 103. Section 14-3,103, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 14-3,103 A The city may construct or repair sidewalks along any  
6 street or part thereof, or any boulevard or part thereof, of such  
7 material and in such manner as the city ~~it~~ deems necessary and assess the  
8 cost of such construction or repair ~~thereof~~ upon abutting property. Such  
9 assessments except for temporary sidewalks and sidewalk repairs shall be  
10 equalized and levied as special assessments. The city shall cause the  
11 construction of sidewalks on at least one side of every major traffic  
12 street and main thoroughfare in the city, excluding freeways,  
13 expressways, controlled-access facilities, and other streets deemed by  
14 the city to demonstrate no or very limited demand for pedestrian use, and  
15 may assess the cost of such construction ~~thereof~~ upon abutting property.  
16 Such construction shall be completed within a reasonable time, based upon  
17 an annual review of construction program priorities and available funding  
18 sources.

19 Sec. 104. Section 14-3,105, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-3,105 Before any sidewalk shall be constructed or repaired by the  
22 city as provided in section 14-3,103, the owner or owners of the lots or  
23 lands to be assessed shall be given notice to construct or repair such  
24 sidewalk and shall have twenty days after the giving of such notice  
25 within which to construct or repair such sidewalk ~~the same~~. Such notice  
26 shall be served or published as directed by ordinance and if the notice  
27 be by publication it shall be sufficient to address such notice to the  
28 owners generally. The city shall give an additional notice by registered  
29 letter or certified mail directed to the last-known address of such  
30 owners or their agents, but failure to give such additional notice shall  
31 not invalidate the proceedings, or the special assessments for such

1 sidewalk.

2 Sec. 105. Section 14-3,106, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 14-3,106 In case the owner or owners shall fail to construct or  
5 repair ~~a such~~ sidewalk as provided in section 14-3,105 ~~directed~~, the city  
6 may construct or repair such sidewalk or cause such work ~~the same~~ to be  
7 done and assess the cost of such work ~~thereof~~ upon the abutting property  
8 as a special assessment ~~assessments~~. Where the owner or owners of  
9 abutting property fail to keep in repair the sidewalk adjacent to such  
10 property ~~thereto~~, the owner or owners ~~they~~ shall be liable for all  
11 damages or injuries occasioned or recovered by reason of the defective or  
12 dangerous condition of such sidewalk.

13 Sec. 106. Section 14-3,107, Revised Statutes Cumulative Supplement,  
14 2020, is amended to read:

15 14-3,107 (1)(a) ~~(1)~~ Except as provided in subsection (2) of this  
16 section, a ~~the~~ city may:

17 (i) ~~Vacate~~ ~~vacate~~ or narrow any street, highway, main thoroughfare,  
18 controlled-access facility, connecting link, boulevard, major traffic  
19 street, or alley upon petition of the owners of seventy-five percent of  
20 the taxable frontage feet abutting upon such street or alley proposed to  
21 be vacated and asking for such vacation; ~~τ~~ or

22 (ii) ~~For the city,~~ ~~for~~ purposes of construction of a controlled-  
23 access highway or to conform to a master plan of the city, ~~may,~~ without  
24 petition having been filed for such vacation ~~therefor~~, vacate any street  
25 or alley or any part thereof in the city.

26 (b) Whenever a street is vacated or narrowed, the part so vacated  
27 shall revert to the abutting owners on the respective sides of such  
28 street ~~thereof~~, except that if part or all of the vacated street lies  
29 within the State of Nebraska but one side or any part of the street is  
30 adjacent to the boundary of the State of Nebraska, all of the street  
31 lying within the State of Nebraska or that part lying within the State of

1 Nebraska shall revert to the owner of the abutting property lying wholly  
2 within the State of Nebraska.

3 (c) The city may open, improve, and make passable any street,  
4 highway, boulevard, main thoroughfare, controlled-access facility,  
5 connecting link, major traffic street, or alley. For purposes of this  
6 subsection, open refers to the adaptation of the surface of the street to  
7 the needs of ordinary travel but does not necessarily require the grading  
8 to an established grade.

9 (d) The costs of any of the improvements mentioned in this  
10 subsection, except as otherwise provided in sections 14-384 to 14-3,127,  
11 to the extent of special benefits ~~thereby~~ conferred, may be assessed  
12 against the property specially benefited ~~thereby~~ as special assessments.

13 (e) When the city vacates all or any portion of a street, highway,  
14 main thoroughfare, controlled-access facility, connecting link,  
15 boulevard, major traffic street, or alley pursuant to this subsection,  
16 the city shall, within thirty days after the effective date of the  
17 vacation, file a certified copy of the vacating ordinance or resolution  
18 with the register of deeds for the county in which the vacated property  
19 is located to be indexed against all affected lots.

20 (2)(a) ~~(2)~~ The city may vacate any minimal secondary right-of-way in  
21 the manner described in this subsection. The city may vacate any segment  
22 of such right-of-way by ordinance without petition and without convening  
23 any committee for the purpose of determining any damages if all affected  
24 abutting properties have primary access to an otherwise open and passable  
25 public street right-of-way. An abutting property shall not be determined  
26 to have primary access if such abutting property has an existing garage  
27 and such garage is not accessible without altering or relocating such  
28 garage.

29 (b) Title to such vacated rights-of-way shall vest in the owners of  
30 abutting property and become a part of such property, each owner taking  
31 title to the center line of such vacated street or alley adjacent to such

1 owner's property subject to the following:

2 (i) (a) There is reserved to the city the right to maintain,  
3 operate, repair, and renew sewers now existing on such property; there  
4 and

5 (ii) There (b) there is reserved to the public utilities and cable  
6 television systems the right to maintain, repair, renew, and operate  
7 installed water mains, gas mains, pole lines, conduits, electrical  
8 transmission lines, sound and signal transmission lines, and other  
9 similar services and equipment and appurtenances above, on, and below the  
10 surface of the ground for the purpose of serving the general public or  
11 abutting properties, including such lateral connection or branch lines as  
12 may be ordered or permitted by the city or such other utility or cable  
13 television system and to enter upon the premises to accomplish such  
14 purposes at any and all reasonable times.

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

19 (d) For purposes of this subsection, minimal secondary right-of-way  
20 means any street or alley which either is unpaved, has substandard  
21 paving, or has pavement narrower than sixteen feet and which is a  
22 secondary means of access to or from any property abutting the portion to  
23 be vacated.

24 Sec. 107. Section 14-3,108, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-3,108 A The city shall have the right to control and direct all  
27 work upon the public streets. The city may adopt any and all reasonable  
28 regulations relating to excavations in the streets or public grounds by  
29 any and all parties, including waterworks, gas, and other franchised  
30 corporations or public contractors, ~~and to enforce such regulations,~~ and  
31 impose such penalties for the violation of such regulations thereof as

1 may be deemed proper.

2 Sec. 108. Section 14-3,109, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-3,109 A The city shall have the power to compel any water  
5 company, gas company, or other person, corporation, or firm owning or  
6 controlling any pipe or other underground conduits or other appliances  
7 usually installed under the surface of the streets, to provide for and  
8 construct all connections that may be deemed necessary for the future, to  
9 the curb or property lines in all streets, highways, boulevards,  
10 controlled-access facilities, main thoroughfares, connecting links, major  
11 traffic streets, or alleys to be paved, repaved, or otherwise improved in  
12 such manner and in conformity with such plans as may be determined by the  
13 city upon. If any such companies or other parties shall neglect to carry  
14 out such construction or fail to make the connections required within  
15 thirty days after such connections ~~the same~~ shall have been ordered, the  
16 city shall be empowered to cause such connections ~~the same~~ to be done.  
17 ~~For and for~~ the purpose of paying for such connections, ~~therefor~~ the cost  
18 ~~thereof~~ shall be deducted from such accounts as the city may have with  
19 such companies or persons.

20 Sec. 109. Section 14-3,111, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-3,111 No contract for any of the improvements provided by  
23 sections 14-384 to 14-3,127 shall be let unless first the city shall have  
24 made a detailed estimate of the costs of the contemplated improvement,  
25 nor shall any such contract be let until after the city has advertised  
26 for and received bids for the performance of such work. If no bid is  
27 received within the estimate, no award shall be made upon any bids  
28 received until after fifteen days after the time for receiving bids under  
29 such advertisement shall have expired. Within such time anyone desiring  
30 to do so may file a bid within the estimate and award may be made on such  
31 bid thereon in like manner as if such ~~said~~ bid had been received in

1   pursuance to the advertisement calling for bids. All improvements  
2   authorized by sections 14-384 to 14-3,127 shall be done under contract  
3   with the lowest responsible bidder, except that when bids are called for  
4   by advertisement for grading in a street or alley and no bid is received  
5   within the estimate, the city may enter into a contract to do such  
6   grading without further advertisement for bids if the contract price be  
7   within the estimate and the contract be entered into within thirty days  
8   after the time for receiving bids under the advertisement calling for  
9   bids therefor.

10       Sec. 110. Section 14-3,112, Reissue Revised Statutes of Nebraska, is  
11   amended to read:

12       14-3,112 Nothing in sections 14-384 to 14-3,127 shall be construed  
13   as in any way abridging, modifying, or limiting the authority or right  
14   heretofore granted to and now possessed by any city as provided by  
15   ~~metropolitan city under general~~ law to improve any road, highway, or  
16   boulevard leading into such city for a distance not to exceed six miles  
17   from the corporate limits of such city thereof, nor as modifying the  
18   procedure under such grant or the power or authority to issue bonds in  
19   connection with such improvements therewith, but such authority is hereby  
20   expressly recognized and the power so granted by ~~general~~ law shall not be  
21   subject to any of the limitations contained in sections 14-384 to  
22   14-3,127.

23       Sec. 111. Section 14-3,113, Reissue Revised Statutes of Nebraska, is  
24   amended to read:

25       14-3,113 (1) A ~~The~~ city is authorized to improve intersections,  
26   spaces opposite alleys, and spaces opposite property not subject to  
27   special assessment, with the like material in the manner provided in  
28   sections 14-384 to 14-3,127 for improving streets whenever a street,  
29   highway, boulevard, main thoroughfare, controlled-access facility, major  
30   traffic street, or alley is ordered to be improved at the time of  
31   improving such street and in such event is authorized to include in such



1 improvement of such intersection and spaces the construction,  
2 replacement, or repair of sidewalks in such intersections and spaces  
3 ~~therein~~ and, except as may be otherwise provided, pay for all such  
4 improvements from funds provided for the purpose of improving  
5 intersections if (a) the first priority in the expenditure of funds for  
6 such purposes is given to improvements within street improvement  
7 districts and (b) the city maintains, in a separate fund, not less than  
8 twenty-five thousand dollars to be expended solely for the purpose of  
9 improving intersections.

10 (2) Such sidewalk construction, replacement, or repair may be  
11 included either in the contract for curbing at an intersection or in the  
12 contract for paving such intersections and spaces ~~the same~~.

13 Sec. 112. Section 14-3,114, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-3,114 All petitions for improvements provided for in sections  
16 14-384 to 14-3,127 shall be upon printed forms prescribed by the city  
17 ~~blanks~~ and shall describe the street to be improved and improvement  
18 desired. ~~The city shall from time to time prescribe the form of such~~  
19 ~~blanks~~. Signatures to such petitions shall have no conditions attached  
20 and all signatures shall be acknowledged before a notary public.

21 Sec. 113. Section 14-3,115, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-3,115 A The city shall, when it creates an improvement district  
24 for paving, repaving, curbing, or guttering, or other improvements of  
25 like character, prepare an estimate of the cost of such improvement and  
26 shall thereafter advertise for and receive bids upon such material as may  
27 be designated by the city for such improvement. The advertisements,  
28 specifications for bids, and petitions designating materials shall  
29 contain such information and be worded in such language as the city may  
30 from time to time direct. All bids shall be received and opened at the  
31 same time as provided by ordinance except as otherwise provided in

1 section 14-3,111. The city may reject any and all bids.

2 Sec. 114. Section 14-3,116, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-3,116 All petitions for the purpose of designating material as  
5 provided in section 14-3,115 shall be on printed forms ~~blanks~~ furnished  
6 by the city upon application and shall contain such information and shall  
7 be worded in such language as the city may from time to time direct.

8 Sec. 115. Section 14-3,117, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 14-3,117 Whenever a petition for an improvement is filed with a ~~the~~  
11 city, the hour, day, month, and year when such petition is ~~so~~ filed shall  
12 be officially marked upon such petition and such petition shall be  
13 recorded in such manner as the city may from time to time provide.

14 Sec. 116. Section 14-3,118, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-3,118 Petitions for improvements provided for in sections 14-384  
17 to 14-3,127 after having been filed with the city shall not be returned  
18 or withdrawn, nor shall any person be allowed to add, cancel, erase, or  
19 withdraw or in any way modify any signature or writing on such petitions  
20 ~~thereon~~. Where two or more petitions are filed for the same improvement  
21 they shall be considered and taken together as one petition.

22 Sec. 117. Section 14-3,119, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-3,119 Petitions for improvements provided for under sections  
25 14-384 to 14-3,127 shall be examined and certified for sufficiency as the  
26 city may provide. Certificates as to sufficiency when properly filed as  
27 provided by the city shall be prima facie evidence of the truth and  
28 correctness of the matter ~~therein~~ certified in such petition. If such  
29 certificates show the petition for any improvement to be irregular,  
30 illegal, or insufficient it shall be the duty of the city to give notice  
31 by publication for three successive days in the official newspaper of the

1 city of such irregularity, illegality, or insufficiency and the property  
2 owners within any improvement district ~~such districts~~ may at any time  
3 file supplemental petitions for such improvement and such supplemental  
4 petitions shall be considered and taken as a part of the original  
5 petition. Such supplemental petitions shall be examined and certified as  
6 in the case of the original petition.

7 Sec. 118. Section 14-3,120, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-3,120 If the certificates required by section 14-3,119 show that  
10 the petition is regular, legal, and sufficient the city shall cause a  
11 copy of the petition to be published for three days in the official  
12 newspaper of the city with a notice ~~thereto~~ attached directing the  
13 property owners generally in the improvement district that they shall  
14 have thirty days from the first day of publication of the petition and  
15 notice to file a protest with the city against the regularity or the  
16 sufficiency of the petition or signatures on such petition ~~thereon~~.

17 Sec. 119. Section 14-3,121, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-3,121 (1) The property owners in any improvement district shall  
20 have thirty days from the first day of publication of the petition and  
21 notice as provided in section 14-3,120 to file with the city a protest  
22 against the regularity, legality, or sufficiency of the petition or any  
23 signature on such petition ~~thereon~~. Such protest shall be verified by the  
24 party making the protest ~~same~~, who shall state under oath and set forth  
25 with particularity all the alleged defects in the petition, and if the  
26 protest relates to the ownership of any property, it shall give the name  
27 and address of the true owner of such property ~~thereof~~ and shall state  
28 under oath that such protest is made in good faith.

29 (2) At any time within ten days after the expiration of the time for  
30 filing the protest, supplemental petitions for the improvement may be  
31 filed and when so filed shall be considered as a part of the original

1 petition. ~~The , but the~~ property owners within such district shall have  
2 ten days from the date of the filing of such supplemental petitions in  
3 which to file a protest against the regularity, legality, or sufficiency  
4 of any of the signatures on such supplemental petition ~~thereon~~ or against  
5 the original petition as so supplemented. No further notice of the filing  
6 of such supplemental petition shall be required and such supplemental  
7 petition need not be published.

8 (3) When any such protest has been filed with the city within the  
9 times specified, the improvement petitioned for shall not be ordered  
10 until the city shall have given the party protesting a hearing upon such  
11 protest and shall have, upon the evidence, found, adjudged, and  
12 determined the petition to be regular, legal, and sufficient and not then  
13 until after the time has expired for perfecting an appeal from such  
14 finding, judgment, and determination. Any protesting party or parties may  
15 appeal from such finding, judgment, and determination in the manner  
16 provided by section 14-813.

17 Sec. 120. Section 14-3,122, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-3,122 In case a protest is filed under section 14-3,120 or  
20 14-3,121, the city shall have the power and responsibility ~~it shall be~~  
21 ~~its duty~~ to hear, determine, and adjudicate the objections raised by any  
22 protest in all matters relating to regularity, legality, and sufficiency  
23 of such petition and supplemental petition upon such notice, to the party  
24 protesting, of the time, place, and purpose of the hearing as the city  
25 may from time to time provide.

26 Sec. 121. Section 14-3,123, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 14-3,123 In case no protest is filed within the time provided in  
29 section 14-3,121, the city shall have the power and responsibility,  
30 without further notice, to find, adjudge, and determine that such  
31 petition is regular, legal, and sufficient.

1           Sec. 122. Section 14-3,124, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-3,124 In all specifications for materials to be used in paving,  
4 curbing, and guttering of every kind, a ~~the~~ city shall establish a  
5 standard or standards of strength and quality, to be demonstrated by  
6 physical, chemical, or other tests within the limits of reasonable  
7 variations. In every instance the materials shall be so described in the  
8 specifications, either by standard or quality, to permit genuine  
9 competition between contractors so that there may be two or more bids by  
10 individuals or companies in no manner connected with each other and no  
11 material shall be specified which shall not be subject to such  
12 competition.

13           Sec. 123. Section 14-3,125, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           14-3,125 A ~~The~~ city shall give the property owners within any  
16 improvement district the ~~such~~ opportunity to designate, by petition to be  
17 filed with the city, the specified material which such property owners  
18 desire to be used in the improvement of the street or alley or other  
19 grounds within such improvement ~~the~~ district.

20           Sec. 124. Section 14-3,126, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           14-3,126 The property owners within an improvement district may  
23 designate the material to be used in the improvement or construction of  
24 streets or alleys or other grounds within such ~~the~~ district by petition,  
25 signed by a majority of such property owners ~~thereof~~, filed with the city  
26 within thirty days after notice of the proposed improvement.

27           Sec. 125. Section 14-3,128, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           14-3,128 (1) Any city of the metropolitan class is hereby authorized  
30 and empowered to issue and sell special assessment bonds to cover the  
31 cost of the work of construction of any and all public improvements to be

1 paid for by special assessments which such city is authorized by law to  
2 make.

3 (2) Any special assessments levied on account of such work shall  
4 constitute a sinking fund for the payment of interest and principal on  
5 the bonds as the bonds become due.

6 (3) The city council shall have the power to determine the  
7 denominations of such bonds, and the date, time, and manner of payment.

8 (4) Such bonds shall not be sold or exchanged for less than the par  
9 value of such bonds ~~thereof~~ and shall bear interest payable semiannually.

10 (5) Special assessment bonds issued as authorized in this section  
11 shall not be chargeable against the debt limit of any ~~metropolitan class~~  
12 city of the metropolitan class issuing such bonds.

13 Sec. 126. Section 14-401, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-401 For the purpose of promoting the health, safety, and morals  
16 ~~or the~~ general welfare of the community, the city council in a city of  
17 the metropolitan class may ~~is hereby empowered to~~ regulate and restrict  
18 the height, number of stories, and size of buildings and other  
19 structures, the percentage of a lot that may be occupied, the size of  
20 yards, courts, and other open spaces, the density of population, and the  
21 location and use of buildings, structures, and land for trade, industry,  
22 residence, or other purposes. Such regulations may provide for that a  
23 board of appeals that may determine and vary ~~their~~ application of such  
24 regulations in harmony with their general purpose and intent, and in  
25 accordance with general or specific rules ~~therein~~ contained in such  
26 regulations.

27 Sec. 127. Section 14-402, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-402 (1) For any or all of the purposes listed in section 14-401,  
30 the city council of a city of the metropolitan class may divide the city  
31 ~~municipality~~ into districts of such number, shape, and area as may be

1 deemed best suited to carry out the purposes of sections 14-401 to  
2 14-418. Within such districts the city council may regulate, restrict, or  
3 prohibit the erection, construction, reconstruction, alteration, or use  
4 of buildings, structures, or land. All such regulations shall be uniform  
5 for each class or kind of buildings throughout each district, but the  
6 regulations applicable to one district may differ from those applicable  
7 to other districts.

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

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

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

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

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

31 (v) The home shall have a nonreflective roof material which is or

1 simulates asphalt or wood shingles, tile, or rock; and

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

4 (b) The city council may not require additional standards unless  
5 such standards are uniformly applied to all single-family dwellings in  
6 the zoning district.

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

9 (3) For purposes of this section, manufactured home means ~~shall mean~~

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

20 Sec. 128. Section 14-403, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 14-403 (1) Regulations adopted pursuant to sections 14-401 to  
23 14-418 ~~Such regulations~~ shall comply with the Municipal Density and  
24 Missing Middle Housing Act and be made in accordance with a comprehensive  
25 plan and designed to (a) lessen congestion in the streets, ~~(b) ; to~~  
26 ~~secure safety from fire, panic, and other dangers,~~ (c) ; to promote  
27 health and the general welfare, (d) ; to provide adequate light and air,  
28 (e) ; to prevent the overcrowding of land, (f) ; to secure safety from  
29 flood, (g) ; to avoid undue concentration of population, (h) ; to  
30 facilitate the adequate provision of transportation, water, sewerage,  
31 schools, parks and other public requirements, and (i) to promote



1 convenience of access.

2       (2) Such regulations shall be made with reasonable consideration,  
3 among other things, as to the character of the district and its peculiar  
4 suitability for particular uses, and with a view to conserving the value  
5 of buildings and encouraging the most appropriate use of land throughout  
6 the city such municipality. Whenever the city council shall determine  
7 that the use or contemplated use of any building, structure, or land will  
8 cause congestion in the streets, increase the danger from fire or panic,  
9 imperil public safety, cause undue concentration or congregation of  
10 people, or impede transportation, the city council may include in such  
11 regulations requirements for alleviating or preventing such conditions  
12 when any change in use or zoning classification is requested by the  
13 owner.

14       Sec. 129. Section 14-404, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       14-404 A ~~The city~~ of the metropolitan class shall provide for the  
17 manner in which ~~such~~ regulations and restrictions adopted pursuant to  
18 sections 14-401 to 14-418 and the boundaries of ~~such~~ districts created  
19 under section 14-402 shall be determined, established, and enforced, and  
20 from time to time amended, supplemented, or changed. The city shall not  
21 determine the boundaries of any district or impose any regulations or  
22 restrictions until after the appropriate planning board of the city has  
23 made recommendations on such regulations, restrictions, or boundary  
24 changes thereon, and no such regulation, restriction, or boundary change  
25 shall become effective until after a public hearing ~~in relation thereto,~~  
26 at which citizens shall have an opportunity to be heard. At least one  
27 day's notice of the time, place, and purpose of such hearing shall be  
28 published in the official newspaper or a legal newspaper in or ~~paper or a~~  
29 ~~paper~~ of general circulation in such city municipality, and not less than  
30 ten days before such hearing.

31       Sec. 130. Section 14-405, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       14-405 Regulations ~~Such regulations~~, restrictions, and boundaries  
3 adopted pursuant to sections 14-401 to 14-418 may from time to time be  
4 amended, supplemented, changed, modified, or repealed. When a protest  
5 against a change of boundaries is presented to the city clerk at least  
6 six days prior to the city council vote on such change and such change is  
7 not in accordance with the comprehensive development plan, such change  
8 shall not become effective except by a favorable vote of five-sevenths of  
9 all members of the city council. Such ~~The~~ protest shall be in writing,  
10 signed, and sworn and acknowledged pursuant to section 64-206 by the  
11 required owners. For purposes of this section, the required owners means  
12 those fee simple owners of record as recorded by the county register of  
13 deeds owning at least twenty percent of the area: (1) Included in the  
14 proposed change; (2) abutting either side of the proposed change; (3)  
15 abutting the rear of the proposed change; (4) abutting the front of the  
16 proposed change; or (5) directly opposite of the proposed change on the  
17 other side of a dedicated public right-of-way and extending fifty feet on  
18 either side of such opposite lot.

19       Sec. 131. Section 14-406, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21       14-406 The lawful use of land existing on April 1, 1925, although  
22 such use does not conform to sections 14-401 to 14-418 ~~the provisions~~  
23 ~~hereof~~, may be continued, but if such nonconforming use is abandoned, any  
24 future use of such land ~~said premises~~ shall be in conformity with the  
25 ~~provisions~~ of sections 14-401 to 14-418. The lawful use of a building  
26 existing on April 1, 1925, may be continued, although such use does not  
27 conform with sections 14-401 to 14-418 ~~the provisions hereof~~, and such  
28 use may be extended throughout the building, provided no structural  
29 alterations, except those required by law or ordinance, are made in such  
30 building ~~therein~~. If no structural alterations are made, a nonconforming  
31 use of a building may be changed to another nonconforming use of the same

1 or a higher classification. Whenever a use district shall be changed, any  
2 then existing nonconforming use in such changed district may be continued  
3 or changed to a use permitted in that district, provided all other  
4 regulations governing the new use are complied with. Whenever a  
5 nonconforming use of a building has been changed to a more restricted use  
6 or to a conforming use such use shall not thereafter be changed to a less  
7 restricted use.

8 Sec. 132. Section 14-408, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 14-408 (1) The city council of a city of the metropolitan class may  
11 provide for the appointment of a zoning board of appeals consisting of  
12 five regular members. Two additional alternate members shall be appointed  
13 and designated as first alternate and second alternate members, either or  
14 both of whom may attend any meeting and may serve as voting and  
15 participating members of the zoning board of appeals with the authority  
16 of a regular board member at any time when less than the full number of  
17 regular board members is present and capable of voting. If both alternate  
18 members are present when only a single regular member is absent, the  
19 first alternate member shall serve for the balance of the meeting.

20 (2) Upon the expiration of the initial terms of such regular and  
21 alternate members, all members and alternates shall be appointed for a  
22 term of five years. The city council ~~appointing authority~~ shall have the  
23 power to remove any regular or alternate member of the zoning board of  
24 appeals for cause and after public hearing. Vacancies shall be filled for  
25 the unexpired term of a regular or alternate member whose place has  
26 become vacant.

27 (3) All meetings of the zoning board of appeals shall be held at the  
28 call of the chairperson and at such other times as such board may  
29 determine. Such chairperson, or in his or her absence the acting  
30 chairperson, may administer oaths and compel the attendance of witnesses.  
31 All meetings of the zoning such board of appeals shall be open to the

1 public. ~~The zoning~~ Such board of appeals shall keep minutes of its  
2 proceedings, showing the vote of each member upon every question, or if  
3 absent or failing to vote, indicating such fact, and shall also keep  
4 records of its examinations and other official actions.

5 (4) Every rule or regulation, every amendment or repeal of such rule  
6 or regulation thereof, and every order, requirement, decision, or  
7 determination of the zoning board of appeals shall immediately be filed  
8 in the office of such ~~the~~ board and shall be a public record.

9 Sec. 133. Section 14-409, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 14-409 A zoning ~~Such~~ board of appeals appointed pursuant to section  
12 14-408 shall hear and decide appeals from and review any order,  
13 requirement, decision, or determination made by an administrative  
14 official charged with the enforcement of any ordinance adopted pursuant  
15 to sections 14-401 to 14-418. The zoning board of appeals ~~It~~ shall also  
16 hear and decide all matters referred to it or upon which it is required  
17 to pass under any such ordinance. The concurring vote of four members of  
18 the zoning board of appeals shall be necessary to reverse any order,  
19 requirement, decision, or determination of any such administrative  
20 official, or to decide in favor of the applicant any matter upon which it  
21 is required to pass under any such ordinance or to affect any variation  
22 in such ordinance.

23 Sec. 134. Section 14-410, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-410 Any ~~Such~~ appeal heard pursuant to section 14-409 may be  
26 taken by any person aggrieved or by an officer, department, board, or  
27 bureau of the city municipality. Such appeal shall be taken within such  
28 time as shall be prescribed by the zoning board of appeals by general  
29 rule, by filing with the officer from whom the appeal is taken and with  
30 the zoning board of appeals a notice of appeal, specifying the grounds  
31 for such appeal thereof. The officer from whom the appeal is taken shall

1 ~~forthwith~~ transmit to the zoning board of appeals all the papers  
2 constituting the record upon which the action appealed from was taken. An  
3 appeal stays all proceedings in furtherance of the action appealed from,  
4 unless the officer from whom the appeal is taken certifies to the zoning  
5 board of appeals, after the notice of appeal shall have been filed with  
6 such officer ~~him~~, that by reason of facts stated in the certificate a  
7 stay would, in such officer's ~~his~~ opinion, cause imminent peril to life  
8 or property, in which case proceedings shall not be stayed otherwise than  
9 by a restraining order which may be granted by the zoning board of  
10 appeals or by a court of record on application, on notice to the officer  
11 from whom the appeal is taken and on a showing of due cause ~~shown~~.

12       Sec. 135. Section 14-411, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14       14-411 The zoning board of appeals shall fix a reasonable time for  
15 the hearing of the appeal or other matter referred to it pursuant to  
16 section 14-409 and give due notice of such hearing ~~thereof~~ to the parties  
17 and decide such appeal or other matter ~~the same~~ within a reasonable time.  
18 Upon the hearing, any party may appear in person or by agent or by  
19 attorney. The zoning board of appeals may reverse or affirm, wholly or  
20 partly, or may modify the order, requirement, decision, or determination  
21 appealed from and shall make such order, requirement, decision, or  
22 determination as in its opinion ought to be made in the premises, and to  
23 that end shall have all the powers of the officer from whom the appeal is  
24 taken. Where there are practical difficulties or unnecessary hardships in  
25 the way of carrying out the strict letter of such ordinance, the zoning  
26 board of appeals shall have the power in passing upon appeals, to vary or  
27 modify the application of any of the regulations or provisions of such  
28 ordinance relating to the use, construction, or alteration of buildings  
29 or structures or the use of land, so that the spirit of the ordinance  
30 shall be observed, public safety and welfare secured, and substantial  
31 justice done.

1           Sec. 136. Section 14-412, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-412 The zoning board of appeals shall have specific power to  
4 grant special permits to the state, or any political subdivision thereof,  
5 and to public utilities for public service purposes, although the  
6 application may be in conflict with the provisions of ordinances or  
7 regulations adopted under the authority of sections 14-401 to 14-418,  
8 except ; ~~Provided~~, that such permits ~~the permit~~ shall be granted upon  
9 such conditions as the zoning board of appeals may deem necessary,  
10 proper, or expedient, to promote the objects of such ~~said~~ sections.

11           Sec. 137. Section 14-413, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           14-413 Any person or persons, jointly or severally aggrieved by any  
14 decision of the zoning board of appeals, or any officer, department,  
15 board, or bureau of a city of the metropolitan class ~~the municipality~~,  
16 may present to the district court a petition, duly verified, setting  
17 forth that such decision is illegal, in whole or in part, and specifying  
18 the grounds of such illegality. Such petition must be presented to the  
19 court within thirty days after the filing of the decision in the office  
20 of the zoning board of appeals.

21           Sec. 138. Section 14-414, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           14-414 If, upon the hearing of a petition filed pursuant to section  
24 14-413 , it appears ~~shall appear~~ to the district court that testimony is  
25 necessary for the proper disposition of the matter, the court ~~it~~ may take  
26 evidence or appoint a referee to take such evidence as the court ~~it~~ may  
27 direct and report such evidence ~~the same~~ to the court with ~~his~~ findings  
28 of fact and conclusions of law, which shall constitute a part of the  
29 proceedings upon which the determination of the court shall be made. The  
30 court may reverse or affirm, wholly or partly, or may modify the decision  
31 brought up for review. Costs shall not be allowed against the zoning

1 board of appeals, unless it shall appear to the court that such board ~~it~~  
2 acted with gross negligence or in bad faith or with malice in making the  
3 decision appealed from. All issues in any proceeding under sections  
4 14-408 to 14-414 shall have preference over all other civil actions and  
5 proceedings.

6 Sec. 139. Section 14-415, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 14-415 A The city of the metropolitan class, in addition to other  
9 remedies, may institute any appropriate action or proceedings to prevent  
10 an unlawful erection, construction, reconstruction, alteration,  
11 conversion, maintenance, or use of any building or structure in violation  
12 of any ordinance or regulations enacted or issued pursuant to sections  
13 14-401 to 14-418, to restrain, correct, or abate such violation, to  
14 prevent the occupancy of the building, structure, or land, or to prevent  
15 any illegal act, conduct, business, or use in or about such premises.  
16 Such ~~The~~ ordinance or regulations shall be enforced by the city as the  
17 city council ~~it~~ may provide. In addition to, ~~and~~ not in restriction of  
18 any other powers, the city may cause any building, structure, place, or  
19 premises to be inspected and examined and to order in writing the  
20 remedying of any condition found to exist in or at such building,  
21 structure, place, or premises ~~therein or thereat~~ in violation of any  
22 provision of the ordinance or regulations made under authority of such  
23 sections. The owner, general agent, lessee, or tenant of a building or  
24 premises or of any part of such building or premises where a violation of  
25 any provision of the ordinance or regulations has been committed or shall  
26 exist or the general agent, architect, builder, contractor, or any other  
27 person who commits, takes part, or assists in any such violation or who  
28 maintains any building or premises in which any such violation shall  
29 exist shall be guilty of a Class IV misdemeanor for a first or second  
30 violation and a Class II misdemeanor for a third or subsequent violation,  
31 if the third or subsequent violation is committed within two years after

1 the commission of the prior violation.

2 Sec. 140. Section 14-416, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-416 Wherever the regulations made under authority of sections  
5 14-401 to 14-418 require a greater width or size of yards, courts, or  
6 other open spaces, or require a lower height of building or less number  
7 of stories, or require a greater percentage of lot to be left unoccupied,  
8 or impose other higher standards than are required in any other statute,  
9 local ordinance, or regulation, the provisions of the regulations made  
10 under authority of such ~~said~~ sections shall govern. Wherever the  
11 provisions of any other statute, local ordinance, or regulation require a  
12 greater width or size of yards, courts, or other open spaces, or require  
13 a lower height of building or a less number of stories, or require a  
14 greater percentage of lot to be left unoccupied, or impose other higher  
15 standards than are required by the regulations made under authority of  
16 such ~~said~~ sections, the provisions of such statute, local ordinance, or  
17 regulation shall govern.

18 Sec. 141. Section 14-417, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-417 Where ~~there already exist~~ a city planning commission and a  
21 zoning board of appeals in a city of the metropolitan class already  
22 exist, their continuance is hereby authorized without further act of the  
23 city council. All ordinances, rules and regulations, hearings, orders, or  
24 decisions existing or in effect on April 1, 1925, or substituted or in  
25 effect thereafter, shall continue in effect, except insofar as any such  
26 ordinances, rules and regulations, hearings, orders, or decisions shall  
27 be in conflict with the provisions of sections 14-401 to 14-418 hereof.

28 Sec. 142. Section 14-418, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-418 The powers granted in sections 14-401 to 14-417 may be  
31 exercised by the authorities in whom the powers are vested in such ~~said~~



1 sections over a such city of the metropolitan class and the  
2 extraterritorial zoning jurisdiction ~~all territory not over three miles~~  
3 ~~beyond the limits~~ of such city.

4 Sec. 143. Section 14-419, Revised Statutes Cumulative Supplement,  
5 2020, is amended to read:

6 14-419 (1) The extraterritorial zoning jurisdiction of a city of the  
7 metropolitan class shall consist of the unincorporated area three miles  
8 beyond and adjacent to its corporate boundaries.

9 (2) The city council, in cities of the metropolitan class, shall  
10 have the power by ordinance to regulate, within the corporate limits of  
11 the city or within the extraterritorial zoning jurisdiction of the city  
12 ~~three miles of the corporate limits~~, except as to construction on farms  
13 for farm purposes, (a) ~~(1)~~ the minimum standards of construction of  
14 buildings, dwellings, and other structures, in order to provide safe and  
15 sound condition of such buildings, dwellings, and other structures  
16 ~~thereof~~ for the preservation of health, safety, security, and general  
17 welfare, and as to electric wiring, heating, plumbing, pipefitting, sewer  
18 connections, ventilation, size of habitable rooms, and the method of  
19 constructing buildings, and to provide for inspection of such buildings,  
20 dwellings, and other structures ~~thereof~~ and building permits, (b) ~~(2)~~ the  
21 removal and tearing down of buildings, dwellings, and other structures in  
22 such areas which constitute nuisances because of the dilapidated, unsafe,  
23 or rundown condition or conditions, and (c) ~~(3)~~ except as to the United  
24 States of America, the State of Nebraska, any county of the state, or any  
25 other city or village in the state, the nature, kind, and manner of  
26 constructing streets, alleys, sidewalks, curbing or abridging curbs,  
27 driveway approaches constructed on public right-of-way, and sewers.

28 (3) A city of the metropolitan class shall have the authority to  
29 regulate land use within the extraterritorial zoning jurisdiction of such  
30 city as may be provided by law in addition to those powers provided in  
31 this section.

1           (4) Any building or construction code implemented under this section  
2 shall be adopted and enforced as provided in section 71-6406.

3           Sec. 144. Section 14-420, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           14-420 (1) A city of the metropolitan class shall provide written  
6 notice of any properly filed request for a change in the zoning  
7 classification of a subject property to the owners of adjacent property  
8 in the manner set out in this section.

9           (2) Initial notice of the proposed zoning change on the subject  
10 property shall be sent to the owners of adjacent property by regular  
11 United States mail, postage prepaid, to the owner's address as it appears  
12 in the records of the office of the county register of deeds, postmarked  
13 at least ten working days prior to the planning board public hearing on  
14 the proposed change. The initial notice shall also be provided at least  
15 ten working days prior to the hearing to any registered neighborhood  
16 association when the subject property is located within the boundary of  
17 the area of representation of such association in the manner requested by  
18 the association. Each neighborhood association desiring to receive such  
19 notice shall register with the city the area of representation of such  
20 association and provide the name of and contact information for the  
21 individual designated to receive notice on behalf of such association and  
22 the requested manner of service, whether by email or first-class or  
23 certified mail. The registration shall be in accordance with any rules  
24 and regulations adopted and promulgated by the city. Such notice shall  
25 describe the subject property or give its address, describe the nature of  
26 the zoning change requested, and contain the date, time, and location of  
27 the planning board hearing.

28           (3) A second notice of the proposed zoning change on the subject  
29 property shall be sent to the same owners of adjacent property who were  
30 provided with notice under subsection (2) of this section. Such notice  
31 shall be sent by regular United States mail, postage prepaid, to the

1 owner's address as it appears in the records of the office of the county  
2 register of deeds, postmarked at least ten working days prior to the city  
3 council public hearing on the proposed change. Such notice shall describe  
4 the subject property or give its address, describe the nature of the  
5 zoning change requested, and contain the date, time, and location of the  
6 city council public hearing.

7 (4) No additional or further notice beyond that required by  
8 subsections (2) and (3) of this section shall be necessary in the event  
9 that the scheduled planning board or city council public hearing on the  
10 proposed zoning change is adjourned, continued, or postponed until a  
11 later date.

12 (5) The requirements of this section shall not apply to proposed  
13 changes in the text of the zoning code itself or any proposed changes in  
14 the zoning code affecting whole classes or classifications of property  
15 throughout the jurisdiction of the city.

16 (6) Except for a willful or deliberate failure to cause notice to be  
17 given, no zoning decision made by a city of the metropolitan class either  
18 to accept or reject a proposed zoning change with regard to a subject  
19 property shall be void, invalidated, or affected in any way because of  
20 any irregularity, defect, error, or failure on the part of the city or  
21 its employees to cause notice to be given as required by this section if  
22 a reasonable attempt to comply with this section was made. No action to  
23 challenge the validity of the acceptance or rejection of a proposed  
24 zoning change on the basis of this section shall be filed more than one  
25 year following the date of the formal acceptance or rejection of the  
26 zoning change by the city council.

27 (7) Except for a willful or deliberate failure to cause notice to be  
28 given, the city and its employees shall not be liable for any damage to  
29 any person resulting from any failure to cause notice to be given as  
30 required by this section when a reasonable attempt was made to provide  
31 such notice. No action for damages resulting from the failure to cause

1 notice to be provided as required by this section shall be filed more  
2 than one year following the date of the formal acceptance or rejection of  
3 the proposed zoning change by the city council.

4 (8) For purposes of this section:

5 (a) Adjacent property shall mean any piece of real property any  
6 portion of which is located within three hundred feet of the nearest  
7 boundary line of the subject property or within one thousand feet of the  
8 nearest boundary line of the subject property if the proposed zoning  
9 change involves a heavy industrial district classification;

10 (b) Owner shall mean the owner of a piece of adjacent property as  
11 indicated on the records of the office of the county register of deeds as  
12 provided to or made available to the city no earlier than the last  
13 business day before the twenty-fifth day preceding the planning board  
14 public hearing on the zoning change proposed for the subject property;  
15 and

16 (c) Subject property shall mean any tract of real property located  
17 within the boundaries of a city of the metropolitan class or within the  
18 extraterritorial zoning jurisdiction of a city of the metropolitan class  
19 which is the subject of a properly filed request for a change of its  
20 zoning classification.

21 Sec. 145. Section 14-501, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-501 The city council of a city of the metropolitan class shall  
24 annually or biennially ~~and within the first week of January, if possible,~~  
25 appropriate money and credits of the city in such amounts as may be  
26 deemed necessary and proper and set such money and credits ~~the same~~ aside  
27 to the following designated funds to be known as statutory funds: (1) For  
28 the fire department of the city, (2) for the police department of the  
29 city, (3) ~~for the health department of the city,~~ (4) for the public  
30 library, (5) ~~for the purposes of the welfare board,~~ and (4) (6) for the  
31 purpose of paying judgments and costs. The amounts so appropriated and

1 set aside to such funds respectively shall be the maximum amounts that  
2 may be appropriated to or expended from such funds within the fiscal year  
3 or biennial period for the purposes for which such funds respectively are  
4 created.

5 Sec. 146. Section 14-501.01, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 14-501.01 A city of the metropolitan class may adopt biennial  
8 budgets for biennial periods if such budgets are provided for by a home  
9 rule ~~city~~ charter provision. For purposes of this section:

10 (1) Biennial budget means a budget that provides for a biennial  
11 period to determine and carry on the city's financial and taxing affairs;  
12 and

13 (2) Biennial period means the two fiscal years comprising a biennium  
14 commencing in odd-numbered or even-numbered years.

15 Sec. 147. Section 14-502, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:

17 14-502 (1) The city council of a city of the metropolitan class  
18 shall, at the same time as the appropriation of statutory funds as  
19 provided in section 14-501, appropriate, from the remaining amount of tax  
20 levy of such year and from revenue to be derived from all other sources  
21 available for such purposes, money and credits of the city and set such  
22 money and credits ~~the same~~ aside to funds to be designated department  
23 funds. The department funds shall be of the same number and of the same  
24 designation as the departments into which the government of the city is  
25 divided for administration under the commission plan of government.

26 (2) The amount so appropriated and set aside to each of the funds  
27 respectively shall be an amount deemed sufficient and necessary to take  
28 care of the expenses in such department for the fiscal year or biennial  
29 period for which the appropriation is made. The amount thus appropriated  
30 to each of such departments respectively may be divided and subdivided  
31 for the purpose of expenditure as the city council may direct, but shall

1 be the maximum amount which may be appropriated to any such department  
2 for the fiscal year or biennial period, or which may be expended for the  
3 purpose of such department for the fiscal year or biennial period.

4 (3) Any transfer of duties or burdens of one department to another,  
5 after an appropriation has been made, shall carry with it a just and  
6 equitable pro rata proportion of the appropriation.

7 (4) The amounts so appropriated to the several department funds  
8 shall be used only for the purpose of paying the expenses and liabilities  
9 for which appropriated. The city council shall, at the time of the  
10 appropriation, estimate the total credits available from taxes levied and  
11 other sources for municipal purposes for the fiscal year or biennial  
12 period, and the amount remaining after deducting therefrom the amounts  
13 appropriated for statutory and department funds shall be the  
14 miscellaneous expense fund. The money and credits in the miscellaneous  
15 expense fund may be used from time to time to pay the miscellaneous  
16 expenses and obligations of the city for which an appropriation has not  
17 been made or which are not properly included within the purposes of the  
18 appropriation to any of the other funds.

19 Sec. 148. Section 14-503, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-503 The balances remaining in any of the funds created by  
22 sections 14-501 and 14-502 and against which lawful obligations have not  
23 been created shall at the expiration of each fiscal year or biennial  
24 period be transferred to the general sinking fund of the city by the  
25 department of finance accounts and finances.

26 Sec. 149. Section 14-504, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 14-504 As soon as the apportionment of funds has been made pursuant  
29 to sections 14-501 and 14-502, the department of finance accounts and  
30 finances shall open an account with each such fund authorized to be  
31 established by sections 14-501 and 14-502 and shall place a credit to

1 each such fund of ninety percent of the tax levy apportioned to it.  
2 Thereafter the department of finance shall credit such funds pro rata  
3 with money coming to the city from taxation and other sources which are  
4 applicable to current expense purposes until all such credits shall equal  
5 one hundred percent of such apportionment. ~~Such~~ ~~The foregoing~~ pro rata  
6 credits in excess of ninety percent shall not apply to the miscellaneous  
7 expense fund, but the miscellaneous expense fund shall be credited with  
8 all money collected and applicable to current expense purposes after the  
9 other funds have received the full one hundred percent of their  
10 appropriation.

11 Sec. 150. Section 14-505, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 14-505 All receipts received by a city of the metropolitan class  
14 derived from the county road fund shall be credited to the fund provided  
15 for the maintenance of parks. All receipts from franchises or royalties  
16 derived from lighting companies received by a city of the metropolitan  
17 class shall be credited to the funds for ~~lighting streets and~~ public  
18 works grounds; and all receipts ~~hereafter~~ collected for permits issued by  
19 the planning engineering department or for paving repairs to streets  
20 shall be placed in, and credited to the funds fund for the departments  
21 ~~department~~ of public works or planning improvements. Such receipts shall  
22 be added to the maximum amounts that may be expended from such funds.

23 Sec. 151. Section 14-506, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-506 The city council of a city of the metropolitan class shall at  
26 no time draw warrants or create obligations against any of the funds  
27 provided in sections 14-501 and 14-502 in excess of the amount credited  
28 to such funds thereto at the time of drawing the warrant or creating the  
29 obligation. The director ~~Not shall the superintendent~~ of any department  
30 shall not draw or cause to be drawn a warrant or create or cause to be  
31 created an obligation against the appropriation to such director's his

1 department in excess of the amount credited to such department thereto.

2 Sec. 152. Section 14-507, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-507 The money and credits in each fund authorized and created by  
5 sections 14-501 and 14-502 shall be devoted strictly to the purposes for  
6 which the fund is created and no part of such money and credits thereof  
7 shall be transferred or diverted in any manner or for any purpose. Any  
8 transfer or diversion of the money or credits from any of the funds to  
9 another fund or to a purpose other and different from that for which  
10 appropriated shall render any city council member ~~councilman~~ voting for  
11 such transfer or diversion therefor liable on such member's ~~his~~ official  
12 bond for the amount so diverted or used, except that ; ~~Provided,~~  
13 inspectors of public works paid from special funds may receive pay for  
14 their services from the general fund of the city monthly as other  
15 employees. Upon the completion of such work, and the levy and collection  
16 of the special fund to pay for such work ~~the same~~, or the sale of bonds  
17 for public works or improvements, an amount equal to that paid such ~~said~~  
18 inspectors from the general fund may be taken from such special funds and  
19 returned to the general fund from which such amount ~~it~~ was temporarily  
20 taken, ; and the city council is hereby authorized to include the cost of  
21 inspection in such special funds to be levied and collected.

22 Sec. 153. Section 14-508, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-508 Neither the city council nor any officer of a the city of the  
25 metropolitan class ~~or superintendent of a department~~ shall expend or  
26 incur obligations for the expenditure of more money than has been  
27 provided and appropriated for the purposes for which the expenditure or  
28 obligations for expenditure are made. Any contract or obligation calling  
29 for an expenditure in excess of the money and credits provided and  
30 appropriated to the purposes for which such contract or obligation is  
31 created, shall be void and shall not be enforceable against the city, and



1 the city shall refuse to recognize the validity of such contract thereof  
2 or to pay or satisfy any such obligation. The ~~foregoing~~ limitations and  
3 ~~those contained~~ in sections 14-506 to 14-508 and ~~14-507~~ shall not apply  
4 to additional expenditures and obligations unavoidably made necessary in  
5 efforts to abate or control an extreme or unusual outbreak or epidemic of  
6 disease or to expenditures made imperatively necessary by the occurrence  
7 of some unforeseen or uncontrollable disaster in ~~to~~ the city ~~at large~~ or  
8 ~~a considerable section thereof~~. Expenditures for the emergency purposes  
9 in this section specified shall be made only in pursuance of an ordinance  
10 duly passed reciting the conditions making necessary the further  
11 appropriation of funds, and the expenditures of such appropriation, shall  
12 be limited exclusively to the purposes for which made.

13 Sec. 154. Section 14-509, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-509 (1) It shall be malfeasance in office for any officer of a  
16 city of the metropolitan class to:

17 (a) Attempt ~~To attempt~~ to incur, to incur, to attempt to pay, or to  
18 pay any obligation prohibited by sections 14-501 to 14-508; or

19 (b) Attempt ~~shall be malfeasance in office on the part of the city~~  
20 ~~officer participating therein. To attempt~~ to transfer, to transfer, or to  
21 use any of the money or credits appropriated to a fund, to another fund  
22 or to other and different purposes and uses than for which such money or  
23 credits were appropriated ~~shall be held to be malfeasance in office on~~  
24 ~~the part of the officer participating therein.~~

25 (2) The creation or attempted creation of obligations not authorized  
26 by sections 14-101 to 14-2004 ~~this act~~ or prohibited by such sections  
27 ~~thereby~~ shall render the members of the city council voting for such  
28 obligations ~~therefor~~ liable to the city for the amount of the obligation  
29 so created or the amount of money or credits unlawfully diverted or used,  
30 and ~~the~~ voting for such obligations shall be prima facie evidence of  
31 malfeasance in office.

1       ~~(3) The Thereupon it shall become the duty of the city attorney~~  
2 ~~shall forthwith to proceed to~~ enforce by suit in the courts of the state  
3 such liability against the delinquent officers and the sureties on their  
4 bonds. In the event of the refusal or failure of the city attorney ~~so to~~  
5 proceed as provided in this section ~~above directed~~, any a taxpayer may  
6 demand in writing that the city attorney proceed as provided in this  
7 section ~~directed herein~~, and on the city attorney's ~~his~~ failure so to do  
8 within thirty days of such demand ~~thereafter~~, such taxpayer may commence  
9 the action provided for in this section ~~herein authorized~~ on the part of  
10 the city attorney in the name of the taxpayer and prosecute such action  
11 ~~the same~~ to final judgment. The taxpayer shall, however, as a condition  
12 of the ~~his~~ right to commence and prosecute such suit, give such security  
13 for costs as may be directed by the court.

14       Sec. 155. Section 14-510, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       14-510 (1) Warrants of a the city of the metropolitan class shall be  
17 drawn by the city comptroller ~~upon the~~ treasurer and shall be signed by  
18 the mayor and city comptroller and shall state the particular fund or  
19 appropriation to which such warrant ~~the same~~ is chargeable and the person  
20 to whom payable. Money of the city shall not be otherwise paid except in  
21 instances where it is otherwise specifically provided by law.

22       (2) A The city of the metropolitan class may adopt by ordinance an  
23 imprest system of accounting for the city and authorize the establishment  
24 of an imprest vendor, payroll, or other account for the payment of city  
25 warrants in accordance with any guidelines issued by the Auditor of  
26 Public Accounts for county imprest accounts.

27       Sec. 156. Section 14-511, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       14-511 At the first meeting of the city council of a city of the  
30 metropolitan class in each month, the city council ~~it~~ shall provide, by  
31 ordinance, for the payment of all indebtedness of the city incurred

1 during the preceding month, or at any time prior to such preceding month  
2 ~~thereto~~, except those liabilities for wages of laborers and allowed  
3 claims for overtime, the payment of which may be provided for weekly but  
4 in the same manner as provided for in sections 14-101 to 14-2004 ~~this~~  
5 ~~act~~. Money of the city shall not be expended except as ~~in this act~~  
6 specified by law. The ordinance providing for the payment of money shall  
7 be duly passed by a majority vote of the entire city council, and the  
8 ayes and nays on such ordinance ~~thereon shall be called and~~ recorded in  
9 the proceedings of the city council.

10 Sec. 157. Section 14-512, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-512 (1) The city council of a city of the metropolitan class  
13 shall provide and maintain a sinking fund for the payment of the general  
14 bonds of the city and the interest on such bonds ~~thereon~~. Such sinking  
15 fund shall be maintained from the following sources of revenue:

16 (a) ~~(1)~~ Amounts raised by taxation for that purpose;

17 (b) Balances ~~(2) balances~~ transferred at the end of each fiscal year  
18 or biennial period from the several funds provided for in sections 14-501  
19 and 14-502; and

20 (c) Such ~~(3) such~~ other amounts and sums as may be transferred to  
21 such sinking fund ~~thereto~~ by the city council.

22 (2) Money and credits in the sinking fund shall be held inviolate,  
23 shall not be transferred to any other fund, and shall be used for the  
24 purpose of paying (a) the interest on the general bonds of the city, (b)  
25 maturing bonds of the city, and (c) bonds of the city which may be paid  
26 before maturity.

27 (3) The money and credits of such sinking fund ~~thereof~~ when not used  
28 or needed for the purposes specified in this section may temporarily be  
29 invested in registered general warrants of the city ~~or of the school~~  
30 ~~district situated within the city~~ under such conditions as will enable  
31 such money and credits ~~the same~~ to be obtained and available at any time

1 desired for the purposes specified in this section.

2 Sec. 158. Section 14-513, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-513 The city comptroller of a city of the metropolitan class  
5 ~~comptroller~~ shall deduct from the amount of any credit or warrant all  
6 amounts which the payee may owe the city, and where there has been an  
7 assignment of such credit or warrant the city comptroller thereof he  
8 shall likewise deduct as well all amounts which the assignee may owe the  
9 city. Should the amounts owing exceed the amount of the warrant, the  
10 amounts thus deducted shall be credited pro tanto on the obligations  
11 owing the city. An assignment of the claim shall not defeat the right of  
12 the city to deduct the amount of the debt from the amount due the  
13 claimant. The claimant or the claimant's ~~his~~ assignee may appeal from the  
14 action of the city comptroller in so deducting any amount from the claim  
15 in the manner provided for appeals in section 14-813. ~~The city treasurer~~  
16 ~~may likewise deduct from the amount of any warrant city taxes and special~~  
17 ~~assessments which have not been deducted by the comptroller.~~

18 Sec. 159. Section 14-514, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-514 (1) The city council of a city of the metropolitan class  
21 shall annually certify to the county clerk of the county in which the  
22 city is located, by resolution, the tax upon the taxable value of all the  
23 taxable property in such city, not to exceed fifty cents on each one  
24 hundred dollars, which the city desires to be levied as taxation for all  
25 municipal purposes for the ensuing year, subject to the levy limitations  
26 contained in section 77-3442.

27 (2) In addition to the tax set forth in subsection (1) of this  
28 section, the city council shall also and further certify not less than  
29 fourteen cents on each one hundred dollars and such tax as may be  
30 necessary to pay bond issues maturing within the year or bond issues  
31 maturing in the near future. The ~~the~~ object of this requirement is

1 ~~being~~ to create a fund to accomplish a partial retirement of the bonded  
2 obligations of the city in such a manner as to avoid unusual and heavy  
3 levies during particular years when large maturities occur.

4 (3) The proceeds derived from each respective levy provided for in  
5 subsections (1) and (2) of this section shall be devoted exclusively and  
6 entirely to the purposes for which such ~~the~~ levy is made. The  
7 certification provided for under such subsections shall be made before  
8 the county board of equalization has made its tax levy for each  
9 respective year.

10 Sec. 160. Section 14-515, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-515 Bonds of a the city of the metropolitan class shall be  
13 prepared under the direction of the city council, shall be signed by the  
14 mayor and countersigned and registered by the city comptroller, and shall  
15 be sold and disposed of by and under the direction of the city council.  
16 Such bonds ~~They~~ shall be delivered by the city finance director  
17 ~~superintendent of the department of accounts and finances,~~ who shall  
18 report the proceeds from such bonds ~~therefrom~~ to the city treasurer in  
19 all cases except where an exchange of bonds is directed. The purpose of  
20 the issue of bonds shall be stated in such bonds ~~therein~~ and the proceeds  
21 received from the sale shall be used for no other purpose. Whenever an  
22 issue of bonds is required to be submitted to the electors for authority  
23 to issue such bonds ~~the same~~, the proposition submitting such question  
24 shall contain but a single issue and but one subject, shall specify the  
25 maximum amount proposed for issue and state distinctly the purpose for  
26 which such bonds are to be issued ~~the same is to issue~~. Bonds of the city  
27 shall not be sold or exchanged for less than par value of such bonds  
28 ~~thereof~~ and shall bear interest payable semiannually. Interest coupons at  
29 the rate of interest specified may be attached to such bonds ~~annexed~~  
30 ~~thereto~~. Interest coupons may be signed by the ~~lithographed signatures of~~  
31 ~~the~~ mayor and city clerk. Bonds shall be made payable at the office or

1 place provided by general law for the payment of bonds of the city. Where  
2 this section, in its application to water bonds or bonds issued for the  
3 extension or improvement of a gas plant or other public utility, is in  
4 conflict with any provision which has been or may be made by statute  
5 respecting such bonds, the latter shall control.

6 Sec. 161. Section 14-516, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-516 The city council of a city of the metropolitan class may  
9 issue annually bonds not to exceed five hundred thousand dollars, for the  
10 purpose of constructing main sewers, and to be denominated sewer bonds.  
11 Such bonds shall be issued in accordance with the provisions of section  
12 14-515, and the proceeds from such bonds ~~therefrom~~ shall not be used for  
13 any other purpose than to construct main sewers.

14 Sec. 162. Section 14-517, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-517 (1) ~~Cities~~ of the metropolitan class ~~in the State of~~  
17 ~~Nebraska~~ are hereby authorized and empowered to issue and sell special  
18 assessment sewer bonds, such ~~said~~ bonds not to exceed two hundred  
19 thousand dollars, without a vote of the electors, and to use the proceeds  
20 of such bonds for the purpose of constructing or reconstructing storm or  
21 sanitary sewers where at least five-sixths of the cost of such sewers  
22 ~~same~~ will be borne by some agency of the government of the United States  
23 of America.

24 (2) All principal and interest of such bonds shall be payable solely  
25 from the proceeds of special assessments levied and collected on real  
26 estate within special assessment sewer districts and, as shall be recited  
27 in such bonds, such city shall incur no liability, obligation, or  
28 indebtedness of any kind or nature on such bonds ~~thereon~~, and the city  
29 shall not pledge its credit, its general taxing power, or any part of  
30 such credit or general taxing power ~~thereof~~ to support or pay such bonds  
31 ~~the same~~. Such bonds shall be sold or exchanged for not less than the par

1 value of such bonds thereof and shall bear interest at a rate not to  
2 exceed the rate of interest specified in section 45-104.01, as such rate  
3 may from time to time be adjusted by the Legislature, payable  
4 semiannually.

5 (3) Special assessments levied for the purpose of paying such bonds  
6 shall be made payable in ten equal annual installments. The first  
7 installment shall be due and delinquent fifty days from the date of levy,  
8 the second, one year from date of levy, and a like installment shall be  
9 due and delinquent annually thereafter until all such installments are  
10 paid. Each of such ~~said~~ installments, except such as are paid within  
11 fifty days from the date of levy, shall draw interest at a rate not to  
12 exceed the rate of interest specified in section 45-104.01, as such rate  
13 may from time to time be adjusted by the Legislature, from the date of  
14 levy ~~aforsaid~~ until such bonds ~~the same~~ shall become delinquent, and  
15 after such bonds ~~the same~~ shall become delinquent, shall draw interest at  
16 the rate specified in section 45-104.01, as such rate may from time to  
17 time be adjusted by the Legislature. Such assessment shall be collected  
18 and enforced as in other cases of special assessments.

19 (4) All such special assessments and all interest accruing on such  
20 special assessments ~~thereon~~ in any special assessment sewer district in  
21 which such bonds are issued and sold shall constitute a sinking fund and  
22 shall be used solely for the purpose of paying the interest on the bonds  
23 so issued and sold as such bonds accrue ~~the same accrues~~ and for paying  
24 the principal sum of such bonds at the maturity of such bonds thereof.

25 (5) All powers ~~herein~~ granted in this section are ~~further~~ and in  
26 addition to any other powers which may now have been or hereafter may be  
27 conferred upon ~~any~~ such cities ~~city~~.

28 Sec. 163. Section 14-518, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-518 The powers granted in section 14-517 shall be subject to the  
31 conditions set forth in this section. ~~conditioned upon the following:~~ A

1 petition for the creation of a special assessment sewer ~~such~~ district and  
2 the issuance of special assessment sewer ~~such~~ bonds shall be filed with  
3 the city clerk of the ~~such~~ city, signed by the owners of sixty percent of  
4 the real estate contained in any such special assessment sewer district.  
5 At the time of the filing of such petition, the city clerk shall cause to  
6 be published in the official newspaper of such ~~said~~ city for not less  
7 than three consecutive days the plan of assessment and amounts proposed  
8 to be assessed against each parcel of real estate in such proposed  
9 district. Any person signing such petition shall have the absolute right  
10 within ten days after such petition ~~the same~~ shall have been filed with  
11 the city clerk to withdraw such person's ~~his~~ name from such petition,  
12 ~~therefrom~~ and in such event such person's ~~his~~ name shall not be counted  
13 in computing the sixty percent.

14 Sec. 164. Section 14-519, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-519 The city council of a city of the metropolitan class ~~may~~ is  
17 ~~authorized to~~ issue bonds for the purpose of constructing public comfort  
18 stations. The city council may issue bonds for such purpose without a  
19 vote of the electors in an amount not exceeding fifty thousand dollars in  
20 any one year.

21 Sec. 165. Section 14-520, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-520 The city council of a city of the metropolitan class ~~may~~  
24 issue bonds for the purpose of constructing an armory in the ~~any~~ city ~~of~~  
25 ~~the metropolitan class~~ if the issuance of such bonds is first authorized  
26 by a majority of the electors of such city voting on such proposition.  
27 This section shall not be applicable to the acquisition of real estate  
28 for armory purposes and its conveyance to the State of Nebraska as  
29 provided in sections 18-1001 to 18-1006.

30 Sec. 166. Section 14-521, Reissue Revised Statutes of Nebraska, is  
31 amended to read:



1           14-521 The city council of a city of the metropolitan class may is  
2 ~~authorized to~~ issue bonds, as provided in this section ~~provided~~, for the  
3 purpose of improving lands, lots, or grounds purchased, appropriated, or  
4 acquired for parks, parkways, boulevards, or playgrounds. Bonds so issued  
5 shall be known as park bonds and the issuance of such bonds thereof  
6 except as ~~herein~~ provided in this section shall be governed by the  
7 ~~general provisions~~ of section 14-515. The city council may issue in any  
8 one year and without a vote of the electors one hundred thousand dollars  
9 of such bonds. The city council may also issue such bonds if ~~the same are~~  
10 authorized by a majority vote of the electors of the city voting on the  
11 proposition at a general city election or a special election called for  
12 that purpose. A part of the proceeds from the sale of such bonds may be  
13 used to pay for improvements upon streets, sidewalks, or thoroughfares  
14 abutting upon or immediately adjacent to parks, parkways, boulevards, and  
15 playgrounds when such costs would otherwise be chargeable to the city.

16           Sec. 167. Section 14-522, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           14-522 The city council of a city of the metropolitan class may  
19 issue bonds of the city not to exceed thirty thousand dollars in any one  
20 year for the purpose of erecting fire stations ~~engine houses~~.

21           Sec. 168. Section 14-523, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           14-523 The city council of a city of the metropolitan class may  
24 issue bonds not to exceed in amount two hundred and twenty-five thousand  
25 dollars for the construction, remodeling, or completion of a municipal  
26 auditorium, except that ~~. But~~ no such bonds shall be issued until  
27 authorized by the electors of such city ~~thereof~~ by a majority of those  
28 voting on the question ~~thereon~~.

29           Sec. 169. Section 14-524, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31           14-524 In addition to the authority expressly granted to the city

1 council of a city of the metropolitan class to issue bonds for stated  
2 purposes, the city council may ~~is authorized to~~ issue bonds for the  
3 following general purposes in ~~on~~ compliance with the requirements of  
4 section 14-515: (1) To construct subways and conduits when authorized by  
5 a vote of the electors, (2) to renew or to fund or refund outstanding  
6 bonds, (3) to construct necessary buildings for the use of the city when  
7 authorized by a vote of the electors, (4) to construct necessary bridges  
8 when authorized by a vote of the electors, (5) to acquire property and to  
9 construct gas works, waterworks, electric light plants, or power plants,  
10 when authorized by a vote of the electors, (6) to pay off floating  
11 indebtedness of the city, but the total amount of bonds issued for such  
12 purpose shall not exceed five hundred thousand dollars and not then until  
13 authorized by a vote of the electors, and (7) for any necessary or proper  
14 municipal purpose or use, when authorized so to do by a vote of the  
15 electors of the city.

16 Sec. 170. Section 14-525, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 14-525 The bonded indebtedness of a the city of the metropolitan  
19 class shall not at any time exceed in the aggregate five percent of the  
20 taxable value of the taxable property within its corporate limits. The  
21 value shall be determined from the assessment of the taxable value of the  
22 property of the city. In order to arrive at the net amount of the  
23 aggregate indebtedness referred to in this section, there shall be  
24 deducted from the total bonded indebtedness of the city and excepted from  
25 such indebtedness ~~therefrom~~ bonds issued to acquire a the water plant or  
26 ~~and the~~ gas plant and any bonds which may be issued to acquire or  
27 construct electric light or power plants or other utility plants or  
28 systems when a charge for the service is provided sufficient to pay the  
29 bonded obligations for such plants or systems ~~therefor and pledges made~~  
30 ~~to that end~~, bonds which may be issued to construct subways or conduits  
31 when the revenue charged for the use of such may be sufficient to retire

1 ~~such~~ the bonds ~~and is pledged to that end,~~ and all other bonds the  
2 payment of which is secured by pledges of a special assessment sinking  
3 fund in the nature of a sinking fund of any character other than the  
4 general sinking fund of the city. There shall be included in such  
5 indebtedness all floating indebtedness of the city which under section  
6 14-524 may be funded by the issuance of bonds.

7 Sec. 171. Section 14-526, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-526 A city of the metropolitan class shall not issue bonds Bonds  
10 in excess of two hundred and fifty thousand dollars ~~may not be issued~~ in  
11 any one year, except for renewal or refunding to fund floating  
12 indebtedness or district improvement bonds, to finance grading, to  
13 finance public improvements, sewers, and intersections, to erect police  
14 stations ~~and workhouses,~~ to acquire existing utility property, to  
15 construct, remodel, or complete a municipal auditorium, to pay for  
16 property purchased or acquired in condemnation proceedings, for a public  
17 library, subways and conduits, and useful and needed public buildings, to  
18 pay for the construction and maintenance of gas works, waterworks,  
19 electric light plants, ~~or~~ power plants, or any other public utility  
20 authorized by sections 14-101 to 14-2004 this act, or for land to be used  
21 for any such purpose therefor.

22 Sec. 172. Section 14-527, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-527 Bonds of a the city of the metropolitan class shall not be  
25 issued without a vote of the electors in the manner provided for in  
26 sections 14-101 to 14-2004 this act except to finance the following which  
27 may be issued by the city council without such vote: (1) Street ~~To~~  
28 ~~finance street~~ improvements, grading, renewal, or refunding; (2) police  
29 stations ~~station,~~ not to exceed one hundred thousand dollars in any one  
30 year; (3) parks ~~park,~~ not to exceed one hundred thousand dollars in any  
31 one year; (4) sewers ~~sewer,~~ not to exceed five hundred thousand dollars

1 in any one year; (5) public comfort stations ~~station~~, not to exceed fifty  
2 thousand dollars in any one year; (6) fire stations ~~engine-house~~, not to  
3 exceed thirty thousand dollars in any one year; and (7) acquisition ~~to~~  
4 ~~pay for the acquisition~~ of existing utility systems or plants by  
5 condemnation proceedings.

6 Sec. 173. Section 14-528, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-528 The city council of a city of the metropolitan class ~~is~~  
9 authorized to issue and sell bonds of the city, from time to time, to  
10 finance street improvements, as provided in this section ~~in this section~~  
11 ~~specified~~. The amount of bonds which may be issued and sold at any one  
12 time shall not exceed the total amount of bona fide contracts actually  
13 entered into for the kinds of street improvements included within this  
14 section and for the financing of which provisions have not otherwise been  
15 made. The proceeds from bonds sold under the authority of this section  
16 may be used and employed to finance or to aid in financing the classes  
17 and kinds of improvement, inclusive of all proper intersection charges,  
18 designated in this section, including paving ~~to wit: Paving~~, repaving,  
19 surfacing and renewing surfaces, changing character of paving, guttering,  
20 reguttering, curbing and recurbing, ~~and~~ improvements made in combination  
21 as authorized in section 14-391, and macadamizing streets, avenues,  
22 alleys, and public thoroughfares of the city.

23 Sec. 174. Section 14-529, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-529 Bonds issued under the authority of the provisions of section  
26 14-528 shall be denominated bonds to finance street improvements, shall  
27 be issued and sold in accordance with the provisions of section 14-515  
28 governing the issuance and sale of bonds, and shall bear an interest rate  
29 not greater than the rate of interest specified in such ~~said~~ section  
30 regarding ~~as respects~~ general bonds of the city. Such bonds so issued may  
31 be made payable in not less than five years and in not more than twenty

1 years from date of issue.

2 Sec. 175. Section 14-530, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-530 (1) The proceeds from the sale of bonds ~~herein~~ authorized  
5 under section 14-528, together with all special taxes and assessments to  
6 be levied for the classes of improvements designated in such section  
7 ~~14-528~~, and the proceeds in the nature of all earnings and income from  
8 the investment and use of such proceeds, ~~thereof~~ shall be used and  
9 employed to finance such classes of improvements, inclusive of all proper  
10 intersection charges.

11 (2) All such proceeds ~~proceedings~~ shall be credited to a fund to be  
12 designated special assessment sinking fund, and, except such part of such  
13 fund ~~thereof~~ as may be required to pay proper intersection charges, shall  
14 be kept and maintained within such fund. The accumulations in such ~~this~~  
15 fund, less the amounts of such fund ~~thereof~~ necessary to pay proper  
16 intersection charges from time to time, shall constitute a sinking fund  
17 to pay interest as it accrues and finally to pay at maturity all bonds  
18 issued and sold under the provisions of this section ~~hereof~~, except such  
19 part of such fund ~~thereof~~ as has been devoted to the payment of proper  
20 intersection charges.

21 (3) The proportion of bonds authorized under this section ~~hereunder~~  
22 and necessary to pay proper intersection charges, inclusive of interest  
23 on such bonds ~~thereon~~, shall be paid and redeemed from the general  
24 sinking fund of the city.

25 (4) In all cases where taxes and special assessments levied under  
26 section 14-533 have been paid and have been credited to the special  
27 assessment sinking fund, such taxes and special assessments as well as  
28 all other credits in such ~~said~~ fund may be used to finance other  
29 improvements, but only to the extent which will leave the fund available  
30 to pay all bonds issued to finance street improvements and interest on  
31 such bonds ~~thereon~~ when maturing or due, except such part as by this

1 section is charged to the general sinking fund of the city.

2 Sec. 176. Section 14-531, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-531 The city finance department of a city of the metropolitan  
5 class accounts and finances shall establish and maintain a fund to be  
6 designated fund to finance intersections. Immediately upon the completion  
7 of the work of any contract for improvements ~~herein~~ authorized by this  
8 section, the city engineer shall ~~carefully~~ estimate and ~~correctly~~ certify  
9 to the city council the ~~exact~~ amount which has been spent in the  
10 performance of such contract for proper intersection purposes. The city  
11 council shall at once ~~carefully~~ examine such certification and either  
12 approve or reject the amount so certified. If such certification ~~it~~ is  
13 rejected, further certifications shall be required until a proper amount  
14 has been certified, which shall be approved. As soon as approved, the  
15 city finance department of accounts and finances shall charge the special  
16 assessment sinking fund with the full amount as approved and shall credit  
17 the fund to finance intersections with a like amount. Just before each  
18 interest payment date an account shall be correctly and exactly stated  
19 between such ~~said~~ funds so as to apportion as properly and exactly as  
20 possible the respective interest charge against each fund. Both such ~~The~~  
21 ~~two~~ funds ~~above mentioned~~ shall be continuously kept and maintained so  
22 that the fund to finance intersections will show exactly or approximately  
23 the total amount of bonds which has been devoted to the payment of  
24 intersection charges.

25 Sec. 177. Section 14-532, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-532 A city of the metropolitan class ~~The avails and proceeds of~~  
28 ~~the special assessment sinking fund~~ may, when not required for any of the  
29 purposes ~~heretofore~~ specified in section 14-530, be temporarily invest  
30 funds contained in the special assessment sinking fund ~~invested~~ in  
31 securities of the United States Government, the State of Nebraska, the

1 ~~city, the county containing such city Douglas County, metropolitan city,~~  
2 ~~school district of such city, or any publicly owned and operated~~  
3 ~~municipal utilities of such city. All thereof; but all~~ such investments  
4 shall be made so as to be closed out and realized upon whenever the  
5 proceeds so invested are needed for the purpose specified in such said  
6 section. The proceeds of the special assessment sinking fund, insofar as  
7 required, may be used to complete the work under a contract where the  
8 contractor fails or refuses to perform such work.

9       Sec. 178. Section 14-533, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       14-533 Upon the completion of the work under any contract authorized  
12 by sections 14-528 to 14-532, the city council of a city of the  
13 metropolitan class is authorized to levy and assess, in the usual manner,  
14 special taxes and assessments to the extent of benefits conferred by such  
15 work thereby to pay the costs of the improvements less the amount of  
16 proper intersection costs under such contract, all of which taxes and  
17 special assessments shall constitute a sinking fund, as and for the  
18 purposes specified in section 14-530.

19       Sec. 179. Section 14-534, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21       14-534 Before any street, avenue, alley, or thoroughfare is graded  
22 within a city of the metropolitan class, the city engineer shall make a  
23 careful and detailed estimate of the total cost of such grading, and  
24 shall report such estimate ~~the same~~ to the city council as an approximate  
25 estimate of such cost. If such estimate is approved by the city council,  
26 ~~thereupon~~ a contract may be let for the grading in the manner provided  
27 for letting improvement contracts, except that such ~~which~~ contract,  
28 ~~however,~~ shall not exceed in total amount the approved approximate  
29 estimate.

30       Sec. 180. Section 14-535, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-535 As soon as any such contract is let pursuant to section  
2 14-534, the city council of a city of the metropolitan class ~~is thereupon~~  
3 authorized to issue ~~and dispose of~~ bonds of the city in amounts  
4 sufficient to pay for the total work to be done under such contract.  
5 Unless bonds are issued ~~disposed of~~ for such purpose, the contract shall  
6 not be performed and shall not be binding upon the city. Bonds issued  
7 under the provisions of section 14-534 hereof shall be denominated  
8 grading bonds, and shall state upon the face of such bonds ~~thereof~~ the  
9 street or part of street to be graded from the proceeds of such bonds  
10 ~~thereof~~. Such bonds shall be due and payable in five years from date of  
11 such bonds ~~thereof~~, shall draw interest at a rate not to exceed the rate  
12 of interest specified in section 45-104.01, as such rate may from time to  
13 time be adjusted by the Legislature, payable semiannually, shall have  
14 interest coupons attached ~~annexed~~, and shall not be sold or disposed of  
15 below par. ~~The , and the~~ proceeds from such bonds ~~therefrom~~ shall be used  
16 only for the purpose of paying the costs of the grading for which issued.  
17 Such bonds may be sold or disposed of in the manner deemed best or  
18 advisable. As the work of grading progresses, partial estimates may be  
19 allowed and paid and the final estimates paid as soon as allowed.

20           Sec. 181. Section 14-536, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           14-536 Upon the completion of any grading of a street, avenue,  
23 alley, or thoroughfare, the city council of a city of the metropolitan  
24 class shall levy special assessments in the manner provided in sections  
25 14-501 to 14-566 ~~special assessments~~, to the extent of the benefits, to  
26 cover the total costs of such grading. Special assessments so levied  
27 shall be made payable as provided in section 14-537. All installments  
28 shall draw interest at a rate not to exceed the rate of interest  
29 specified in section 45-104.01, as such rate may from time to time be  
30 adjusted by the Legislature, from the time of levy until due, and the  
31 rate specified in section 45-104.01, as such rate may from time to time



1 be adjusted by the Legislature, whenever such installments become  
2 delinquent. All such special assessments and all interest accruing on  
3 such special assessments ~~thereon~~ shall constitute a sinking fund and  
4 shall be used only for the purpose of paying the interest on the bonds  
5 issued in that connection as such interest ~~the same~~ accrues and of paying  
6 the principal sum of the bonds at the maturity of such bonds ~~thereof~~.

7 Sec. 182. Section 14-538, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-538 Whenever any special tax or assessment upon any lot, land, or  
10 parcel ~~or lots, lands or parcels~~ of land within a city of the  
11 metropolitan class is found to be invalid, uncollectible, and void, is ~~or~~  
12 ~~shall be~~ adjudged to be void by a court of competent jurisdiction, or is  
13 paid under protest and recovered by suit, because of any defect,  
14 irregularity, or invalidity, in any of the proceedings or on account of  
15 the failure to observe and comply with any of the conditions,  
16 prerequisites, and requirements of any statute or ordinance, the mayor  
17 and city council shall have the power to relevy such special tax or  
18 assessment ~~the same~~ upon such ~~the said~~ lot, land, or parcel ~~or lots,~~  
19 ~~lands or parcels~~ of land ~~lands~~ in the same manner as other special taxes  
20 and assessments are levied, without regard to whether the formalities,  
21 prerequisites, and conditions, prior to equalization, have been met ~~had~~  
22 or not.

23 Sec. 183. Section 14-539, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-539 Within a city of the metropolitan class, in ~~In~~ a case the lots  
26 and real estate abutting upon that part of the street ordered paved as  
27 shown upon any ~~such~~ plat or map are not of uniform depth, as well as in  
28 all cases where, in the discretion of the city council sitting as a board  
29 of equalization, it is just and proper so to do, such ~~the~~ board shall  
30 have the right and authority to fix and determine the depth to which the  
31 real estate shall be charged and assessed with the cost of such

1 improvement, without regard to the line of such lots. Such assessments  
2 shall ~~, the same~~ to be fixed and determined upon the basis of benefits  
3 accruing to the real estate by reason of such improvement. The provisions  
4 of this section, in regard to the depth to which real estate may be  
5 charged and assessed, shall apply to all special assessments.

6 Sec. 184. Section 14-540, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-540 In cases of omission, mistake, defect, or any irregularity in  
9 the preliminary proceedings on any special assessment within a city of  
10 the metropolitan class, the city council shall have power to correct such  
11 mistake, omission, defect, or irregularity, and levy or relevy a special  
12 assessment on any or all property within an improvement ~~in the~~ district,  
13 in accordance with the special benefits to the property on account of  
14 such improvement as found by the city council sitting as a board of  
15 equalization. The city council shall deduct from the benefits and allow  
16 as a credit, before such relevy, an amount equal to the sum of the  
17 installments paid on the original levy.

18 Sec. 185. Section 14-541, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-541 Special assessments may be levied by the city council of a  
21 city of the metropolitan class for the purpose of paying the cost of  
22 constructing or reconstructing sewers or drains within the city, such  
23 assessments to be levied on the real estate benefited by the sewer so  
24 constructed or reconstructed to the extent of the benefits to such  
25 property. Such assessments shall ~~, to~~ be determined, equalized, levied,  
26 and collected as in other cases for special assessments. Where the city  
27 council, sitting as a board of equalization, shall find the benefits to  
28 be equal and uniform, the levy may be according to the front footage of  
29 lots or real estate benefited, or according to such other rule as such  
30 ~~the city council, sitting as a board of equalization,~~ may adopt for the  
31 distribution or adjustment of cost upon the lots or real estate benefited

1 by the improvement.

2 Sec. 186. Section 14-542, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-542 When public improvements are made upon a street or part  
5 thereof and there are lots or grounds belonging to ~~a the city of the~~  
6 metropolitan class but held or used as a part of any utility system or  
7 plant owned by such city ~~it~~, either abutting upon or adjacent to such  
8 street or embraced within any improvement district, such property shall  
9 not be subject to special assessments for the costs of the improvement,  
10 but the costs of improving one-half, or such parts of the costs as might  
11 otherwise be assessed against such property, shall be paid out of the  
12 water fund, gas fund, or other fund available for such purpose and  
13 created to pay the costs of operation of such utility. The board or body  
14 having charge of such fund is directed to pay such costs of such  
15 improvement upon the completion of such improvement ~~thereof~~ to the city  
16 treasurer, and the amount so paid shall be applied to pay the partial  
17 costs of such improvement. Whenever any water main is laid by a  
18 metropolitan utilities district in a street of a city of the metropolitan  
19 class and there are lots or grounds abutting upon such street or embraced  
20 within any improvement district which are owned and controlled by the  
21 city, one-half the cost of constructing such water main in front of such  
22 lot or grounds, if special benefits equal such an amount, to be  
23 determined by the metropolitan utilities district, but not to exceed  
24 fifty cents per lineal front foot, shall be paid out of the general fund  
25 of the city. The city council shall provide for the payment of such costs  
26 to the metropolitan utilities district.

27 Sec. 187. Section 14-543, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-543 For purposes of sections 14-101 to 14-2004:

30 (1) Lot means ~~The word lot as used in this act shall be taken to~~  
31 ~~mean~~ a lot as described and designated upon the recorded plat of a any

1 ~~such city of the metropolitan class~~, and in case there is no recorded  
2 plat of any such city, ~~it shall mean~~ a lot as described and designated  
3 upon any generally recognized map of such city; -

4 (2) Lands means ~~The word lands shall mean~~ any unsubdivided real  
5 estate in a city of the metropolitan class; and -

6 (3) Street includes ~~The word street shall be deemed to include~~  
7 boulevards, avenues, alleys, ~~and~~ lanes, or any form of public roadway in  
8 a the city of the metropolitan class.

9 Sec. 188. Section 14-544, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 14-544 A special assessment within a city of the metropolitan class  
12 shall not be declared void or invalid because the city council sitting as  
13 a said board of equalization has included in the total cost of the  
14 improvement (1) the cost of inspection under the direction of the city  
15 engineer, (2) the cost of such grading, filling, or street repairs  
16 incidental to such improvement, (3) the additional cost of maintenance or  
17 repair of such improvement included in the contract for such work, and  
18 (4) the cost of removing obstructions and removing and lowering pipes  
19 owned and controlled by the city.

20 Sec. 189. Section 14-545, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-545 All special assessments to cover the cost of any public  
23 improvements ~~herein~~ authorized by sections 14-101 to 14-2004 shall be  
24 levied and assessed on all lots, parts of lots, lands, and real estate  
25 specially benefited by such improvement, or within the improvement  
26 district created for the purpose of making such improvement, to the  
27 extent of the benefits to such lots, parts of lots, lands, and real  
28 estate by reason of such improvements, such benefits to be determined by  
29 the city council sitting as a board of equalization. Where the board of  
30 equalization finds ~~they shall find~~ such benefits to be equal and uniform,  
31 such assessment may be according to the foot frontage, and may be

1 prorated and scaled back from the line of such improvements according to  
2 such rules as the board of equalization deems ~~shall consider~~ fair and  
3 equitable.

4 Sec. 190. Section 14-546, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-546 It shall be sufficient in any case in making a levy or  
7 assessment of any tax within a city of the metropolitan class, to  
8 describe the lot or piece of ground as such lot or piece of ground the  
9 ~~same~~ is platted and recorded, although such lot or piece of ground the  
10 ~~same~~ belongs to several persons. If ; ~~but in case~~ any lot or piece of  
11 ground belongs to several persons, the owner of any part of such lot or  
12 piece of ground thereof may pay such owner's ~~his~~ proportion of the tax on  
13 such lot or piece of ground, and such ~~his~~ proper share may be determined  
14 by the city treasurer.

15 Sec. 191. Section 14-547, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 14-547 (1) In all cases when special assessments are authorized by  
18 sections 14-101 to 14-2004 ~~this act~~, except as otherwise provided, before  
19 any special tax or assessment is levied, it shall be the duty of the city  
20 council to sit as a board of equalization for one or more days each month  
21 as the city council shall elect. The city council shall by rule provide  
22 for the day or days on which such meetings shall be held ~~and for the~~  
23 ~~opening and closing hours of such meetings~~. Notice of the date, time, and  
24 place of such meeting or meetings shall be published in the official  
25 newspaper for at least three days, the first publication to be at least  
26 seven days prior to the first session of the board of equalization. A  
27 majority of all members elected to the city council shall constitute a  
28 quorum for the transaction of any business properly brought before the  
29 board of equalization ~~them~~, but a less number may adjourn from time to  
30 time and compel the attendance of absent members. The proceedings of such  
31 board of equalization shall not be invalidated by the absence of a quorum

1 during the ~~meeting advertised hours of sitting~~ but the city clerk or some  
2 member of the board of equalization shall be present to receive  
3 complaints and applications and to give information. No final action  
4 shall be taken by the board of equalization except by a quorum in open  
5 session. When sitting as a board of equalization, the city council may  
6 adopt such reasonable rules as to the manner of presenting complaints and  
7 applying for remedy and relief as shall seem just.

8 (2) The city council may appoint one or more suitable persons to act  
9 as a referee for the board of equalization. The city council may direct  
10 that any protest filed shall be heard in the first instance by the  
11 referee in the manner provided for the hearing of protests by the board  
12 of equalization. Upon the conclusion of the hearing in each case, the  
13 referee shall transmit to the board of equalization all papers relating  
14 to the case, together with his or her findings and recommendations in  
15 writing. The board of equalization, after considering all papers relating  
16 to the protest and the findings and recommendations of the referee, may  
17 make the order recommended by the referee or any other order in the  
18 judgment of the board of equalization required by the findings of the  
19 referee, may hear additional testimony, or may set aside such findings  
20 and hear the protest anew.

21 (3) If a referee is not appointed, the board of equalization shall  
22 hear and determine all such complaints and shall equalize and correct  
23 such assessment.

24 (4) After final deliberation and after all corrections and  
25 equalization of assessments have been made, the city council may levy  
26 such special assessments by ordinance at a regular meeting ~~thereafter~~.  
27 The ordinance levying a special assessment shall be final and binding as  
28 the final order or judgment of a court of general jurisdiction.

29 (5) After the passage of such ordinance no court shall entertain any  
30 action for relief against such special assessment, except upon appeal  
31 from such final order, which remedy shall be deemed exclusive.

1           Sec. 192. Section 14-548, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-548 Any person who has filed a written complaint before the board  
4 of equalization pursuant to section 14-547 shall have the right to appeal  
5 to the district court of the county within which such city of the  
6 metropolitan class is located, by filing a good and sufficient bond in  
7 the sum of not less than fifty dollars and not more than double the  
8 amount of the assessment complained of, conditioned for the faithful  
9 prosecution of such appeal, and if the judgment of special assessment is  
10 sustained, to pay the amount of such judgment, interest, and costs. Such  
11 bond shall be approved and appeal taken as specified in section 14-813.  
12 The district court shall hear the appeal as in equity and without a jury  
13 and determine anew all questions raised before the city. If the court  
14 finds such assessment to be valid, it shall render a decree for the  
15 amount of the assessment, interest, and costs, and declare such  
16 assessment, interest, and costs ~~the same~~ a lien upon the lots or lands so  
17 assessed. If the court finds that the tax is invalid it shall order a  
18 relevy of such assessment or enter such decree as may be just and  
19 equitable.

20           Sec. 193. Section 14-549, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           14-549 Any All special assessment within a city of the metropolitan  
23 class, ~~assessments~~ except when payable in installments, shall be deemed  
24 delinquent if not paid within fifty days after the passage and approval  
25 of the ordinance levying such special assessment ~~the same~~, and interest  
26 at the rate specified in section 45-104.01, as such rate may from time to  
27 time be adjusted by the Legislature, payable in advance, shall be paid on  
28 any all delinquent special assessment ~~assessments~~ from the time such  
29 special assessment ~~the same~~ shall become delinquent.

30           Sec. 194. Section 14-550, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-550 When any special assessment is levied within a city of the  
2 metropolitan class, it shall be the duty of the city clerk to deliver to  
3 the city treasurer a certified copy of the ordinance levying such special  
4 assessment tax, and the city clerk shall append ~~thereto~~ a warrant to such  
5 ordinance requiring the city treasurer to collect such special assessment  
6 assessments. It shall be the duty of the city clerk to immediately give  
7 notice by mail to the owners of the property so assessed, or their  
8 agents, if the addresses of such persons can be ascertained, that such  
9 assessment assessments will become delinquent on a certain date.

10           Sec. 195. Section 14-553, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12           14-553 (1) The city treasurer of a city of the metropolitan class  
13 shall be a member of the finance department of such city and shall give  
14 bond or evidence of equivalent insurance in an amount as required by the  
15 finance director of such city. The city treasurer shall be liable for the  
16 safekeeping and proper disbursement of all funds and money of the city  
17 collected or received by him or her. He or she shall keep his or her  
18 books and accounts in such manner as to show the amount of money  
19 collected by him or her from all sources, the condition of each fund into  
20 which such money ~~the same~~ has been placed, and the items of disbursement  
21 of such funds ~~thereof.~~

22           (2) The city treasurer shall annually complete continuing education  
23 through a program approved by the Auditor of Public Accounts, and proof  
24 of completion of such program shall be submitted to the Auditor of Public  
25 Accounts.

26           Sec. 196. Section 14-556, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28           14-556 (1) The city treasurer of a city of the metropolitan class  
29 shall place all funds of the city, ~~as the same accrue,~~ on deposit in such  
30 banks, capital stock financial institutions, or qualifying mutual  
31 financial institutions within the city as shall agree to pay the highest



1 rate of interest for the use of such funds so deposited. The city council  
2 is hereby directed to advertise for bids for rates for the deposit of  
3 such funds as provided in this section ~~is hereby contemplated~~.

4 (2) The banks, capital stock financial institutions, or qualifying  
5 mutual financial institutions referred to in subsection (1) of this  
6 section, so selected, shall:

7 (a) Give bond to the city for the safekeeping of such funds, and  
8 such city shall not have on deposit in any bank, capital stock financial  
9 institution, or qualifying mutual financial institution giving a guaranty  
10 bond more than the amount insured or guaranteed by the Federal Deposit  
11 Insurance Corporation plus the maximum amount of the bond given by the  
12 bank, capital stock financial institution, or qualifying mutual financial  
13 institution or in any bank, capital stock financial institution, or  
14 qualifying mutual financial institution giving a personal bond more than  
15 the amount insured or guaranteed by the Federal Deposit Insurance  
16 Corporation plus one-half of the amount of the bond of the bank, capital  
17 stock financial institution, or qualifying mutual financial institution.  
18 All bonds of such banks, capital stock financial institutions, or  
19 qualifying mutual financial institutions shall be deposited with and held  
20 by the city treasurer; or

21 (b) Give security as provided in the Public Funds Deposit Security  
22 Act.

23 (3) The fact that a stockholder, director, or other officer of such  
24 bank, capital stock financial institution, or qualifying mutual financial  
25 institution is also serving as mayor, as a member of the city council, as  
26 a member of a board of public works, or as any other officer of the city  
27 ~~such municipality~~ shall not disqualify such bank, capital stock financial  
28 institution, or qualifying mutual financial institution from acting as a  
29 depository for such city municipal ~~municipal~~ funds.

30 (4) Section 77-2366 shall apply to deposits in capital stock  
31 financial institutions.

1 (5) Section 77-2365.01 shall apply to deposits in qualifying mutual  
2 financial institutions.

3 Sec. 197. Section 14-557, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-557 All general municipal taxes levied upon real estate within a  
6 city of the metropolitan class shall be a first lien upon the real estate  
7 upon which such taxes are ~~it is~~ levied and take priority over all other  
8 encumbrances and liens on such real estate ~~thereon~~. All special  
9 assessments regularly levied within a city of the metropolitan class  
10 shall be a perpetual lien on the real estate assessed from the date of  
11 levy until paid irrespective of the county in which such real estate is  
12 situated, but shall be subject to all general taxes. The lien of all  
13 general municipal taxes levied on personal and real property within a  
14 city of the metropolitan class shall be governed by the general revenue  
15 laws of this state.

16 Sec. 198. Section 14-558, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 14-558 It shall be the duty of the city treasurer of a city of the  
19 metropolitan class to proceed as soon as practicable after any personal  
20 tax becomes delinquent, or prior to such delinquency ~~thereto~~ whenever the  
21 city treasurer shall believe that any person, firm, or corporation is  
22 about to dispose of any personal property on which a tax has been levied,  
23 to collect such delinquent taxes ~~the same~~ by ~~distress and~~ sale of the  
24 personal property of such person, firm, or corporation if any such  
25 property can be found within such city. No demand of taxes shall be  
26 necessary, but it shall be the duty of every person owing any municipal  
27 tax or taxes in such cities to pay such taxes at the city ~~attend at the~~  
28 treasurer's office ~~and pay the same~~.

29 Sec. 199. Section 14-559, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-559 All municipal taxes and all special assessments in such

1 cities of the metropolitan class shall be paid in cash. The city  
2 treasurer may sue for the recovery of any tax, in the his-own name of as  
3 city treasurer, or in the name of the city, and shall have all the rights  
4 of a creditor in such suits and in the enforcement of a judgment or  
5 decree.

6 Sec. 200. Section 14-560, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-560 No warrant, other than the warrant of the county clerk issued  
9 to the county treasurer under the general revenue law, shall be necessary  
10 for the collection of the general taxes levied for ~~such~~ cities of the  
11 metropolitan class.

12 Sec. 201. Section 14-562, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-562 Whenever any municipal tax or taxes levied by a city of the  
15 metropolitan class for any former year shall remain uncollected because  
16 of any defect, error, or irregularity in either the power or manner of  
17 making the levy of such taxes thereof, it shall be lawful for the city  
18 council ~~of such city~~ to again levy a tax upon the property so delinquent  
19 in lieu of such former tax or taxes, and at the same rate, and upon the  
20 same assessment as such former tax or taxes were levied, and such tax or  
21 taxes shall be inserted in the tax list, and shall be collected in the  
22 same manner as other general taxes. The city council may, at any time,  
23 correct any error or defect, or supply any omission in the assessment or  
24 listing of any property subject to municipal tax made for the purpose of  
25 taxation for the then current fiscal year, and may require any and all  
26 persons to appear and answer under oath as to their possession or control  
27 of personal property subject to municipal taxation.

28 Sec. 202. Section 14-563, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-563 Notwithstanding any provision of a home rule charter, funds  
31 of a the city of the metropolitan class available for such purpose may be

1 invested in securities of the United States, the State of Nebraska, the a  
2 ~~city of the metropolitan class~~, a county in which such city ~~of the~~  
3 ~~metropolitan class~~ is located, ~~or a school district of such city~~, in the  
4 securities of municipally owned and operated public utility property and  
5 plants of such city, or in the same manner as funds of the State of  
6 Nebraska are invested, except that the city treasurer may purchase  
7 certificates of deposit from and make time deposits in banks, capital  
8 stock financial institutions, or qualifying mutual financial institutions  
9 selected as depositories of city funds. Section 77-2366 shall apply to  
10 deposits in capital stock financial institutions. Section 77-2365.01  
11 shall apply to deposits in qualifying mutual financial institutions.

12 Sec. 203. Section 14-564, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-564 (1) During the month of December of each year, the city  
15 council of a city of the metropolitan class shall prepare, or cause to be  
16 prepared, a list of all supplies required for each office and department  
17 or board of the city for the ensuing year. Such list shall designate  
18 clearly the quantity and quality of the articles required, but shall not  
19 specify the particular product of any manufacturer.

20 (2)(a) The city council may negotiate directly with a sheltered  
21 workshop for such supplies pursuant to section 48-1503.

22 (b) If In the event the city council does not negotiate with a  
23 sheltered workshop, the city clerk shall advertise for bids on the  
24 articles in such list for at least three successive days in the official  
25 newspaper. Such advertisement shall state, in substance, that at a  
26 certain stated regular meeting of the city council, bids will be received  
27 and opened for all such supplies, and it shall be sufficient in such  
28 advertisement to describe the articles in a general way and refer to such  
29 list as being on file in the office of the city clerk. Such bids shall be  
30 received at the first regular meeting of the city council held after such  
31 advertisement has been completed, and awards shall be made at the next

1 regular meeting thereafter. Bidders shall not be required to bid on all  
2 items included in such estimates, nor upon all items in one class. The  
3 city council may accept the lowest and best bid on any item or items and  
4 may reject any and all bids.

5 (3) Other or additional supplies not exceeding the value of one  
6 hundred dollars for any officer or board may be purchased on the request  
7 of the mayor and city comptroller.

8 Sec. 204. Section 14-565, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 14-565 The list described in section 14-564 shall include any and  
11 all supplies or equipment for public improvements, street cleaning or  
12 repairs, or horses, hose, engines, vehicles, or implements used by the  
13 park board, fire department, or police department. A list of such  
14 supplies may be made and advertised for at any time upon request of the  
15 proper board or department ~~of officers~~, but subject to such ~~said~~ section  
16 as to the bids and newspapers and advertisement for bids. Such ~~The said~~  
17 list shall not include the books, documents, or other papers or material  
18 purchased by the library board.

19 Sec. 205. Section 14-566, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-566 (1) At the beginning of the term of each city council in a  
22 city of the metropolitan class, the city clerk purchasing agent shall  
23 advertise for three days in each legal ~~daily~~ newspaper in or of general  
24 circulation in the city for proposals for publishing in such legal ~~some~~  
25 ~~daily~~ newspaper, published in the English language and otherwise meeting  
26 the requirements ~~of a legal newspaper~~ fixed by state law, all public  
27 advertisements, notices, ordinances, resolutions, city council  
28 proceedings, and all other matter published by the city. In addition to  
29 considering the rate bid for printing, the city clerk purchasing agent  
30 may give weight to the character of circulation, quality of printing,  
31 plant, delivery service, and responsibility of the bidders in determining

1 the lowest and best bid. The city clerk He may also consider the  
2 advantage of the same plant's combining publication of ordinances and  
3 providing an ordinance publishing service to subscribers.

4 (2) The city clerk purchasing agent shall notify the city council  
5 ~~clerk of the city clerk's~~ his selection of the official newspaper, which  
6 shall continue as such throughout the term of the city council. The city  
7 council may order additional publication of any of its proceedings in any  
8 other qualified legal newspaper or publication.

9 (3) If at any time, the designated official newspaper ceases regular  
10 publication or is not giving service satisfactory to the city council,  
11 the city clerk purchasing agent shall recommend another qualified legal  
12 newspaper to the city council and, upon approval of the city council,  
13 such legal newspaper ~~it~~ shall become the official newspaper.

14 (4) In case of refusal or neglect of the official newspaper to  
15 publish any required notice, the city clerk shall post such notice on the  
16 city's website or ~~it~~ in a conspicuous place in the city hall, and the  
17 city clerk he shall keep a written record of such posting ~~witnessed by~~  
18 ~~two persons~~. The record of such posting shall be evidence that such  
19 posting the same was done as required and shall be sufficient to fulfill  
20 the requirement of publication.

21 (5) The city shall not be without an official newspaper more than  
22 thirty days at a time.

23 Sec. 206. Section 14-567, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 14-567 (1) ~~Beginning December 31, 1998, through December 31, 2017,~~  
26 ~~the pension board of a city of the metropolitan class shall file with the~~  
27 ~~Public Employees Retirement Board an annual report on each retirement~~  
28 ~~plan established by such city pursuant to section 401(a) of the Internal~~  
29 ~~Revenue Code and shall submit copies of such report to the Auditor of~~  
30 ~~Public Accounts. The Auditor of Public Accounts may prepare a review of~~  
31 ~~such report pursuant to section 84-304.02 but is not required to do so.~~

1 ~~The annual report shall be in a form prescribed by the Public Employees~~  
2 ~~Retirement Board and shall contain the following information for each~~  
3 ~~such retirement plan:~~

4 ~~(a) The number of persons participating in the retirement plan;~~

5 ~~(b) The contribution rates of participants in the plan;~~

6 ~~(c) Plan assets and liabilities;~~

7 ~~(d) The names and positions of persons administering the plan;~~

8 ~~(e) The names and positions of persons investing plan assets;~~

9 ~~(f) The form and nature of investments;~~

10 ~~(g) For each defined contribution plan, a full description of~~  
11 ~~investment policies and options available to plan participants; and~~

12 ~~(h) For each defined benefit plan, the levels of benefits of~~  
13 ~~participants in the plan, the number of members who are eligible for a~~  
14 ~~benefit, and the total present value of such members' benefits, as well~~  
15 ~~as the funding sources which will pay for such benefits.~~

16 ~~If a plan contains no current active participants, the pension board~~  
17 ~~may file in place of such report a statement with the Public Employees~~  
18 ~~Retirement Board indicating the number of retirees still drawing~~  
19 ~~benefits, and the sources and amount of funding for such benefits.~~

20 ~~(2) Through December 31, 2017, if such retirement plan is a defined~~  
21 ~~benefit plan which was open to new members on January 1, 2004, in~~  
22 ~~addition to the reports required by section 13-2402, the pension board of~~  
23 ~~a city of the metropolitan class shall cause to be prepared an annual~~  
24 ~~report and shall file the same with the Public Employees Retirement Board~~  
25 ~~and the Nebraska Retirement Systems Committee of the Legislature and~~  
26 ~~submit to the Auditor of Public Accounts a copy of such report. The~~  
27 ~~Auditor of Public Accounts may prepare a review of such report pursuant~~  
28 ~~to section 84-304.02 but is not required to do so. If the pension board~~  
29 ~~does not submit a copy of the report to the Auditor of Public Accounts~~  
30 ~~within six months after the end of the plan year, the Auditor of Public~~  
31 ~~Accounts may audit, or cause to be audited, the city. All costs of the~~

1 ~~audit shall be paid by the city. The report shall consist of a full~~  
2 ~~actuarial analysis of each such retirement plan established by the city.~~  
3 ~~The analysis shall be prepared by an independent private organization or~~  
4 ~~public entity employing actuaries who are members in good standing of the~~  
5 ~~American Academy of Actuaries, and which organization or entity has~~  
6 ~~demonstrated expertise to perform this type of analysis and is unrelated~~  
7 ~~to any organization offering investment advice or which provides~~  
8 ~~investment management services to the retirement plan. The report to the~~  
9 ~~Nebraska Retirement Systems Committee shall be submitted electronically.~~

10 (1) ~~(3)(a)~~ ~~Beginning December 31, 2018, and each December 31~~  
11 ~~thereafter, for a defined benefit plan the pension board or its designee~~  
12 ~~shall prepare and electronically file an annual report with the Auditor~~  
13 ~~of Public Accounts and the Nebraska Retirement Systems Committee of the~~  
14 ~~Legislature. If such retirement plan is a defined benefit plan which was~~  
15 ~~open to new members on January 1, 2004, the report shall be in addition~~  
16 ~~to the reports required by section 13-2402. The report shall be on a form~~  
17 ~~prescribed by the Auditor of Public Accounts and shall include, but not~~  
18 ~~be limited to, the following information:~~

19 (a) ~~(i)~~ The levels of benefits of participants in the plan, the  
20 number of members who are eligible for a benefit, the total present value  
21 of such members' benefits, and the funding sources which will pay for  
22 such benefits; and

23 (b) ~~(ii)~~ A copy of a full actuarial analysis of each such defined  
24 benefit plan. The analysis shall be prepared by an independent private  
25 organization or public entity employing actuaries who are members in good  
26 standing of the American Academy of Actuaries, and which organization or  
27 entity has demonstrated expertise to perform this type of analysis and is  
28 unrelated to any organization which offers investment advice or provides  
29 investment management services to the retirement plan.

30 (2) ~~(b)~~ The Auditor of Public Accounts may prepare a review of such  
31 report pursuant to section 84-304.02 but is not required to do so. If the



1 pension board does not submit a copy of the report to the Auditor of  
2 Public Accounts within six months after the end of the plan year, the  
3 Auditor of Public Accounts may audit, or cause to be audited, the pension  
4 board. All costs of the audit shall be paid by the pension board.

5 Sec. 207. Section 14-568, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 14-568 Notwithstanding any home rule charter or statutory provisions  
8 or restrictions, any municipal bidding procedure may be waived by the  
9 city council of a city of the metropolitan class when required to comply  
10 with any federal grant, loan, or program.

11 Sec. 208. Section 14-601, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 14-601 The city council of a city of the metropolitan class shall  
14 have the power, and the ~~it shall be its~~ duty to appoint a chief of  
15 police, and all other members of the police force to the extent that  
16 funds may be available to pay their salaries, and as may be necessary to  
17 protect citizens and property, and maintain peace and good order. ~~The~~  
18 ~~council may appoint and define the duties of not to exceed two police~~  
19 ~~matrons.~~

20 Sec. 209. Section 14-602, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-602 The chief of police of a city of the metropolitan class shall  
23 have the supervision and control of the police force of the city, ~~subject~~  
24 ~~to the orders of the superintendent of police.~~ All orders relating to the  
25 direction of the police force shall be given through the chief of police  
26 or, in the chief's ~~his~~ absence, the officer in charge of the police  
27 force.

28 Sec. 210. Section 14-603, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-603 The chief of police of a city of the metropolitan class shall  
31 be the principal ministerial officer of the city corporation. His or her

1 jurisdiction and that of his or her officers in the service of process in  
2 all criminal cases and in cases for the violation of city ordinances  
3 shall be coextensive with the county. The chief of police or his or her  
4 officers shall take bail in all bailable cases for the appearance before  
5 the county court of persons under arrest, but such bail shall be subject  
6 to the approval of the county court.

7 Sec. 211. Section 14-604, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-604 The chief of police of a city of the metropolitan class shall  
10 be subject to the orders of the mayor in the suppression of riots, ~~and~~  
11 tumultuous disturbances, ~~and~~ breaches of the peace. He or she may pursue  
12 and arrest any person fleeing from justice in any part of the state and  
13 shall ~~forthwith~~ bring all persons arrested by him or her ~~arrested~~ before  
14 the county court for trial or examination. He or she may receive and  
15 execute any proper authority for the arrest and detention of criminals  
16 fleeing or escaping from other places or states.

17 Sec. 212. Section 14-605, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-605 The chief of police of a city of the metropolitan class shall  
20 have, in the discharge of his or her proper duties, like powers and be  
21 subject to like responsibilities as a county sheriff ~~sheriffs~~ in similar  
22 cases.

23 Sec. 213. Section 14-606, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-606 Each police officer of a city of the metropolitan class shall  
26 give a bond, shall have the same powers as a county sheriff ~~sheriffs~~ in  
27 arresting all offenders against the laws of the state, and may arrest all  
28 offenders against the ordinances of the city with or without a warrant.  
29 In discharge of their duties as police officers, they shall be subject to  
30 the immediate orders of the chief of police.

31 Sec. 214. Section 14-607, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 14-607 It shall be the duty of police officers of a city of the  
3 metropolitan class to ~~make a daily report to the chief of police of the~~  
4 ~~time of lighting and extinguishing of all public lights and lamps upon~~  
5 ~~their beats, and also any lamps that may be broken or out of repair. They~~  
6 ~~shall also~~ report to the chief of police ~~same office~~ any defect in any  
7 sidewalk, street, alley, or other public highway, ~~or~~ the existence of ice  
8 or dangerous obstructions on the walks or streets, ~~a~~ ~~or~~ break in any  
9 sewer, any ~~or~~ disagreeable odors emanating from inlets to sewers, or any  
10 violation of the health laws or ordinances of the city. Suitable forms  
11 ~~blanks~~ for making such reports shall be furnished to the chief of police  
12 by the city department of public works ~~electrician and health~~  
13 ~~commissioner~~. Such reports shall be transmitted by the chief of police  
14 ~~transmitted~~ to the proper officers of the city. In case of any violation  
15 of laws or ordinances, ~~the~~ police officer making report shall report the  
16 facts to the appropriate prosecuting authority. Such police officers ~~They~~  
17 shall also perform such other duties as may be required by ordinance.

18 Sec. 215. Section 14-609, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-609 All members or appointees of the police department of a city  
21 of the metropolitan class shall be subject to removal by the city council  
22 in the same manner as provided for members of the fire department.

23 Sec. 216. Section 14-702, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-702 The city council of a city of the metropolitan class shall  
26 employ a chief of the fire department and all other officers,  
27 firefighters, and assistants as may be proper and necessary for the  
28 effective service of the fire department to the extent and limit that the  
29 funds provided by the city council for that purpose will allow. Each fire  
30 department applicant shall, as a condition of employment, submit to the  
31 city a full set of his or her fingerprints along with written permission

1 authorizing the city to forward the set of fingerprints to the Federal  
2 Bureau of Investigation, through either the Nebraska State Patrol or the  
3 city police department, to facilitate a check of his or her criminal  
4 history record information by the Identification Division of the Federal  
5 Bureau of Investigation. The fingerprint check provided for in this  
6 section shall be solely for the purpose of confirming information  
7 provided by the fire department applicant.

8 Sec. 217. Section 14-704, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 14-704 (1) All members or appointees of the fire department of a  
11 city of the metropolitan class shall be subject to removal by the city  
12 council under such rules and regulations as may be adopted, and whenever  
13 the city council shall consider and declare such removal necessary for  
14 the proper management or discipline, or for the more effective working or  
15 service of the fire department.

16 (2) No member or officer of the fire department shall be discharged  
17 for political reasons, nor shall a person be employed by ~~or taken into~~  
18 such department for political reasons.

19 (3) Before a firefighter ~~fireman~~ can be discharged, charges must be  
20 filed against such firefighter ~~him~~ before the city council and a hearing  
21 had on such charges ~~thereon~~, and an opportunity given such firefighter  
22 ~~member~~ to defend against such charges, but this provision shall not be  
23 construed to prevent peremptory suspension of such member by such  
24 member's ~~his~~ superiors in case of misconduct or neglect of duty or  
25 disobedience to orders. Whenever any such suspension is made, charges  
26 shall be at once filed before the city council by the person ordering  
27 such suspension, and a trial had on such charges ~~thereon~~.

28 (4) The city council shall have the power to enforce the attendance  
29 of witnesses and the production of books and papers, and to administer  
30 oaths to such witnesses ~~them~~ in the same manner and with like effect and  
31 under the same penalties as in the case of magistrates exercising civil

1 and criminal jurisdiction under the statutes of the State of Nebraska.  
2 The city council ~~It~~ shall have such other powers and perform such other  
3 duties as may be authorized or defined by ordinance.

4 Sec. 218. Section 14-709, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-709 (1) Any person who is a sworn member of an organized and  
7 paid fire department of any city of the metropolitan class and who is an  
8 authorized arson investigator for such city in order to determine the  
9 cause, origin, and circumstances of fires shall be classified as a peace  
10 officer while on duty and in the course of any such investigation. Such  
11 person shall possess the same powers of arrest, search, ~~and seizure,~~ and  
12 the securing and service of warrants as police officers of such city.

13 (2) While on duty and in the course of any such investigation, an  
14 arson investigator ~~such person~~ may carry such weapons as may be necessary  
15 but only if such investigator ~~that person~~ has satisfactorily completed a  
16 training program offered or approved by the Nebraska Police Standards  
17 Advisory Council or equivalent training offered by such city and  
18 certified by the city council. Such training need not include exposure to  
19 vehicle and traffic law, traffic control and accident investigation, or  
20 first aid.

21 (3) An arson investigator ~~Such person~~ shall, in addition to having  
22 ~~have~~ been an active member of an organized fire department for a minimum  
23 of six years, ~~and shall~~ meet the minimum qualifications and training  
24 standards established by the city for all firefighters.

25 (4) Any arson investigator ~~person~~ granted the powers enumerated in  
26 this section may exercise such powers only while on duty and during the  
27 course of investigating the cause, origin, and circumstances of a fire.

28 Sec. 219. Section 14-804, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-804 Before any claim against a the city of the metropolitan  
31 class, except officers' salaries earned within twelve months or interest

1 on the public debt is allowed, the claimant or the claimant's ~~his~~ agent  
2 or attorney shall verify such claim ~~the same~~ by ~~his~~ affidavit, stating  
3 that the several items ~~therein~~ mentioned in such affidavit are just and  
4 true and the services charged ~~therein~~ or articles furnished, as the case  
5 may be, were rendered or furnished as ~~therein~~ charged in such affidavit,  
6 and that the amount ~~therein~~ charged and claimed in such affidavit is due  
7 and unpaid, allowing all just credits. The city comptroller and the  
8 comptroller's ~~his~~ deputy shall have authority to administer oaths and  
9 affirmations in all matters required by this section. All claims against  
10 the city must be filed with the city clerk ~~comptroller~~. When the claim of  
11 any person against the city is disallowed, in whole or in part, by the  
12 city council, such person may appeal from the decision of such ~~said~~ city  
13 council to the district court of the same county, as provided in section  
14 14-813.

15 Sec. 220. Section 14-805, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 14-805 Upon the rejection or disallowance of any claim against a  
18 city of the metropolitan class, it shall be the duty of the city clerk to  
19 notify the claimant or the claimant's ~~his~~ agent or attorney of such fact,  
20 unless such notice is waived in writing. Such notice may be served by any  
21 person authorized by the city clerk and must be served within ten days  
22 from the rejection of such claim. The notice and return of such notice  
23 shall ~~thereon must~~ be filed with the city clerk ~~comptroller~~.

24 Sec. 221. Section 14-806, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-806 No bill or claim for labor, salary, or material, or for extra  
27 service or overtime or account of any kind against a the city of the  
28 metropolitan class, after such bill or claim ~~it~~ has been adversely  
29 reported on and rejected by the city administration ~~under which it has~~  
30 ~~been incurred~~, and no bill, account, or claim, not presented or claimed  
31 within eighteen months after such bill, account, or claim ~~it~~ was incurred

1 and payable, shall be allowed or authorized to be paid by the any mayor  
2 and city council except through the judgment of a court of competent  
3 jurisdiction. These provisions shall apply equally to any modification of  
4 the same account in whatever form such account ~~it~~ may be presented.

5 Sec. 222. Section 14-807, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 14-807 In all cases of damage arising under the provisions of  
8 sections 14-101 to 14-2004, ~~this act~~ the party or parties whose property  
9 is damaged or sought to be taken by the provisions of such sections ~~this~~  
10 ~~act~~ shall have the right to appeal from such assessment of damages, but  
11 such appeal shall not delay the appropriation of the property sought to  
12 be taken, ~~or~~ delay the improvement proposed, or retard the change of  
13 grade sought to be made. In no case shall a the city of the metropolitan  
14 class be liable for the costs or interest on such appeal, unless the  
15 party appealing shall be adjudged entitled, upon the appeal, to a greater  
16 amount of damage than was awarded. The remedy by appeal ~~herein~~ allowed by  
17 this section shall be ~~deemed and held to be~~ exclusive.

18 Sec. 223. Section 14-808, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-808 The corporate name of each city of the metropolitan class  
21 ~~city~~ shall be The City of ....., and all process or notice  
22 whatever affecting any such city shall be served in the manner provided  
23 for service of a summons in a civil action.

24 Sec. 224. Section 14-809, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-809 The city attorney of a city of the metropolitan class shall  
27 have the power to:

28 (1) Intervene ~~intervene~~ in any suit or proceeding when the rights of  
29 the city are involved, or where the city is a proper party; -

30 (2) Waive ~~He shall also have power to waive~~ the issuance and service  
31 of summons and may enter a voluntary appearance when in the city

1 ~~attorney's~~ ~~his~~ opinion the interests of the city may require it; and -

2 (3) ~~Confess~~ He shall have power to confess judgment, but only when  
3 authorized by the city council, ~~and not otherwise.~~

4 Sec. 225. Section 14-810, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-810 If ~~a~~ the city of the metropolitan class shall refuse or  
7 neglect to defend any suit at law or in equity brought against such city  
8 ~~it~~, any resident taxpayer may defend such ~~said~~ suit on ~~its~~ behalf of such  
9 city at the cost of the city, not including attorney's fees.

10 Sec. 226. Section 14-811, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-811 Any ordinance or resolution granting, extending, changing, or  
13 modifying the terms and conditions of a franchise in a city of the  
14 metropolitan class shall not be passed until at least four weeks ~~shall~~  
15 have elapsed after its introduction or proposal, and not until such  
16 resolution or ordinance has been published daily for at least two weeks  
17 in the official newspaper of the city. Such ordinance or resolution ~~it~~  
18 shall not become effective or binding until submitted to the electors and  
19 approved by a majority vote of such electors ~~thereof~~. Submission to the  
20 electors shall be made as provided in section 14-202. A new franchise  
21 shall not hereafter be granted or any modification or extension of any  
22 existing franchise made unless an annuity or royalty be provided and  
23 reserved to the city to be based either upon a fixed reasonable amount  
24 per year or a fixed percentage of the earnings under the operation of the  
25 franchise so granted, and not then until such franchise ~~the same~~ has been  
26 submitted to a vote and approved by the electors at a general city  
27 election or special election called for that purpose.

28 Sec. 227. Section 14-812, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-812 Lands, houses, money, debts due to a city of the metropolitan  
31 class ~~the city~~, and property, and assets of every description belonging



1 to any such ~~metropolitan~~ city, shall be exempt from taxation, execution,  
2 and sale. Judgments against such ~~the said~~ city shall be paid out of the  
3 judgment fund, or out of a special fund created for such ~~the~~ purpose.

4 Sec. 228. Section 14-813, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-813 (1) Whenever the right of appeal is conferred by sections  
7 14-101 to 14-2004 ~~this act~~, the procedure, unless otherwise provided,  
8 shall be substantially as provided in this section. ~~follows:~~

9 (2) The claimant or appellant shall, within twenty days after the  
10 date of the order complained of, execute a bond to the such city of the  
11 metropolitan class with sufficient surety to be approved by the city  
12 clerk, conditioned for the faithful prosecution of such appeal, and the  
13 payment of all costs adjudged against the appellant. Such bond shall be  
14 filed in the office of the city clerk.

15 (3) Upon the request of the appellant and the payment by the  
16 appellant to the city clerk or his or her designee of the estimated cost  
17 of preparation of the transcript, the city clerk shall cause a complete  
18 transcript of the proceedings of the city relating to its decision to be  
19 prepared. The cost of preparing the transcript shall be calculated in the  
20 same manner as the calculation of the fee for a court reporter for the  
21 preparation of a bill of exceptions as specified by rules of practice  
22 prescribed by the Supreme Court. At such time as the completed transcript  
23 is presented to the appellant, the appellant shall pay the amount of the  
24 cost of preparation in excess of the estimated amount already paid or  
25 shall receive a refund of any amount in excess of the actual cost.

26 (4)(a) An appellant determined to be indigent shall not be required  
27 to pay a bond or any costs associated with such transcript preparation.

28 (b) For purposes of this section, indigent means the inability to  
29 financially pursue the appeal without prejudicing the appellant's ability  
30 to provide economic necessities for the appellant or the appellant's  
31 family. Indigency shall be determined by the court having jurisdiction

1 over the appeal upon motion of the appellant. The court shall make a  
2 reasonable inquiry to determine the appellant's financial condition and  
3 shall consider such factors as the appellant's income, the availability  
4 to the appellant of other resources, including real and personal  
5 property, bank accounts, social security benefits, and unemployment or  
6 other benefits, the appellant's normal living expenses, the appellant's  
7 outstanding debts, the number and age of the appellant's dependents, and  
8 other relevant circumstances.

9 (5) It shall be the duty of the claimant or appellant to file a  
10 petition in the district court as in the commencement of an action within  
11 thirty days after the date of the order or award appealed from, and he or  
12 she shall also file such transcript before answer day. The proceedings of  
13 the district court shall thereafter be the same as on appeal from the  
14 county board.

15 (6) Any taxpayer may appeal from the allowance of any claim against  
16 the city by giving a bond and complying with this section.

17 (7) This section shall not be so construed as to prevent the city  
18 council from once reconsidering its action on any claim or award upon ten  
19 days' notice to the interested parties ~~interested~~.

20 Sec. 229. Section 14-814, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 14-814 A city of the metropolitan class shall not be liable for any  
23 tort or act of negligence of the metropolitan utilities district or of  
24 any other utility board or body with full and independent powers of  
25 control, or for torts or acts of negligence of any of the officers or  
26 employees of such metropolitan utilities district or other board or body  
27 which may in any way result from, grow out of, or be connected with the  
28 maintenance, management, control, or operation of any water system or  
29 plant, any gas system or plant, or any other public utility system or  
30 plant which the city may acquire or own but which has been placed in the  
31 control of and is maintained and operated by any such metropolitan

1 utilities district or other board or body. The city shall not be liable  
2 for the debts and obligations of any such metropolitan utilities district  
3 or other board or body incurred in connection with or in any way  
4 pertaining to the maintenance, management, control, or operation of any  
5 such plant or system by such district, board, or body of control with  
6 full authority over the revenue and earnings of such system or plant.

7 Sec. 230. Section 14-816, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-816 All citizens of this state and other persons interested in  
10 the examination of the records kept by any officer of a the city of the  
11 metropolitan class, are ~~hereby fully empowered and~~ authorized to examine  
12 such records ~~the same~~ free of charge during the hours the respective  
13 offices may be kept open for the ordinary transaction of business. The  
14 city council shall have the power to require from any officer of the city  
15 at any time a report in detail of the transactions in such person's ~~his~~  
16 office, or any matter connected with such transactions ~~therewith~~.

17 Sec. 231. Section 14-817, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-817 No bond for cost, appeal, supersedeas, injunction, or  
20 attachment shall be required of any city of the metropolitan class or of  
21 any officer, board, commission, head of any department, agent, or  
22 employee of any such city in any proceeding or court action in which such  
23 ~~said~~ city of the metropolitan class or its officer, board, commission,  
24 head of department, agent, or employee is a party litigant in such  
25 person's or entity's ~~its or his~~ official capacity.

26 Sec. 232. Section 14-818, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 14-818 After July 19, 1980, no person shall establish a paunch  
29 manure, rendering, or sewage treatment plant or facility, or an area  
30 where refuse, garbage, or rubbish is disposed of within three thousand  
31 three hundred feet of a residential area in a metropolitan-class city of

1 the metropolitan class. For purposes of this section, residential area  
2 means shall mean an area designated as residential under the zoning  
3 ordinances authority of such the city.

4 Sec. 233. Section 14-1201, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-1201 (1) Any city of the metropolitan class, including one  
7 governed under a home rule charter, is hereby authorized and empowered  
8 to:

9 (a) Acquire ~~acquire~~ by purchase, condemnation, bargain and sale,  
10 lease, sublease, gift or otherwise, any bridge or viaduct, including  
11 approaches and avenues, rights-of-way, or easements of access to  
12 approaches, necessary real and personal property incident to such bridges  
13 or viaducts, ~~thereto~~ and franchises, special privileges, leases, and  
14 contracts in connection with such bridges or viaducts; -

15 (b) Construct ~~It is also authorized and empowered to construct~~ and  
16 contract for the construction of bridges or viaducts, including all of  
17 ~~aforesaid~~ appurtenances to such bridges or viaducts, facilities, and  
18 property; and -

19 (c) Repair ~~It is also authorized and empowered thereafter to repair,~~  
20 maintain, extend, renew, reconstruct, replace, or enlarge, and to  
21 mortgage or lease, and to use and operate any such bridges or viaducts as  
22 toll or free bridges, either or both from time to time for public use and  
23 travel of all kinds by railroads, street railways, bus lines, vehicles,  
24 and pedestrians, and other uses, any or all as may be determined by the  
25 ~~governing body of the city council.~~

26 (2) The city ~~It~~ may use such bridges or viaducts ~~same~~ for public  
27 utility purposes, and fix the rates of toll or the charges for the use of  
28 such bridges or viaducts ~~same,~~ and grant nonexclusive franchises for use  
29 of such bridges or viaducts ~~same~~ for public utility purposes upon such  
30 terms and conditions as may be prescribed by ordinance.

31 (3) The city ~~It~~ may exercise all such powers within the city limits

1 and five miles outside the city limits thereof within the State of  
2 Nebraska, and any adjoining state, and across any navigable or  
3 nonnavigable stream forming the boundary between such states after having  
4 obtained authority, if any be necessary, from such states and from the  
5 United States.

6 (4) The city ~~It~~ may exercise such powers directly through the  
7 ~~governing body of the city~~ council or any committee of the city council  
8 ~~thereof~~ or through a bridge commission created as provided in sections  
9 14-1227 and 14-1244 to 14-1246, or part any one and part any other.

10 Sec. 234. Section 14-1202, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-1202 Any power granted by sections 14-1201 to 14-1252 to a such  
13 city of the metropolitan class may be exercised by the city independently  
14 or in cooperation with or aid of similar action by any other city or any  
15 county in Nebraska, ~~or~~ any city or county in an adjoining state, ~~or~~ the  
16 State of Nebraska, ~~or~~ any adjoining ~~states,~~ ~~or~~ state, or the government  
17 of the United States, when such other political unit has been authorized  
18 by law to exercise the necessary powers. Such joint action may be  
19 directly by the ~~governing body of the city~~ council through the medium of  
20 a joint bridge commission subject to the same conditions provided in such  
21 ~~said~~ sections for independent action.

22 Sec. 235. Section 14-1203, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-1203 A city of the metropolitan class ~~The cities specified in~~  
25 ~~section 14-1201,~~ through its city council ~~the governing bodies thereof,~~  
26 is ~~are~~ authorized and empowered to grant franchises for the nonexclusive  
27 use of ~~the~~ bridges acquired under sections 14-1201 to 14-1252 to public  
28 utilities upon such terms, conditions, and for such consideration as such  
29 city ~~cities~~ may impose, whether incident to or part of the purchase of an  
30 existing bridge and rights of utilities in connection with such bridge  
31 ~~therewith,~~ or otherwise, and ~~thereafter~~ to extend the duration or to

1 amend the terms and conditions of such franchise ~~thereof~~. In the case of  
2 interstate bridges, any such grant shall be made by the ~~governing body of~~  
3 ~~such~~ city council by ordinance and no vote of the electors of the city  
4 shall be required. In no case shall such a grant be made by any bridge  
5 commission.

6 Sec. 236. Section 14-1204, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1204 In the event that the State of Nebraska, an adjoining state,  
9 the government of the United States, either, any or all of them, should  
10 agree to take over any bridge acquired by a the city of the metropolitan  
11 class or in course of construction under sections 14-1201 to 14-1252 and  
12 thereafter maintain and operate such bridge ~~same~~ as a free bridge at its  
13 or their expense, then such city is authorized to convey such bridge on  
14 such conditions to such party or parties. Such conveyance shall not be  
15 made unless and until all outstanding bonds issued to finance the bridge  
16 have been paid and canceled.

17 Sec. 237. Section 14-1205, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-1205 (1) Any ~~such~~ city of the metropolitan class may grant the  
20 exclusive right to purchase an existing bridge or to construct a new  
21 bridge, and to maintain any such bridge within a distance not exceeding  
22 one mile on each side of the bridge to be so purchased or constructed,  
23 for the period necessary to reimburse cost plus not exceeding eight  
24 percent of such cost ~~thereof~~ for financing charges, together with  
25 interest upon such ~~said~~ cost and charges, but in no event to exceed ten  
26 years, subject to the condition that at the termination of such period,  
27 such bridge shall become the sole property of the public and thereafter  
28 be maintained and operated by the city as a toll or free bridge as such  
29 city may determine from time to time in harmony with the other provisions  
30 of sections 14-1201 to 14-1252 and the laws of the United States.

31 (2) Such grant shall be made in the same manner and subject to the

1 same conditions as may be provided in the home rule charter of such city  
2 for the granting of franchises. Any such grant or assignment shall by  
3 operation of law be subject to the following conditions:

4 (a) The number of officers and employees and the salaries, wages,  
5 and compensation of such officers and employees thereof shall be  
6 reasonable;

7 (b) No ~~no~~ person shall be permitted free use of the bridge or use at  
8 discriminatory toll;

9 (c) ~~Tolls~~ tolls shall be both adequate to hasten payment for the  
10 bridge and reasonable to the public;

11 (d) ~~Financing~~ financing costs shall be reasonable and the city may  
12 impose requirements and safeguards as to the conservation of funds and  
13 insurance of property;

14 (e) ~~Complete~~ complete statements of operations and finances shall be  
15 filed with the city clerk on bond interest dates upon completion of the  
16 bridge and upon delivery of such bridge ~~same~~ to the city; and

17 (f) ~~The~~ the city shall have power to require or itself perform  
18 audits and examine the books and call for any reports at any time.

19 (3) The city may enforce these obligations in any court of competent  
20 jurisdiction.

21 (4) Any such assignment shall by operation of law be subject to the  
22 conditions that the plans and specifications, the location, size, type,  
23 and method of construction, the boundaries and approaches and the  
24 estimates of cost of construction and acquisition shall be first be  
25 submitted to the ~~governing body of the city~~ council and receive its  
26 approval before any construction may commence ~~shall be commenced~~ or any  
27 contract for construction or for financing such construction ~~shall~~ be  
28 entered into.

29 Sec. 238. Section 14-1206, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-1206 (1) If any such city of the metropolitan class desires

1 ~~shall desire~~ to purchase, lease, or sublease any existing bridge and  
2 shall have received any such authority as may be necessary from the  
3 government of the United States, the ~~governing body of such city council~~  
4 may determine the fair value of such bridge thereof, the appraised value  
5 of which shall not exceed two million dollars, including all interests of  
6 any nature in such bridge therein, and may by written resolution  
7 tentatively offer the owners of such bridge thereof jointly the price so  
8 determined, ~~and~~

9       (2) ~~If~~ if all such owners within ninety days thereafter shall file  
10 with the city clerk of such city a duly authorized and properly executed  
11 written tentative acceptance of such offer, binding themselves to accept  
12 such offer ~~the same~~ and to assign such lease or sublease or convey good  
13 and complete title by warranty deed when and if the necessary funds shall  
14 be provided for such offer ~~therefor~~, then upon the filing of such  
15 acceptance, the ~~governing body of the city council~~ may submit to the  
16 electors of such city thereof, at a special election called for that  
17 purpose or at any general election of such city or of the State of  
18 Nebraska within one hundred and twenty days after the filing of such  
19 acceptance, the question whether such purchase shall be made at the price  
20 stated on the ballot and the ~~governing body of the city council~~ be  
21 authorized to issue bonds of the kind or kinds stated in the proposition  
22 and in any such amount as may be required to provide the necessary funds.  
23 The proposition so submitted shall be carried if the majority of the  
24 electors voting on such proposition shall vote in favor of such  
25 proposition. ~~thereof; Provided,~~

26       (3) ~~No~~ ~~no~~ election and no vote of electors shall be required upon  
27 the question of acquiring by purchase, lease, or sublease any existing  
28 bridge or issuing revenue bonds, in an amount not to exceed two million  
29 dollars as authorized by section 14-1217, for the acquisition by  
30 purchase, lease, or sublease of any existing bridge, if the ~~governing~~  
31 ~~body of such city council determines~~ shall determine by a vote of a



1 majority of its members to dispense with such election or vote of  
2 electors as to such question.

3 (4) If the proposition shall be carried at the election, or if the  
4 city council determines governing body shall so determine to dispense  
5 with such election, the tentative acceptance of the owners of such bridge  
6 shall then become final and binding upon such owners ~~them~~ and may be  
7 enforced in any court of competent jurisdiction.

8 (5) Such purchase may also be made subject to existing mortgages and  
9 the assumption of outstanding bonds.

10 (6) If repairs, reconditioning, or reconstruction shall be necessary  
11 to place any bridge so purchased or to be purchased in safe, efficient,  
12 or convenient condition, the ~~governing body of the city~~ council may shall  
13 ~~be empowered to~~ issue additional revenue bonds to provide funds for such  
14 ~~that~~ purpose in an amount not to exceed fifteen percent of the purchase  
15 price of such bridge.

16 (7) Any proposition submitted to the electors shall be published on  
17 three consecutive days in the official newspaper of the city to be  
18 completed not less than ten days before the date of the election.

19 (8) ~~If and when the governing body of any such city council~~  
20 determines shall determine to dispense with such election or vote of the  
21 electors, or if a proposition is shall have been submitted to a vote of  
22 the electors ~~thereof~~ and carried at such election, the city council may  
23 ~~such governing body is hereby authorized and empowered to~~ exercise all  
24 power and authority reasonably necessary and incidental to the exercise  
25 of the powers ~~herein~~ granted in this section.

26 Sec. 239. Section 14-1207, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 14-1207 If any ~~such~~ city of the metropolitan class desires shall  
29 ~~desire~~ to acquire any existing bridge or lease of such bridge ~~thereof~~ or  
30 all interests in such bridge ~~therein~~ by the exercise of the power of  
31 eminent domain, and has shall have received any such authority as ~~may be~~

1 necessary from the government of the United States, such city ~~it~~ may  
2 exercise such power in such manner as Congress may require. ~~If , and if~~  
3 the manner is not prescribed by Congress, the procedure to condemn  
4 property shall be exercised in the manner set forth in sections 76-704 to  
5 76-724.

6 Sec. 240. Section 14-1211, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1211 (1) Within ninety days after a final condemnation award  
9 pursuant to section 14-1207 has been made, ~~the governing body of the city~~  
10 council of such city of the metropolitan class shall, if such city  
11 council ~~it~~ elects to proceed further, introduce an ordinance providing  
12 for the submission to the electors of the city the question whether such  
13 award shall be confirmed and the property be taken and bonds of the kind  
14 or kinds determined by the ~~governing body of the city council,~~ and stated  
15 upon the ballot, shall be issued in the amount of the award.

16 (2) Such proposition shall be submitted within ninety days after the  
17 ordinance becomes effective at a special election called for that purpose  
18 or at any general city or state election, and shall be carried if a  
19 majority of the electors voting on such proposition ~~thereon~~ shall vote in  
20 favor of such proposition ~~thereof~~.

21 (3) No election and no vote of electors shall be required upon the  
22 question of acquiring by condemnation any bridge or issuing revenue bonds  
23 as authorized by section 14-1217 for the acquisition by condemnation of  
24 any existing bridge, if the ~~governing body of such city council~~  
25 determines shall determine by a vote of a majority of its members to  
26 dispense with such election or vote of electors as to such question.

27 Sec. 241. Section 14-1212, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-1212 If ~~a such~~ proposition is carried pursuant to section  
30 14-1211, or if the city council of a city of the metropolitan class  
31 determines governing body shall so determine to dispense with such

1 election, title to the property to be appropriated shall at once vest in  
2 such said city, and the right to possession shall vest in such said city  
3 as soon as money in the amount of such said award is on deposit with the  
4 county judge.

5 Sec. 242. Section 14-1215, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 14-1215 (1) Notwithstanding any limitation or requirement contained  
8 in the city home rule charter of a city of the metropolitan class or  
9 imposed by other laws upon the limit of indebtedness, the issuance of  
10 bonds, the vote of the electors, or the exercise of the power of eminent  
11 domain in or by such city, the city council of such city may governing  
12 body thereof is authorized and empowered to issue and dispose of general  
13 obligation bonds to the amount of fifty thousand dollars, or any part  
14 thereof, in any one calendar year, to finance preliminary work, including  
15 investigation, soundings, employment of engineers and architects, and any  
16 other useful work, or appropriate expenses in connection with the  
17 proposed acquisition or construction of any bridge, bridges, or viaducts,  
18 and the preliminary financing of such bridges or viaducts thereof.

19 (2) Such bonds shall be short-term bonds not to exceed three years,  
20 redeemable at par on any semiannual interest date upon ten days' notice  
21 by publication once in the official newspaper, and may be sold at a  
22 discount of not more than two percent. The proceeds of the sale of such  
23 bonds may be advanced by the governing body of the city council to a  
24 bridge commission created as provided in sections 14-1227 and 14-1244 to  
25 14-1246, to be expended by such commission in preliminary work or for  
26 costs of operation and maintenance or interest charges as may be  
27 necessary.

28 (3) Whether expended by the governing body of the city council or by  
29 a bridge commission, the amount so expended shall constitute a prior and  
30 first lien upon revenue derived from the operation of the bridge in  
31 connection with which such expenditures have been made had, and shall be

1 repaid as soon as possible and used by the ~~governing body of the city~~  
2 council to purchase or redeem such ~~said~~ short-term bonds.

3 (4) The amount of such bonds shall be included as a part of the cost  
4 of the bridge and shall be repaid out of the proceeds of any bonds issued  
5 for permanent financing.

6 Sec. 243. Section 14-1216, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1216 (1) To finance any of the purposes or powers provided for  
9 in sections 14-1201 to 14-1252, the ~~governing body of any such city~~  
10 council of a city of the metropolitan class shall in the first instance  
11 determine whether any purchase, condemnation, or construction authorized  
12 by such ~~said~~ sections shall be financed by bonds which are general  
13 obligations of the city and which may also be supported by a lien or  
14 mortgage on the bridge itself or upon the collection of tolls to be  
15 derived from the use of such bridge ~~therefrom~~, or both, or by revenue  
16 bonds as provided for in section 14-1217 and which are charged solely  
17 against the revenue to be derived from such bridge through the collection  
18 of tolls, or part one kind of bonds and part the other.

19 (2) The city council ~~It~~ shall not have authority to purchase,  
20 condemn, nor construct any bridge nor to issue any bonds, except the  
21 preliminary bonds specially authorized by section 14-1215, until first  
22 authorized by the majority vote of the electors voting on such  
23 proposition, which proposition shall indicate the method of acquiring the  
24 bridge and the kind or kinds of bonds, at a special election called for  
25 that purpose or at any general city or state election. ~~No ; Provided, no~~  
26 election and no vote of electors shall be required upon the question of  
27 acquiring or constructing any bridge or issuing revenue bonds as  
28 authorized by section 14-1217, for the acquisition or construction of any  
29 bridge located more than one mile from any existing bridge, other than a  
30 railroad bridge, if the ~~governing body of such city~~ council determines  
31 ~~shall determine~~ by a vote of the majority of its members to dispense with

1 such election or vote of electors as to such question.

2 (3) This grant of power to issue bonds is in addition to any other  
3 power which may now have been or hereafter may be conferred upon such  
4 city, and shall be free from the restrictions now imposed by the home  
5 rule charter of the city upon the issuance of bonds and incurring of  
6 indebtedness, and subject only to the provisions of the Constitution of  
7 Nebraska.

8 (4) At an such election under subsection (2) of this section, the  
9 proposition shall be separate as to the bonds for each bridge to be  
10 acquired or constructed and the amount of bonds may be either a specific  
11 amount equal to the estimated total cost of every nature plus not to  
12 exceed twenty-five percent, or may be general and authorize the issuance  
13 of bonds in such amount as may be found necessary from time to time to  
14 complete the acquisition, construction, and equipment of the bridge and  
15 all costs incident to such bridge thereto, or may be part one and part  
16 the other.

17 (5) For all purposes of financing, the total cost of any improvement  
18 authorized by sections 14-1201 to 14-1252 may include every item of  
19 expense in connection with the project, and among other items shall also  
20 include the cost of acquiring every interest of every nature and of every  
21 person in any existing bridge; τ the cost of constructing the  
22 superstructure, roadway, and substructure of any bridge; τ the approaches  
23 and avenues or rights-of-way of access to such bridge; thereto and  
24 necessary real estate in connection with such bridge; therewith, toll  
25 houses; and equipment thereof and of such the bridge; τ franchises,  
26 easements, rights, or damages incident to or consequent upon the complete  
27 project expenses preliminary to construction, including investigation and  
28 expenses incident to such construction; thereto, and prior to and during  
29 construction the proper traffic estimates; τ interest upon bonds; and all  
30 such other expenses as after the beginning of operation would be properly  
31 chargeable as cost of operation, maintenance, and repairs.

1           Sec. 244. Section 14-1217, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-1217    ~~A city~~ Cities of the metropolitan class ~~is~~ are hereby  
4 authorized to provide funds for the purposes of sections 14-1201 to  
5 14-1252 by the issuance of revenue bonds of such ~~city~~ cities, the  
6 principal and interest of which bonds shall be payable solely from the  
7 special funds ~~herein~~ provided in such sections for such payment and as to  
8 which, as shall be recited in such bonds ~~therein~~, the city shall incur no  
9 indebtedness of any kind or nature and to support which the city shall  
10 not pledge its credit nor its taxing power nor any part of such credit or  
11 taxing power thereof. Such bonds may, at the option of the ~~governing body~~  
12 ~~of such city council~~, be supported by mortgage or by deed of trust.

13           Sec. 245. Section 14-1218, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           14-1218    ~~Revenue~~ Such ~~revenue~~ bonds issued pursuant to section  
16 14-1217 shall bear interest payable semiannually, and shall mature in not  
17 more than twenty years from their date or dates and may be made  
18 redeemable at the option of the city of the metropolitan class issuing  
19 such bonds ~~the same~~ at not more than the par value of such bonds thereof  
20 plus a premium of five percent, under such terms and conditions as the  
21 ~~governing body of the city council~~ may fix prior to the issuance of such  
22 bonds.

23           Sec. 246. Section 14-1219, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25           14-1219 The ~~governing body of the city council~~ of a city of the  
26 metropolitan class shall provide the form of any such bonds issued  
27 pursuant to section 14-1217, including coupons to be attached to such  
28 bonds ~~thereto~~ to evidence interest payments, which bonds shall be signed  
29 by the mayor and countersigned and registered by the city comptroller,  
30 under the city's seal, and which coupons shall bear the facsimile  
31 signature of such ~~said~~ mayor and the city clerk, and shall fix the

1 denomination or denominations of such bonds and the place or places of  
2 payment of the principal and interest of such bonds thereof which may be  
3 at the office of the city treasurer, or any bank or trust company in the  
4 State of Nebraska ~~or in the city of New York, State of New York~~. All  
5 bonds authorized by sections 14-1215 to 14-1217 and 14-1223 shall be and  
6 shall have and are hereby declared to have all the qualities and  
7 incidents of negotiable instruments under the Uniform Commercial Code of  
8 the state without, however, constituting the revenue bonds herein  
9 authorized in such sections an indebtedness of the city issuing such  
10 bonds the same. The ~~governing body of the city council~~ may provide for  
11 the registration of such bonds in the name of the owner as to the  
12 principal alone or as to both principal and interest.

13 Sec. 247. Section 14-1220, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-1220 Revenue ~~Such~~ bonds issued pursuant to section 14-1217 by a  
16 city of the metropolitan class may be sold in such manner as the  
17 ~~governing body of the city council~~ may determine to be for the best  
18 interests of the city, taking into consideration the financial  
19 responsibility of the purchaser, and the terms and conditions of the  
20 purchase, and the availability of the proceeds of the bonds when required  
21 for payment of the costs. Any such sale shall ~~to~~ be at not less than  
22 ninety-two cents on the dollar and accrued interest.

23 Sec. 248. Section 14-1221, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-1221 The proceeds of any revenue ~~such~~ bonds issued by a city of  
26 the metropolitan class pursuant to section 14-1217 shall be deposited in  
27 the first instance with the city treasurer and thereafter with such  
28 depositories as the bridge commission shall direct and the ~~governing body~~  
29 ~~of the city council~~ shall approve, shall be secured in such manner and to  
30 such extent as the ~~governing body of the city council~~ and the bridge  
31 commission shall require, shall be used solely for the payment of the

1 cost of ~~such the~~ bridges and costs incident ~~to such bridges thereto~~, and  
2 shall be drawn upon over the signatures of the ~~chairperson chairman~~ or  
3 ~~vice-chairperson vice-chairman~~ of the bridge commission and the secretary  
4 and treasurer ~~of the bridge commission thereof~~, and under such further  
5 restrictions, if any, as the ~~governing body of the city council~~ may  
6 provide. If the face amount of such bonds, less any discount on the sale  
7 ~~of such bonds thereof~~, shall exceed such cost, the surplus shall be paid  
8 into ~~such funds the fund~~ hereinafter provided for the payment of the  
9 principal and interest of such bonds.

10 Sec. 249. Section 14-1222, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-1222 The ~~governing body of the city council of a city of the~~  
13 ~~metropolitan class~~ shall have the right to purchase for investment of  
14 other funds, and the bridge commission and the ~~governing body of the city~~  
15 ~~council~~ shall have the right to purchase for retirement and cancellation,  
16 any of such bonds that may be outstanding, at the market price, but at  
17 not exceeding one hundred ~~and~~ five percent and accrued interest and not  
18 exceeding the price, if any, at which such bonds ~~the same~~ shall in the  
19 same year be redeemable, but all bonds redeemed or purchased out of funds  
20 provided by the sale of bridge bonds shall ~~forthwith~~ be canceled and  
21 shall not ~~again~~ be reissued ~~issued~~.

22 Sec. 250. Section 14-1223, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-1223 Prior to the preparation of definitive bonds issued pursuant  
25 to sections 14-1201 to 14-1222, the ~~governing body of the city council of~~  
26 a city of the metropolitan class may, under like restrictions, issue  
27 temporary bonds with or without coupons, exchangeable for definitive  
28 bonds upon the issuance of the latter.

29 Sec. 251. Section 14-1224, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-1224 (1) ~~The governing body of the city council of a city of the~~



1 metropolitan class may enter into an agreement with any competent bank or  
2 trust company as trustee for the holders of ~~such~~ bonds issued pursuant to  
3 sections 14-1201 to 14-1224, setting forth the duties of the city and the  
4 bridge commission in respect to the construction, maintenance, operation,  
5 and insurance on all funds, the insurance of money on hand or on deposit  
6 and the rights and remedies of such ~~said~~ trustee and the holders of such  
7 bonds, and restricting the individual right of action of bondholders as  
8 is customary in trust agreements respecting bonds of corporations.

9 (2) Such ~~Said~~ trust agreement may:

10 (a) Contain ~~contain~~ such provisions for protecting and enforcing the  
11 rights and remedies of the trustee and approval by the original bond  
12 purchasers of the appointment of consulting engineers and of the security  
13 given by the bridge contractors and by any bank or trust company in which  
14 the proceeds of bonds or bridge tolls or other money of the bridge  
15 commission shall be deposited, and may provide that no contract for  
16 construction shall be made without the approval of the consulting  
17 engineers; -

18 (b) Contain ~~Said~~ ~~trust agreement may further contain~~ provisions and  
19 covenants that all or any deposited money shall be secured, as may be  
20 ~~therein~~ provided in such agreement, by surety company bonds or otherwise,  
21 and that investments of any or all money shall be prohibited, except as  
22 ~~therein~~ provided in such agreement, or shall be regulated as ~~therein~~  
23 provided in such agreement, and that insurance upon the bridge and all  
24 property connected with such bridge ~~therewith~~, also use and occupancy  
25 insurance, shall be carried to the extent and under the conditions  
26 ~~therein~~ provided in such agreement; and -

27 (c) Include ~~Such~~ ~~trust agreement may also include~~ a covenant that  
28 until the revenue bonds secured by such agreement and the interest on  
29 such bonds ~~thereon shall~~ have been paid, the city will charge and collect  
30 for transit over any or all other bridges, then or thereafter owned by  
31 such city, rates of tolls which may be fixed in such covenant or may be

1 based upon principles and premises set forth in such covenant. The tolls  
2 ~~thereafter~~ collected pursuant to such covenant shall be applied as  
3 provided in section 14-1226, or for the acquisition or construction or  
4 the maintenance and operation, in whole or in part, of any bridge or  
5 bridges now owned or hereafter acquired or constructed by such city or as  
6 may be otherwise provided by law.

7 Sec. 252. Section 14-1225, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-1225 Neither the State of Nebraska nor any political subdivision  
10 thereof shall:

11 (1) Limit ~~limit~~ or restrict the rights and powers granted in  
12 sections 14-1201 to 14-1252 to the detriment of owners of outstanding  
13 bonds; or

14 (2) Authorize ~~nor shall such state or political subdivision~~  
15 ~~authorize~~ the construction or itself construct any competing bridge  
16 within a distance of one mile on either side of the bridge unless and  
17 until all of such bonds, together with the interest on such bonds  
18 ~~thereon~~, have been fully paid and canceled, unless other adequate  
19 provisions ~~shall~~ have been made for the protection and guaranty of such  
20 bonds thereof.

21 Sec. 253. Section 14-1226, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-1226 (1) The rates of tolls to be charged for the use of any  
24 bridge acquired or constructed under the provisions of sections 14-1201  
25 to 14-1252 shall be fixed and adjusted as may be required by any law of  
26 the United States, and shall be so fixed and adjusted as to provide a  
27 fund sufficient to pay the interest and principal of any bonds issued  
28 under sections 14-1215 to 14-1217 and 14-1223 and to provide an  
29 additional fund to pay the cost of maintaining, repairing, and operating  
30 such bridge. Such ~~The~~ rates may also be so fixed and adjusted as to  
31 provide a reserve fund reasonably sufficient to provide for the cost of

1 the continued operation, supervision, maintenance, and repair of such  
2 ~~said~~ bridge or bridges for a period not to exceed twenty-five years after  
3 the removal of toll charges.

4 (2) After the provision of such ~~said~~ funds has been completed, such  
5 bridge or bridges shall ~~thereafter~~ be maintained and operated free of  
6 toll unless or until the charging of reasonable tolls is continued or  
7 resumed by the ~~governing body of the city council or bridge~~ its  
8 commission in order to finance reconstruction, extension, enlargement,  
9 replacement, or renewal of that particular bridge or in aid of the  
10 acquisition, construction, reconstruction, extension, enlargement,  
11 replacement, or renewal of any other bridge owned in whole or in part by  
12 such ~~said~~ city.

13 (3) The owners of outstanding bonds issued to finance the bridge, or  
14 the authorized trustee for such owners ~~therefor~~, shall have the right to  
15 compel the fixing of adequate tolls by application to any court of  
16 competent jurisdiction.

17 (4) In case the city is at the same time providing for the payment  
18 of more than one bridge through the collection of tolls, the tolls upon  
19 such bridges may be maintained and adjusted so that each bridge shall  
20 assist the financing of the other.

21 Sec. 254. Section 14-1227, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-1227 (1) When it has been determined by the ~~governing body of~~  
24 ~~any such~~ city council of a city of the metropolitan class , by resolution  
25 or ordinance in the exercise of its discretion, that in the exercise of  
26 the powers conferred by sections 14-1201 to 14-1252, it is expedient to  
27 create a bridge commission, the mayor of such city, with the approval of  
28 the ~~governing body of the city council~~, shall appoint four persons, who,  
29 with the mayor, as an ex officio member, shall constitute a bridge  
30 commission which shall be a public body corporate and politic under the  
31 name of (insert name of city) Bridge Commission ~~bridge commission~~. Such

1 bridge commission It shall have power to contract, to sue and be sued,  
2 and to adopt a seal and alter such seal ~~same at pleasure~~, but shall not  
3 have power to pledge the credit or taxing power of the city.

4 (2) No officer or employee of such ~~said~~ city, except the mayor  
5 thereof, whether holding a paid or unpaid office, shall be eligible to  
6 hold an appointment on such bridge ~~said~~ commission. Such appointees shall  
7 be originally appointed for terms of four years. Upon the expiration of  
8 such terms, appointments shall be made in like manner except that the  
9 term of the four appointees shall be for one year, two years, three  
10 years, and four years, respectively. Not more than two of such appointees  
11 shall be members of the same political party. Vacancies shall be filled  
12 for any unexpired term in the same manner as the original appointment.  
13 Such bridge ~~Said~~ commission shall elect a chairperson ~~chairman~~ and vice-  
14 chairperson ~~vice-chairman~~ from its members, and a secretary and treasurer  
15 who need not be a member of such commission. The members of the bridge  
16 commission shall receive no compensation and shall give such bonds as may  
17 be required from time to time by the ~~governing body of the city~~ council.  
18 The bridge commission shall fix the compensation of the secretary and  
19 treasurer.

20 (3) The bridge commission shall have the power to establish bylaws,  
21 rules, and regulations for its own government, and to make and enter into  
22 all contracts or agreements necessary or incidental to the performance of  
23 its duties and the execution of its powers. The bridge commission may  
24 employ engineering, architectural, and construction experts and  
25 inspectors and attorneys, and such other employees as may be necessary in  
26 its opinion, and fix their compensation, and such employees ~~all of whom~~  
27 shall do such work as the bridge commission shall direct. All salaries  
28 and compensation for such employees shall be obligations against and be  
29 paid solely from funds provided under the authority of sections 14-1201  
30 to 14-1252. The office, records, books, and accounts of the bridge  
31 commission shall always be maintained in the city which the bridge

1 commission represents. Such bridge commission may be charged by the  
2 ~~governing body of the city council~~ with the construction of new bridges  
3 or the operation, maintenance, repair, renewal, reconstruction,  
4 replacement, extension, or enlargement of existing bridges, ~~or bridges~~  
5 hereafter constructed.

6 Sec. 255. Section 14-1228, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1228 (1) Except as provided in subsection (2) of this section,  
9 the bridge The commission of a city of the metropolitan class is hereby  
10 authorized to:

11 (a) Prepare ~~prepare~~ the necessary and proper plans and  
12 specifications for the construction of such bridges as may be designated  
13 by the ~~governing body of the city council~~; 7

14 (b) Select ~~to select~~ the location for such bridges ~~same~~, determine  
15 the size, type and method of construction of such bridges ~~thereof~~, and ~~to~~  
16 plan and fix the their boundaries and approaches of such bridges; 7

17 (c) Make ~~to make~~ the necessary estimates of the probable cost of  
18 construction and the acquisition of the land and rights for the sites of  
19 the abutments and approaches and avenues or easements of access to such  
20 ~~the~~ bridges in the a manner hereinafter provided by law; 7

21 (d) Enter ~~to enter~~ into the necessary contracts to build and equip  
22 the entire bridges and the approaches and avenues or easements of access  
23 to such bridges; ~~thereto~~;

24 (e) Build ~~to build~~ the superstructures and substructures and all  
25 parts of such bridges; ~~thereof~~;

26 (f) Obtain ~~to obtain~~ and exercise such consent or authority as may  
27 be necessary from the government of the United States and the approval of  
28 the Secretary of the Army and Chief of Engineers; and 7

29 (g) Cause ~~and to cause~~ a survey and map to be made of all lands,  
30 structures, rights-of-way, franchises, easements, or other interests in  
31 lands, including lands under water and riparian rights owned by any

1 ~~person persons~~, corporation, or municipality, the acquisition of which  
2 may be deemed necessary for the construction of such bridges, and to  
3 cause such map and survey to be filed in its office. The members of the  
4 bridge commission, or its agents and employees, may enter upon such lands  
5 and structures and upon lands under water notwithstanding any interests  
6 in such lands or structures, for the purpose of making such surveys and  
7 maps.  ~~; Provided,~~

8 (2) ~~The bridge that~~ the commission shall not proceed to exercise or  
9 carry out any authority or power granted by this section ~~herein given it~~  
10 to bind such bridge ~~said~~ commission beyond the extent to which money has  
11 been provided.

12 Sec. 256. Section 14-1229, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-1229 No contract or agreement for the acquisition, construction,  
15 reconstruction, repair, enlargement, extension, renewal, replacement, or  
16 equipment of any bridge as provided in section 14-1228 ~~such bridges~~  
17 exceeding ~~in amount the sum of~~ twenty-five hundred dollars shall be made  
18 without advertisement for public bids, ~~which shall be opened publicly,~~  
19 and an award made to the best bidder. The bridge ~~, with power in the~~  
20 commission shall have the authority to reject any or all bids.

21 Sec. 257. Section 14-1230, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-1230 The plans and specifications, the location, size, type, and  
24 method of construction, the boundaries and approaches, and the estimates  
25 of cost of construction and acquisition, provided for in sections 14-1228  
26 and 14-1229, shall be first submitted to the ~~governing body of the city~~  
27 council and receive the its approval of the city council before final  
28 adoption by the bridge commission, which shall have no power to proceed  
29 further until such approval has been given ~~had~~.

30 Sec. 258. Section 14-1231, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-1231 No contract for acquisition, construction, or incidents  
2 thereto, and no liabilities in connection with such contract therewith  
3 shall be entered into or incurred by a bridge commission of a city of the  
4 metropolitan class until bonds to finance the project have been  
5 authorized by the electors of the city in the method provided in section  
6 14-1251, or until revenue bonds, as authorized by section 14-1217, have  
7 been issued ~~and disposed of~~ by the ~~governing body of the city council~~.

8           Sec. 259. Section 14-1232, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           14-1232 (1) The bridge commission of a city of the metropolitan  
11 class shall:

12           (a) Operate ~~operate~~, manage, and control the bridges under the its  
13 charge of such commission in their entirety; ~~τ~~

14           (b) Fix ~~fix~~ the rate of tolls of such bridges; ~~τ~~

15           (c) Establish ~~establish~~ bylaws and rules and regulations for the use  
16 and operation of such bridges; ~~τ~~

17           (d) Provide ~~provide~~ for the lighting and policing of such bridges;  
18 ~~thereof,~~

19           (e) Select ~~and select~~ such employees as the bridge commission ~~it~~  
20 deems necessary and fix their compensation; ~~τ~~ and

21           (f) If ~~if~~ and when authorized by the ~~governing body of the city~~  
22 council, shall have the power to renew, replace, reconstruct, extend, and  
23 enlarge bridges. ~~τ~~

24           (2) The bridge commission ~~but~~ shall not have the power to create  
25 liens upon or to mortgage any property unless first authorized by the  
26 ~~governing body of the city council~~.

27           Sec. 260. Section 14-1233, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           14-1233 The bridge commission of a city of the metropolitan class  
30 shall keep an accurate record of all its acts, the property entrusted to  
31 the bridge commission ~~it~~, the cost of the bridge or bridges, and

1 incidents thereto, the expenditures for maintaining, repairing, and  
2 operating such bridges same, and the daily tolls collected. Such ~~, which~~  
3 records shall be public records and the property of the city. A  
4 semiannual statement shall be published on each bond interest date in the  
5 official newspaper of the city. The ~~governing body of the city council~~  
6 shall have the power to examine such ~~the~~ accounts at any time, to call  
7 for any reports at any time in its discretion, and to require the bridge  
8 commission and its employees to appear before the city council ~~it~~ to  
9 report or testify at any time.

10 Sec. 261. Section 14-1234, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-1234 The ~~governing body of the city council of a city of the~~  
13 metropolitan class, after reasonable notice and hearing, may at any time  
14 remove any member of a bridge ~~the~~ commission or discharge any employee of  
15 such bridge commission for good cause shown, but not arbitrarily nor for  
16 political reasons.

17 Sec. 262. Section 14-1235, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-1235 The accounts and statements of the bridge commission of a  
20 city of the metropolitan class shall be audited by or under the direction  
21 of the city comptroller semiannually and finally upon the completion of  
22 the work of the bridge commission and at such other times as may be  
23 directed by the ~~governing body of the city council~~. ~~The~~ ~~, the~~ cost of  
24 such audit shall ~~thereof to~~ be charged against the funds provided for in  
25 sections 14-1201 to 14-1252.

26 Sec. 263. Section 14-1236, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 14-1236 The ~~governing body of the city council of a city of the~~  
29 metropolitan class, and in the absence of action by the city council ~~it~~,  
30 the bridge commission of such city, shall have the power to require bonds  
31 of officers and employees to require guarantees of deposited money, and



1 to insure the bridges and all property connected with such bridges  
2 ~~therewith~~ against every manner of loss or injury.

3 Sec. 264. Section 14-1237, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-1237 Funds under control of the bridge commission of a city of  
6 the metropolitan class may be invested in certificates of deposit in  
7 national banks, capital stock financial institutions, or qualifying  
8 mutual financial institutions or in bonds or other evidences of  
9 indebtedness which are general obligations of the United States, the  
10 State of Nebraska, ~~or~~ other states, or the city or the cities cooperating  
11 as provided in section 14-1202, but only in such a manner as to be  
12 immediately available for recapture when needed for the purposes  
13 authorized in sections 14-1201 to 14-1252. Section 77-2366 shall apply to  
14 deposits in capital stock financial institutions. Section 77-2365.01  
15 shall apply to deposits in qualifying mutual financial institutions.

16 Sec. 265. Section 14-1238, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 14-1238 The bridge commission of a city of the metropolitan class is  
19 ~~hereby~~ authorized to purchase in the State of Nebraska and in any  
20 adjoining state when authorized by such state or the government of the  
21 United States, if such authority be necessary, solely from funds provided  
22 under the authority of sections 14-1201 to 14-1252, such lands,  
23 structures, rights-of-way, franchises, easements, ~~or~~ other interests in  
24 lands, including lands under water and riparian rights of any person,  
25 railroad, or other public or private corporation, necessary or convenient  
26 for the acquisition, construction, extension, ~~or~~ enlargement of such said  
27 bridges and approaches to such bridges thereto, upon such terms, prices, ~~or~~  
28 or consideration as may be considered by such bridge commission ~~it~~ to be  
29 reasonable and can be agreed upon between such bridge commission ~~it~~ and  
30 the owner or owners, title to such property thereto to be taken in the  
31 name of and to vest in the city.

1           Sec. 266. Section 14-1239, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           14-1239 Whenever it shall be necessary to condemn property in the  
4 State of Nebraska for the purpose of constructing, extending, or  
5 enlarging any portion of a bridge ~~the bridges~~ or the approaches to such  
6 bridge thereto, or securing avenues of access or rights-of-way leading to  
7 such ~~the~~ approaches, the bridge commission of a city of the metropolitan  
8 class may condemn any interests, franchises, easements, rights, ~~or~~  
9 privileges, land, or improvements which may, in the its opinion of such  
10 commission, be necessary for the purpose of constructing such bridge ~~the~~  
11 ~~bridges~~ or approaches ~~thereto~~, or necessary for rights-of-way or avenues  
12 of access leading to such ~~the~~ approaches. Condemnation shall be certified  
13 to the ~~governing body of the city~~ council for its action. The procedure  
14 to condemn property shall be exercised in the manner set forth in  
15 sections 76-704 to 76-724. The bridge commission is further empowered to  
16 exercise in any adjoining state such powers of eminent domain as may be  
17 conferred upon the bridge commission by any act of Congress of the United  
18 States or as may be authorized by the law of that state. No payments of  
19 award in any condemnation proceedings ~~proceeds~~ or for the costs of such  
20 proceedings or the expense of such proceedings ~~thereof~~, shall be made  
21 except from funds provided under the authority of sections 14-1201 to  
22 14-1252. Title to property condemned under this section shall be taken in  
23 the name of and vest in the city.

24           Sec. 267. Section 14-1240, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           14-1240 Any individual ~~All individuals~~ or corporation ~~corporations~~  
27 having buildings, structures, works, conduits, mains, sewers, wires,  
28 tracks, or other obstructions in, over, upon, or adjacent to the public  
29 streets, lanes, alleys, or highways or in, under, over or adjacent to the  
30 river over which a bridge is ~~the bridges are~~ to be constructed by a city  
31 of the metropolitan class, and which shall interfere with or impede the

1 progress of such bridge ~~the bridges~~ and approaches when in process of  
2 construction and establishment, shall upon reasonable notice from the  
3 bridge commission temporarily so shift, adjust, accommodate, or remove  
4 any such interference or impediment ~~the same~~, as fully to meet the  
5 exigencies occasioning such action. Upon completion of such construction,  
6 the actual cost of such measures ~~thereof~~, if reasonable, otherwise the  
7 reasonable cost of such measures ~~thereof~~, and other incidental damages,  
8 shall be promptly paid to such person by the bridge commission. In case  
9 of disagreement as to reasonable cost, the damages sustained shall be  
10 ascertained and determined as provided in sections 76-704 to 76-724 and  
11 shall be paid at once by the bridge commission out of funds provided for  
12 in sections 14-1201 to 14-1252. Similar powers may be exercised in an  
13 adjoining state if and in the manner authorized by an act of Congress or  
14 the law of that state.

15 Sec. 268. Section 14-1241, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 14-1241 The ~~governing body of the city~~ council of a city of the  
18 metropolitan class shall cause to be assessed the damages to property by  
19 reason of the construction and operation of any ~~the complete~~ bridge  
20 property and appurtenances and to pay such damages ~~same~~ out of funds  
21 provided for in sections 14-1201 to 14-1252. The damages sustained shall  
22 be ascertained and determined as provided in sections 76-704 to 76-724.  
23 Similar powers may be exercised in an adjoining state if and in the  
24 manner authorized by an act of Congress or the law of that state.

25 Sec. 269. Section 14-1242, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-1242 Any public ways or public works, including those of a ~~the~~  
28 metropolitan utilities district, damaged or destroyed by reason of the  
29 construction ~~building~~ of a bridge ~~such bridges~~ or approaches as provided  
30 in sections 14-1201 to 14-1252 shall be restored or repaired by or at the  
31 expense of the bridge commission created by a city of the metropolitan

1 class and placed in their original condition as near as practicable, or,  
2 at the option of the owner ~~owners~~ of such property, such property the  
3 ~~same~~ may be repaired or restored by the owner and the bridge commission  
4 shall reimburse the owner for the reasonable cost of such repair or  
5 restoration thereof.

6 Sec. 270. Section 14-1243, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1243 Any bridge ~~local~~ commission of a city of the metropolitan  
9 class provided for in sections 14-1227 and 14-1244 may be dissolved by  
10 the ~~governing body of the city~~ council at any time after the acquisition,  
11 construction, and equipment of any the complete bridge or bridges under  
12 ~~within~~ its care have been completed and all the costs of such bridges  
13 ~~thereof~~ have been paid from the funds provided by the bond issues  
14 provided for in sections 14-1215 to 14-1217 and 14-1223. ~~The Thereupon~~  
15 ~~the governing body of the city~~ council shall assume the further duties in  
16 connection with any such bridges ~~bridge~~, including the operation,  
17 maintenance, and repair of such bridges ~~thereof~~, the administration of  
18 funds, the collection of tolls, and all other necessary or proper acts.  
19 At any time the city council ~~thereafter~~ it may create a new bridge  
20 commission to effect any of the purposes ~~or objects~~ authorized by  
21 sections 14-1201 to 14-1252.

22 Sec. 271. Section 14-1244, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 14-1244 (1) In case the ~~governing body of any city~~ council of a  
25 city of the metropolitan class ~~designated in section 14-1201~~, having been  
26 authorized by the electors as required in section 14-1251, shall at any  
27 stage of the proceedings determine to cooperate with any such properly  
28 authorized political subdivision in this or an adjoining state in the  
29 joint acquisition and operation of any a bridge or bridges, a joint  
30 bridge commission shall be created.

31 (2) Such joint bridge commission shall be created and the members

1 selected by the action of each political unit cooperating, in the same  
2 manner provided for the creation of a local bridge commission by the  
3 statutes applicable to each political unit, and upon which representation  
4 may be proportioned to the respective contribution of funds by the  
5 political units cooperating for the purpose of such acquisition except ;  
6 ~~Provided,~~ that the total membership shall not exceed ten members. The  
7 joint bridge commission shall select a chairperson ~~chairman~~ and a vice-  
8 chairperson ~~vice-chairman~~ to represent each political subdivision  
9 cooperating in the enterprise and shall maintain a single office at the  
10 place selected by the joint bridge commission but for legal purposes  
11 shall be domiciled within the jurisdiction of each political unit  
12 cooperating and shall have the power to sue and be sued. The joint bridge  
13 ~~This~~ commission shall constitute a public body corporate and politic,  
14 shall select and adopt its own name, and shall be vested with such powers  
15 and subject to such conditions as may be conferred and imposed by the  
16 government of the United States and such powers and conditions in the  
17 State of Nebraska as are conferred and imposed in sections 14-1201 to  
18 14-1252 upon a local bridge commission, and such powers and subject to  
19 such conditions in an adjoining state as may be conferred and imposed by  
20 the laws of such state.

21 (3) The plans and specifications, the location, size, type, and  
22 method of construction, the boundaries and approaches, and the estimates  
23 of the costs of construction, acquisition of property, and financing,  
24 shall be first submitted to the governing bodies of the political units  
25 cooperating and receive their approval by resolution before final  
26 adoption by the joint bridge commission, which shall not enter into  
27 contracts and shall have no power to proceed further unless and until  
28 such approval has been given ~~had~~.

29 (4) If such joint bridge commission is created after any work has  
30 been done, any funds provided, or any liabilities incurred by the  
31 ~~governing body of the city council~~ or by a local bridge commission, such

1 joint bridge commission shall take over, succeed to, assume and be liable  
2 for such work, funds, or liabilities therefor.

3 Sec. 272. Section 14-1245, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-1245 A city of the metropolitan class is ~~The cities specified in~~  
6 ~~section 14-1201~~ are authorized and empowered to authorize or require a  
7 ~~said~~ joint bridge commission created pursuant to section 14-1244 to  
8 conduct and to complete the sale of bonds provided for in sections  
9 14-1215 to 14-1217 and 14-1223 at the same time and to the same purchaser  
10 under the best conditions obtainable, together with the bonds of the  
11 political subdivision with which such joint bridge commission ~~it~~ is  
12 cooperating so that the benefits of a joint offering and sale may be  
13 obtained. The funds derived from the sale of the bonds of all political  
14 subdivisions cooperating may be mingled and shall be administered and  
15 expended by the joint bridge commission as one common fund. As nearly as  
16 may be, and subject to any rules and regulations which may be adopted by  
17 the joint bridge commission for that purpose, the fund shall be deposited  
18 and maintained in equitable proportions within the territory of each  
19 political subdivision, and applied to the purchase or redemption of the  
20 separate bond issues in an equitable manner. All contracts, evidences of  
21 indebtedness, and payment vouchers shall be signed by the treasurer and  
22 countersigned by each vice-chairperson ~~vice-chairman~~.

23 Sec. 273. Section 14-1246, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 14-1246 Title to all real and personal property and to a ~~the~~  
26 ~~completed~~ bridge constructed by a joint bridge commission and all ~~its~~  
27 appurtenances and incidents to such bridge shall vest in the political  
28 subdivisions cooperating as tenants in common in the same proportion as  
29 the contributions made to the joint fund as provided in section 14-1245.  
30 In the event of the inability of the governing bodies of the political  
31 subdivisions cooperating or the their joint bridge commission to agree,

1 the specific controversy may be submitted to arbitration in such manner  
2 as may be agreed upon by the parties.

3 Sec. 274. Section 14-1247, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-1247 Any city of the metropolitan class exercising specified in  
6 ~~section 14-1201 desiring to exercise~~ the power as granted in section  
7 14-1202 to jointly purchase by bargain and sale any existing bridge may  
8 do so either when the electors have authorized such joint purchase or  
9 have authorized any independent purchase of such bridge. The ~~governing~~  
10 ~~body of the city council may is authorized to~~ enter into a joint contract  
11 with the other political unit as to all the conditions of purchase and  
12 the conditions of subsequent reconditioning, operation, toll charges,  
13 repair, maintenance, renewal, replacement, enlargement, and extension of  
14 such bridge. Title to the bridge shall vest in the political units  
15 cooperating as tenants in common and operation shall be by the joint  
16 bridge commission provided for in section 14-1244 and subject to the  
17 conditions provided with reference to such joint bridge commission.

18 Sec. 275. Section 14-1248, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-1248 (1) Any city of the metropolitan class specified in section  
21 ~~14-1201~~ may acquire an existing bridge by entering into joint  
22 condemnation proceedings with other political units, as authorized by in  
23 section 14-1202. Where the property to be condemned is situated within  
24 the jurisdiction of more than one political unit or partly in the State  
25 of Nebraska and partly in an adjoining state, the political units  
26 cooperating shall first enter into a contract electing in what  
27 jurisdiction and in which state a single joint proceeding to condemn the  
28 property as an entirety shall be instituted and the proceedings shall be  
29 conducted subject to the law of and in the manner provided for that  
30 jurisdiction, or such proceedings may be conducted subject to the law and  
31 in the manner provided by an act of Congress conferring the power of

1 condemnation where the property to be acquired is situated in more than  
2 one state.

3 (2) For purposes of this section ~~this purpose,~~ cities of the  
4 metropolitan class in this state ~~and specified in section 14-1201~~ are  
5 authorized to become parties to a single proceeding in an adjoining state  
6 and to subject themselves to the law of that state governing such  
7 proceedings. In the event of such joint proceedings in this state, the  
8 procedure to condemn property shall be exercised in the manner set forth  
9 in sections 76-704 to 76-724.

10 (3) The contract provided for in this section ~~provided for~~ shall be  
11 similar to the contract provided for in section 14-1247, ~~and shall also~~  
12 fix the proportionate contribution to be made by each political unit  
13 cooperating, ~~and shall also~~ provide for the creation of a joint bridge  
14 commission to take over the operation of the property in the event of its  
15 acquisition, subject to the conditions provided in sections 14-1244 to  
16 14-1250 with reference to such joint bridge commission.

17 (4) Title to the property condemned under this section shall vest in  
18 the political units cooperating as tenants in common when, as, and if the  
19 approval of the electors has been given ~~had~~ as provided in section  
20 14-1251.

21 Sec. 276. Section 14-1249, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 14-1249 Whenever the electors of any city of the metropolitan class  
24 ~~city shall~~ have authorized the construction of a bridge as provided in  
25 section 14-1201, the ~~governing body of the city~~ council shall have the  
26 power to construct such bridge independently or jointly with any state or  
27 political unit as authorized in section 14-1202. Such cities are  
28 authorized to enter into any contract which may be necessary to  
29 effectuate this purpose. The title to all property thus acquired shall  
30 vest in the political units cooperating as tenants in common. The actual  
31 control of all construction and subsequent operation, including all



1 property necessary to the ~~completed~~ bridge, and all maintenance and  
2 repair of such bridge thereof, and all funds and the collection and  
3 custody of tolls, shall vest in a joint bridge commission as provided in  
4 section 14-1244. Such joint bridge, ~~which~~ commission and its control  
5 shall not be terminated until such tenancy in common is ~~shall be~~  
6 terminated.

7 Sec. 277. Section 14-1250, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-1250 Any city in an adjoining state which has been properly  
10 authorized by the laws of that state or the United States, may exercise  
11 in the State of Nebraska any and all of the powers granted in sections  
12 14-1201 to 14-1252 to cities in Nebraska, subject to the conditions and  
13 requirements of such ~~said~~ sections.

14 Sec. 278. Section 14-1251, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-1251 (1) Elections on propositions arising in connection with  
17 the exercise of any of the powers granted by sections 14-1201 to 14-1252  
18 may be submitted by the ~~governing body of the city~~ council of a city of  
19 the metropolitan class to the electors of such city thereof at any  
20 general, city, or state election or at any special election called for  
21 that purpose. Any, ~~and any~~ proposition shall be carried if a majority of  
22 the electors voting on such proposition ~~thereon~~ vote in favor of such  
23 proposition thereof.

24 (2) No bridge shall be finally or irrevocably acquired, whether by  
25 purchase, ~~or by~~ condemnation, or by construction, until such action and  
26 the necessary financing ~~shall~~ have been approved by a majority of the  
27 electors voting on the proposition at a general city or state election or  
28 at a special election called for that purpose, or ~~shall~~ have been  
29 approved by the ~~governing body of the city~~ council, as authorized by such  
30 ~~said~~ sections.

31 (3) Two or more propositions or questions may be submitted at the

1 same election and on the same ballot provided each is so presented that  
2 the electors may vote separately upon each proposition. A vote of the  
3 electors authorizing independent action shall be held to also authorize  
4 joint action for the purpose so authorized but a vote on a proposition of  
5 joint action shall not be held to authorize independent action.

6 ~~(4) The governing body of the city council is hereby~~ authorized to  
7 determine what shall be included in the proposition to be stated in  
8 notices of election and upon the ballots in its full discretion, except  
9 that any proposition must indicate whether the bridge shall be acquired  
10 by ~~the purchase, or~~ by the condemnation of an existing bridge, or by the  
11 construction of a new bridge, and the kind of bonds to be issued to  
12 finance such bridge ~~the same~~ and the amount of such bonds may be set  
13 forth in any manner authorized in such said sections.

14 Sec. 279. Section 14-1252, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 14-1252 ~~Any~~ If any such city of the metropolitan class that has  
17 ~~shall have~~ adopted a home rule charter ~~it~~ may exercise any powers granted  
18 in sections 14-1201 to 14-1251 in the method ~~herein~~ provided by this  
19 section or by ~~in~~ such other method, in whole or in part, as may from time  
20 to time be provided in whole or in part by such said home rule charter.  
21 The powers ~~hereby~~ conferred by such sections shall ~~are to~~ be exercised  
22 without any restriction or limitation under the home rule city charter or  
23 laws of the state except the provisions of the Constitution of Nebraska  
24 ~~the state~~, and are supplementary and additional to powers which have been  
25 or may hereafter be conferred upon the city by the laws of the state or  
26 such home rule charter of the city. All powers granted or provided to be  
27 conferred upon ~~the~~ bridge commissions authorized by such said sections  
28 are likewise granted to and conferred upon and may be exercised by the  
29 ~~governing body of the city council and such the governing body of the~~  
30 city council may delegate to any bridge commission created for such city  
31 under such said sections, in the discretion of such city council

1 ~~governing~~ body, any or all of the powers, privileges, and rights of  
2 approval and restraint conferred upon it by such ~~said~~ sections.

3 Sec. 280. Section 14-1702, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-1702 The Legislature finds and declares that ~~It is hereby~~  
6 ~~determined and declared as a matter of legislative finding and policy:~~

7 (1) Traffic ~~That the traffic~~ in the streets of the business section  
8 of ~~metropolitan~~ cities of the metropolitan class has become congested by  
9 the great number of motor vehicles entering and traversing such streets,  
10 and the trend is for an ever-increasing number of vehicles on such  
11 streets and that, unless appropriate action is taken, the congestion will  
12 become worse and constitute a public nuisance;

13 (2)(a) Such ~~(2) That (a)~~ the traffic congestion has created a hazard  
14 to life, limb, and property of those using such streets, (b) the free  
15 circulation of traffic of all kinds is necessary to the health, safety,  
16 and general welfare of the public, and (c) any impeding of the free flow  
17 of traffic might seriously affect the rapid and effective fighting of  
18 fires and the disposition of the police force and emergency vehicles;

19 (3) There ~~That there~~ is insufficient space, on the streets or places  
20 adjacent to such streets ~~thereto~~, to provide the required parking and  
21 that convenient offstreet parking would facilitate the free flow of  
22 traffic. The space below the surface of property, owned by the county for  
23 courthouse sites or other public uses, and the space below the surface of  
24 the streets could properly and beneficially be used for parking areas and  
25 such use would promote public safety, convenience, and welfare; and

26 (4) Providing ~~That providing~~ for the relieving of traffic congestion  
27 is a matter of public welfare, of general public interest, of statewide  
28 concern, and within the powers reserved to the state.

29 Sec. 281. Section 14-1703, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-1703 As used in sections 14-1701 to 14-1725, unless the context

1 otherwise requires:

2 (1) Authority ~~means a parking authority shall mean the body politic~~  
3 ~~and corporate~~ created pursuant to the Parking Authority Law sections  
4 ~~14-1701 to 14-1725;~~

5 (2) Board means the governing body of such authority, constituted as  
6 is provided by section 14-1705;

7 (2) ~~Facilities shall mean the entire subsurface parking area and all~~  
8 ~~improvements therein or appurtenances used in connection therewith,~~  
9 ~~including entrances and exits, and all equipment, machinery, and~~  
10 ~~accessories necessary or convenient for the parking of vehicles;~~

11 (3) City means ~~shall mean~~ the city of the metropolitan class which  
12 requested the Governor to establish a parking authority within the city;

13 (4) County means ~~shall mean~~ the county in Nebraska where the  
14 authority is located; and

15 (5) Facilities means the entire subsurface parking area and all  
16 improvements in such parking area or appurtenances used in connection  
17 with such parking area, including entrances and exits, and all equipment,  
18 machinery, and accessories necessary or convenient for the parking of  
19 vehicles.

20 (5) ~~The authority shall be deemed located in the county where the~~  
21 ~~city requesting the establishment of the authority is located; and~~

22 (6) ~~Board shall mean the governing body of such authority,~~  
23 ~~constituted as is provided by section 14-1705.~~

24 Sec. 282. Section 14-1704, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 14-1704 The Governor shall establish a parking authority whenever  
27 requested by the city council ~~governing body~~ of a city of the  
28 metropolitan class in which the county seat is located. The authority  
29 shall be established by the Governor issuing a proclamation declaring the  
30 existence of such an authority and filing a copy of such proclamation  
31 thereof with the Secretary of State. The authority shall be a body

1 corporate and politic to be known as ..... Parking Authority,  
 2 therein inserting the name of the city requesting the authority. Such an  
 3 authority shall be a governmental subdivision of the State of Nebraska  
 4 with the powers and authority provided by the Parking Authority Law  
 5 ~~sections 14-1701 to 14-1725~~. Such authority is declared to be an  
 6 instrumentality of the state exercising public and essential governmental  
 7 functions in the performance of the powers conferred upon it by the  
 8 Parking Authority Law, and shall be deemed located in the county where  
 9 the city requesting the establishment of the parking authority is located  
 10 ~~sections 14-1701 to 14-1725~~.

11 Sec. 283. Section 14-1705, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 14-1705 (1) The governing body of the authority shall be a board  
 14 consisting of seven members, two of whom shall, ~~ex officio,~~ be the mayor  
 15 of the city requesting the establishment of the authority and the  
 16 chairperson ~~chairman~~ of the board of county commissioners of the county  
 17 in which ~~wherein~~ the authority is located, both serving as ex officio  
 18 members. Each of these ex officio members shall serve without bond during  
 19 their respective terms as mayor and chairperson ~~chairman~~.

20 (2) The remaining five members shall be residents of the county in  
 21 which the authority is located. Two of such these members shall be  
 22 originally appointed for a term of two years and three for a term of four  
 23 years from the date of their appointment, and thereafter the members  
 24 shall hold office for a term of four years and until their successors are  
 25 appointed and have qualified. The Governor, in making the original  
 26 appointments, shall designate the term of each appointee. Any vacancy, ~~in~~  
 27 the appointed members of the board for any reason, ~~shall be filled for~~  
 28 the unexpired term by an appointment by the Governor. No appointive  
 29 member shall hold office for more than three successive full terms.

30 (3) Each appointive member, before entering upon the duties of ~~his~~  
 31 office, shall file with the Secretary of State an oath that such person

1 he will duly and faithfully perform to the best of such person's ~~his~~  
2 ability all duties of such ~~his~~ office, as provided in the Parking  
3 Authority Law ~~sections 14-1701 to 14-1725~~, and a bond in the penal sum of  
4 five thousand dollars executed by one or more qualified sureties for the  
5 faithful performance of all such person's ~~his~~ duties as a member of the  
6 board of such authority. If any appointive member fails to file such oath  
7 and bond with the Secretary of State within thirty days after written  
8 notice of such appointment, the office shall be deemed to be vacant and a  
9 new appointment made.

10 Sec. 284. Section 14-1706, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-1706 The board authority shall annually elect a chairperson and  
13 vice-chairperson from its members and a secretary and treasurer who shall  
14 not be a member of the board authority. A quorum for the transaction of  
15 business shall consist of four members of the board authority. The  
16 affirmative vote of four members shall be necessary for any action taken  
17 by the board authority. No vacancy in the membership shall impair the  
18 right of the quorum to exercise all the rights and perform all the duties  
19 of the board authority. The members of the board authority shall receive  
20 no compensation for services rendered, but shall be reimbursed for all  
21 expenses incurred by them in the exercise of their duties in the same  
22 manner as provided in section 23-1112 for county officers and employees  
23 and for the cost of their bonds. The secretary and treasurer may be  
24 compensated in such amounts as the board shall fix ~~authority~~ from time to  
25 time ~~shall fix~~, and such persons ~~he or she~~ may be required to give bond,  
26 in the amount prescribed by the board authority, before entering upon the  
27 ~~his or her~~ duties of ~~as such~~ secretary or ~~and~~ treasurer. The premium of  
28 such bond shall be paid for by the board authority.

29 Sec. 285. Section 14-1707, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-1707 (1) For the purpose of accomplishing the object and purpose

1 of the Parking Authority Law sections 14-1701 to 14-1725, the authority  
2 shall possess all the necessary powers of a public body corporate and  
3 governmental subdivision of the State of Nebraska, including the  
4 following powers which shall not be construed as a limitation on the  
5 general powers ~~herein~~ conferred by the Parking Authority Law:

6 (a) ~~(1)~~ To adopt bylaws for the regulation of its affairs and for  
7 the conduct of its business;

8 (b) ~~(2)~~ To adopt the official seal of the authority and to alter  
9 such seal the same at pleasure;

10 (c) ~~(3)~~ To maintain an office within the county where the authority  
11 is located;

12 (d) ~~(4)~~ To sue and be sued in its own name;

13 (e) ~~(5)~~ To make and enter into any and all contracts and agreements  
14 with any individual, public or private corporation, or agency of this  
15 state or the United States, as may be necessary or incidental to the  
16 performance of its duties and the execution of its powers under the  
17 Parking Authority Law provisions of sections 14-1701 to 14-1725;

18 (f) ~~(6)~~ To acquire, lease, and hold such real or personal property  
19 or any rights, interest, or easements in such property therein as may be  
20 necessary or convenient for the purpose of the authority and to sell,  
21 assign, and convey such property the same;

22 (g) ~~(7)~~ To (i) ~~(a)~~ employ a general manager, engineers, accountants,  
23 attorneys, financial experts, and such other employees and agents as the  
24 authority ~~it~~ may deem ~~to be~~ necessary, (ii) ~~(b)~~ fix the ~~their~~  
25 compensation of such employees and agents, and (iii) ~~(c)~~ discharge such  
26 employees and agents the same;

27 (h) ~~(8)~~ To borrow money and issue and sell negotiable bonds, notes,  
28 or other evidence of indebtedness, to provide for the rights of the  
29 holders of such bonds, notes, or other evidence of indebtedness thereof,  
30 and to pledge all or any part of the income of the authority received, as  
31 provided in the Parking Authority Law sections 14-1701 to 14-1725, to

1 secure the payment thereof, except that ~~;~~ ~~Provided,~~ the authority shall  
2 not have the power to pledge the credit or taxing power of the state or  
3 any political subdivision thereof or to place any lien or encumbrance on  
4 property owned by the state, the county, or the city which requested the  
5 establishment of ~~used by~~ the authority;

6 (i) ~~(9)~~ To receive and accept from the federal government, or any  
7 agency thereof, the State of Nebraska, or any subdivision thereof, or  
8 from any person or corporation, donations or grants for or in aid of the  
9 construction of ~~the~~ parking facilities, and to hold, use, and apply such  
10 donations or grants ~~the same~~ for the purpose for which such donations or  
11 grants or donations may have been made; and

12 (j) ~~(10)~~ To have and exercise all powers usually granted to the  
13 board of directors of corporations which are necessary or convenient to  
14 carry out the powers given the authority under the Parking Authority Law.  
15 ~~provisions of sections 14-1701 to 14-1725;~~

16 (2) ~~(11)~~ The authority shall operate only in the county in which it  
17 is located. ~~;~~ ~~and~~

18 (3) ~~(12)~~ The authority shall have no rights of eminent domain.

19 Sec. 286. Section 14-1708, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-1708 Upon establishing an ~~the~~ authority, the county in which ~~;~~  
22 ~~wherein~~ the authority is located, shall grant to the authority the right  
23 to use any space below the plot of ground used as a courthouse site and  
24 such portion of the surface of such ~~said~~ plot not then used by the county  
25 for a courthouse ~~located thereon~~. The city shall likewise grant to the  
26 authority the right to use the space below the surface of the streets  
27 abutting on such ~~said~~ courthouse site including the street intersections  
28 connecting such ~~said~~ streets. The governing bodies of the county and city  
29 shall have the authority to execute the required grants without a vote of  
30 the electorate or any authorization other than that contained in the  
31 Parking Authority Law ~~sections 14-1701 to 14-1725~~. All such grants shall



1 be for a period of fifty years. The authority may also acquire by lease,  
2 purchase, gift, grant, or any lawful manner, such adjoining privately  
3 owned property as may be necessary or convenient for the exercise of its  
4 powers for the construction of entrances to or exits from its ~~parking~~  
5 facilities.

6 Sec. 287. Section 14-1709, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1709 The authority shall construct and maintain ~~subsurface~~  
9 ~~parking~~ facilities at the location acquired under section 14-1708, with  
10 all necessary entrances, exits, air vents, and other appurtenances  
11 required for an efficient facilities ~~subsurface parking~~ facility. In  
12 constructing and maintaining the ~~parking~~ facilities, the surface above  
13 such facilities ~~the facility~~ shall not be disturbed more than shall be  
14 necessary. Any portion of such location ~~thereof~~ not required by the  
15 facilities ~~facility~~ shall, on completion of the facilities ~~facility~~, be  
16 restored to a good usable condition. If it is necessary to relocate or do  
17 other work to protect any sewer line or utility, the authority shall do  
18 the necessary work or bear the expense of such relocation or other work  
19 ~~thereof~~ and the authority shall reimburse the county and city for any  
20 expense or liability incurred as a result of the construction or  
21 maintenance of the facilities ~~facility~~. The authority shall also protect  
22 the owners of private property abutting the facility against loss of  
23 lateral support for improvements erected on their property at the time of  
24 the construction of the facilities or reimburse such owners ~~them~~ for  
25 expenses incurred as a result of the removal of such ~~said~~ support, but  
26 neither the state, county, city, nor authority shall be otherwise liable  
27 to such owners. The county and city shall cooperate with the authority  
28 and make available to the authority without cost any information such  
29 county or city ~~it~~ has that would be useful to the authority in the  
30 construction of the facilities. The ~~parking~~ authority shall not construct  
31 any private entrances or grant the right to others to construct private

1 entrances to its ~~parking~~ facilities.

2       Sec. 288. Section 14-1710, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       14-1710 All purchases and all contracts relating to the  
5 construction, maintenance, improvement, or extension of the authority's  
6 facilities, except other than contracts relating to the acquiring of real  
7 property or some interest in such real property ~~therein~~ or contracts of  
8 employment or some specialized service, involving the expenditure of two  
9 thousand dollars or more, shall be let to the lowest responsible bidder  
10 after not less than twenty days' public notice of request for bids.

11       Sec. 289. Section 14-1711, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13       14-1711 The authority shall lease or grant concessions for the use  
14 of its ~~the~~ facilities or various portions of such facilities ~~thereof~~ to  
15 one or more operators to provide for the efficient operation of the  
16 facilities. All leases or concessions shall be let on a competitive basis  
17 and no lease or concession shall run for a period in excess of thirty  
18 years. In granting any lease or concession, the authority shall retain  
19 such control of the facilities as may be necessary to insure that the  
20 facilities will be properly operated in the public interest and that the  
21 prices charged are reasonable.

22       Sec. 290. Section 14-1712, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       14-1712 (1) The authority may from time to time borrow such money,  
25 as authorized in this section or subdivision (1)(h) ~~(8)~~ of section  
26 14-1707, as it may require in the exercise of its powers and duties, and  
27 to evidence such borrowings and to fund or refund any bonds or interest  
28 on such bonds ~~thereon~~ or other indebtedness it may have outstanding,  
29 issue its negotiable bonds as ~~herein~~ provided in this section. ÷

30       (2) ~~(1)~~ The principal and interest of the bonds shall be payable  
31 only out of the revenue, income, and money of the authority, and shall

1 not constitute a debt or liability of the state or any political  
2 subdivision thereof, other than of the ~~this~~ authority, and neither the  
3 credit nor the taxing power of the state or any political subdivision  
4 thereof, other than the ~~this~~ authority, shall be pledged for the payment  
5 of such ~~said~~ bonds, and all bonds shall bear on their face a statement to  
6 such ~~that~~ effect. The bonds shall mature at such time or times, not  
7 exceeding twenty-five years from their date, as may be determined by the  
8 authority. Such bonds may be redeemable before maturity at the option of  
9 the authority at such price or prices, and under such terms and  
10 conditions as may be fixed by the authority prior to the issuance of the  
11 bonds. The authority shall determine the form of the bonds and fix the  
12 denominations and place of payment, which may be at any bank or trust  
13 company within or outside ~~without~~ the state. The bonds shall be signed by  
14 the chairperson ~~chairman~~ of the authority, or bear the chairperson's ~~his~~  
15 facsimile signature. The seal of the authority shall be impressed on such  
16 bonds ~~thereon~~, and attested by the secretary and treasurer of the  
17 authority. Any coupons attached to such bonds ~~thereto~~ shall bear the  
18 facsimile signature of the chairperson ~~chairman~~ of the authority. In case  
19 any officer, whose facsimile signature or signature shall appear on any  
20 bond or coupon, shall cease to be such officer before the delivery of  
21 such bonds, such signature or such facsimile shall nevertheless be valid  
22 and sufficient for all purposes, the same as if such person ~~he~~ had  
23 remained in office until such delivery;

24 (3) ~~(2)~~ The bonds issued under the Parking Authority Law ~~provisions~~  
25 ~~of sections 14-1701 to 14-1725~~ in negotiable form shall have and are  
26 hereby declared to have all the qualities and incidents of negotiable  
27 instruments under the Uniform Commercial Code of the state. The bonds may  
28 be issued in coupon or in registered form, or both. The authority may  
29 sell such bonds in such a manner and for such price as it determines in  
30 ~~may determine to be for~~ the best interests of the authority; and

31 (4) ~~(3)~~ Prior to the preparation of definitive bonds, the authority

1 may, under like restrictions, issue interim receipts or temporary bonds,  
2 with or without coupons, exchangeable for definitive bonds when such  
3 bonds shall have been executed and are available for delivery. The  
4 authority may also provide for the replacement of any bonds which ~~shall~~  
5 become mutilated, ~~or shall be destroyed,~~ or lost.

6 Sec. 291. Section 14-1713, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 14-1713 ~~At In~~ the discretion of the authority, any bonds issued  
9 under the provisions of the Parking Authority Law ~~sections 14-1701 to~~  
10 ~~14-1725~~ may be secured by trust agreement by and between the authority  
11 and a corporate trustee which may be any trust company or bank having the  
12 powers of a trust company within or outside ~~without~~ the state. Such trust  
13 agreement may contain provisions which shall be deemed to be for the  
14 benefit of the trustee or holders of the bonds as to:

15 (1) The pledging of all or any part of the income, receipts, and  
16 revenue of the authority to secure the payment of the bonds or any issue  
17 of bonds, subject to such agreement with bondholders as may then exist;

18 (2) Provisions for protecting and enforcing the rights and remedies  
19 of the bondholders, including the establishment of reasonable charges,  
20 construction, improvement, maintenance, and operation of the authority's  
21 facilities and insurance upon its properties;

22 (3) The appointment of a trustee, fiduciary, or depository for the  
23 collection, deposit, and disbursement of the funds of the authority;

24 (4) Limitations on the issuance of additional bonds and the terms  
25 upon which additional bonds may be issued and secured and the issuance of  
26 refunding bonds;

27 (5) The procedure by which any contract with the bondholders may be  
28 amended or modified;

29 (6) The keeping of records and making reports to the trustee or  
30 bondholders;

31 (7) The rights and remedies of the trustee and the bondholders and

1 restrictions on individual actions by the bondholders; and

2 (8) Any additional provisions which may be reasonable and proper for  
3 the security of the bondholders.

4 Sec. 292. Section 14-1714, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 14-1714 Any pledge of revenue or other money of the authority made  
7 by the authority, in accordance with the Parking Authority Law provisions  
8 ~~of sections 14-1701 to 14-1725~~, shall be valid and binding from the time  
9 when such ~~the~~ pledge is made, and ~~÷~~ the revenue or other money so pledged  
10 and thereafter received by the authority shall immediately be subject to  
11 the lien of such pledge without any ~~delivery thereof~~ or further act. The  
12 lien of any such pledge shall be valid and binding as against all parties  
13 having claims of any kind, sort, contract, or otherwise against the  
14 authority, irrespective of whether or not such parties have notice of  
15 such pledge ~~thereof~~. Neither the resolution nor any other instrument by  
16 which a pledge is created need be recorded.

17 Sec. 293. Section 14-1715, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-1715 The holder of any bonds or coupons appertaining to such  
20 bonds or coupons issued by the authority ~~thereto~~, unless the trust  
21 agreement vests the right of action solely in the trustee, then the  
22 trustee, may by civil action or proceedings, protect and enforce any and  
23 all rights under the trust agreement covering the issuance of such ~~said~~  
24 bonds, and may enforce and compel the performance of all duties required  
25 by the Parking Authority Law ~~sections 14-1701 to 14-1725~~ or trust  
26 agreement to be performed by the authority or any officer of the  
27 authority ~~thereof~~ and the court having jurisdiction of the proceedings  
28 may, if necessary for the protection of the bondholders, appoint a  
29 receiver or other administrator to operate the facilities until such time  
30 as the obligations to the bondholders have been paid in full. No  
31 execution shall be levied upon, or sale made ~~had~~, of any properties

1 belonging to the authority which are necessary for the operation of the  
2 facilities.

3 Sec. 294. Section 14-1716, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-1716 Nothing in the Parking Authority Law sections ~~14-1701 to~~  
6 ~~14-1725~~ shall be construed (1) as granting to the authority any power to  
7 alienate or encumber any real property belonging to the state or any of  
8 its political subdivisions, (2) to grant to the authority any right or  
9 power to pledge the credit of the State of Nebraska, or any of its  
10 subdivisions, or (3) to give the authority any power to levy or assess  
11 taxes.

12 Sec. 295. Section 14-1717, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 14-1717 Before delivering any bonds, the authority shall prepare a  
15 written statement under oath setting forth its proceedings authorizing  
16 the issuance of the bonds and a copy of the trust or other bond agreement  
17 executed in connection with such bonds therewith.

18 Sec. 296. Section 14-1718, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-1718 Bonds issued by the authority under the Parking Authority  
21 Law ~~provisions of sections 14-1701 to 14-1725~~ are hereby made securities  
22 in which the state and all political subdivisions of the state, their  
23 officers, boards, commissions, departments, or other agencies, all banks,  
24 bankers, savings banks, trust companies, savings and loan associations,  
25 investment companies, insurance associations, and other persons carrying  
26 on an insurance business, and all administrators, executors, guardians,  
27 trustees, and other fiduciaries, and all other persons who are now or may  
28 hereafter be authorized to invest in bonds or other obligations of the  
29 state, may properly and legally invest any funds, including capital  
30 belonging to them or within their control. Such bonds or other securities  
31 or obligations are hereby made securities which may properly and legally

1 be deposited with and received by any state or municipal officers or  
2 agency of the state for any purpose for which the deposit of bonds or  
3 other obligations of the state is now or may hereafter be authorized by  
4 law.

5 Sec. 297. Section 14-1719, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 14-1719 All money received by the authority from whatever source,  
8 including sale of its bonds, shall be deemed to be public trust funds to  
9 be held and applied in the manner provided in the Parking Authority Law  
10 and under such restrictions, if any, as the authority may provide in any  
11 resolution authorizing the issuance of bonds or bond agreement executed  
12 by the authority. Such ~~it.~~ The money shall be deposited in such banks,  
13 capital stock financial institutions, qualifying mutual financial  
14 institutions, or trust companies as may be selected by the authority from  
15 time to time. Section 77-2366 shall apply to deposits in capital stock  
16 financial institutions. Section 77-2365.01 shall apply to deposits in  
17 qualifying mutual financial institutions.

18 Sec. 298. Section 14-1721, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-1721 The authority shall not be required to pay any taxes or  
21 assessments upon its facilities or properties acquired by it and used for  
22 a public purpose. Bonds issued under the Parking Authority Law, their  
23 transfer and income from such bonds ~~therefrom~~, including any profits made  
24 from the sale of such bonds ~~thereof~~, shall be exempt from taxation.

25 Sec. 299. Section 14-1722, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-1722 The authority shall keep a full set of books and records  
28 showing all of its transactions according to the best business practices.  
29 The Auditor of Public Accounts shall cause the books of the account to be  
30 examined and audited annually by a certified public accountant under ~~his~~  
31 direction of the Auditor of Public Accounts. The reports of all audits

1 made by the Auditor of Public Accounts shall be made and remain a part of  
2 the public records in such ~~his~~ office. The expense of such audits shall  
3 be paid out of the funds of the authority. The auditor shall be given  
4 access to all books, papers, contracts, documents, and memoranda of every  
5 kind and character and be furnished all additional information that may  
6 be essential to the making of a comprehensive and correct audit.

7 Sec. 300. Section 14-1723, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-1723 The authority shall not be terminated by any act of the  
10 state prior to the payment in full of all obligations incurred by the  
11 authority. Unless terminated prior to such date ~~thereto~~, the authority  
12 shall terminate at the end of fifty years from the date of its  
13 establishment and ~~it~~ shall ~~forthwith~~ liquidate its affairs and convey to  
14 the city and county respectively any improvements on the property  
15 contributed by them. Any surplus funds shall be distributed to the county  
16 and city in the manner provided by section 14-1720 ~~and thereupon the~~  
17 ~~authority shall cease to exist.~~

18 Sec. 301. Section 14-1724, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-1724 In the event the authority fails to commence the  
21 construction of the ~~parking~~ facilities within three years from the date  
22 of the proclamation issued by the Governor under ~~, as provided for by~~  
23 section 14-1704~~,~~ establishing the authority, the authority shall  
24 terminate and any leases, grants, or rights obtained from the city or  
25 county shall ~~forthwith~~ terminate and revert to the city and county  
26 respectively.

27 Sec. 302. Section 14-1725, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 14-1725 The Parking Authority Law ~~provisions of sections 14-1701 to~~  
30 ~~14-1725~~ shall be independent of and in addition to any other provisions  
31 of law ~~provision of the laws~~ of the State of Nebraska with reference to



1 the matters covered by such law hereby and shall be considered as a  
2 complete and independent act and not as amendatory of or limited by any  
3 other provisions of law ~~provision of the laws~~ of the State of Nebraska.  
4 If any provision of the Parking Authority Law ~~sections 14-1701 to 14-1725~~  
5 is held unconstitutional or invalid, it shall not affect the other  
6 provisions of such law ~~sections 14-1701 to 14-1725~~.

7 Sec. 303. Section 14-1726, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 14-1726 The Legislature finds and declares that ~~It is hereby~~  
10 ~~determined and declared as a matter of legislative finding and policy:~~

11 (1) Traffic ~~That the traffic~~ in the streets of the business section  
12 of ~~metropolitan~~ cities of the metropolitan class has become congested by  
13 the great number of motor vehicles entering and traversing such streets,  
14 and the trend is for an ever-increasing number of vehicles on such  
15 streets and that, unless appropriate action is taken, the congestion will  
16 become worse and constitute a public nuisance;

17 (2)(a) Traffic ~~(2) That (a) the traffic~~ congestion has created a  
18 hazard to life, limb, and property of those using such streets, (b) the  
19 free circulation of traffic of all kinds is necessary to the health,  
20 safety, and general welfare of the public, and (c) any impeding of the  
21 free flow of traffic might seriously affect the rapid and effective  
22 fighting of fires and the disposition of the police force and emergency  
23 vehicles;

24 (3) There ~~That there~~ is insufficient space, on the streets or places  
25 adjacent to such streets ~~thereto~~, to provide the required parking and  
26 that convenient offstreet parking would facilitate the free flow of  
27 traffic. The space below the surface of property, owned by the county for  
28 courthouse sites or other public uses, the space below the surface of the  
29 streets, and the space above and below the surface of an area adjacent to  
30 public buildings within the civic center of such city could properly and  
31 beneficially be used for parking areas and such use would promote public

1 safety, convenience, and welfare; and

2 (4) ~~Providing That providing~~ for the relieving of traffic congestion  
3 is a matter of public welfare, of ~~or~~ general public interest, of  
4 statewide concern, and within the powers reserved to the state.

5 Sec. 304. Section 14-1727, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 14-1727 As used in sections 14-1726 to 14-1730, unless the context  
8 otherwise requires:

9 (1) Parking facilities means ~~shall mean~~ the entire surface or  
10 subsurface parking area and all improvements in such parking area ~~therein~~  
11 or appurtenances used in connection with such parking area ~~therewith~~,  
12 including entrances and exits, and all equipment, machinery, and  
13 accessories necessary or convenient for the parking of vehicles; and

14 (2) Civic center means ~~shall mean~~ the area designated by the city  
15 council of a city of the metropolitan class in the master plan of the  
16 city as the site for city and county administrative, legislative, and  
17 judicial headquarters, together with such other governmental functions  
18 and subdivisions as may be deemed appropriate.

19 Sec. 305. Section 14-1728, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 14-1728 Any city of the metropolitan class, any county in which such  
22 city is located, or such city and county jointly may construct parking  
23 facilities in conjunction with a civic center. When constructed, such  
24 parking facilities shall be leased for operation, in which case the lease  
25 shall be granted to the highest and best bidder, after publication and  
26 notice of such offering for lease in the same manner as required by law  
27 for other contracts awarded by the city, ~~or~~ county, or city and county.  
28 Such facilities shall not be operated by the city, ~~or~~ county, or city and  
29 county.

30 Sec. 306. Section 14-1729, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           14-1729 For the purpose of constructing ~~such~~ parking facilities as  
2 provided in section 14-1728, the city and county may jointly issue  
3 revenue bonds. The principal and interest of such bonds shall be payable  
4 only out of the revenue and income of such parking facilities.

5           Sec. 307. Section 14-1730, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           14-1730   (1) Each city of the metropolitan class shall have the  
8 power to lease, upon such terms as the city deems ~~it shall deem~~  
9 appropriate for a term not to exceed ninety-nine years, air space above  
10 any street, alley, major traffic street, connecting link, controlled-  
11 access facility, main thoroughfare, boulevard, or other property owned by  
12 such city, to one or more of the owners of the fee title adjoining such  
13 air space on either or both sides of such street, alley, major traffic  
14 street, connecting link, controlled-access facility, main thoroughfare,  
15 boulevard, or other city property, but only if the air space to be so  
16 leased is not needed for and does not materially interfere with the use  
17 of such street, alley, major traffic street, connecting link, controlled-  
18 access facility, main thoroughfare, boulevard, or other city property.

19           (2) All leases of such air space shall provide (a) the minimum  
20 clearances to be maintained at various points over the street, alley,  
21 major traffic street, connecting link, controlled-access facility, main  
22 thoroughfare, boulevard, or other city property, (b) ÷ the area of the  
23 air space to be leased, (c) ÷ the location of supports, columns, pillars,  
24 foundations or other similar or supporting structures within or on such  
25 street, alley, major traffic street, connecting link, controlled-access  
26 facility, main thoroughfare, boulevard, or other city property, ÷ and (d)  
27 that such supporting structures shall be so located as not to materially  
28 interfere with the use of the street, alley, major traffic street,  
29 connecting link, controlled-access facility, main thoroughfare,  
30 boulevard, or other city property. Such leases may contain such other  
31 terms and conditions as shall be deemed appropriate by the city.

1           (3) In determining rental under any such lease, the city may take  
2 into account the public purpose or use, if any, to be served by the  
3 lessee.

4           Sec. 308. Section 14-1731, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6           14-1731 (1) The Legislature hereby finds and declares that the great  
7 increase in the number of motor vehicles, including buses and trucks, has  
8 created hazards to life and property in cities of the metropolitan class  
9 in Nebraska.

10          ~~(2) State recognition is hereby given to the hazard created in the~~  
11 ~~streets of cities of the metropolitan class by the great increase in the~~  
12 ~~number of motor vehicles, buses, and trucks. In order to remove or reduce~~  
13 the hazards of life and property and the inconvenience of congested  
14 traffic on the streets in such cities in this state, it is hereby deemed  
15 necessary and of general benefit to the entire State of Nebraska to  
16 provide means for such cities to own offstreet vehicle parking facilities  
17 exclusively for the parking of motor vehicles.

18          Sec. 309. Section 14-1732, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20          14-1732 Any city of the metropolitan class is hereby authorized to  
21 own, purchase, construct, equip, lease, or operate within such city  
22 offstreet motor vehicle parking facilities on property located beneath  
23 any elevated segment of the National System of Interstate and Defense  
24 Highways or portion thereof, or public property title to which is held by  
25 ~~in~~ the city on May 7, 1971, or property owned by the city and used in  
26 conjunction with and incidental to city-operated facilities, or on  
27 property situated so as to serve business in the central business  
28 district, or business in long-established outlying neighborhood business  
29 districts for the use of the general public. The grant of power in this  
30 section does not include the power to engage, directly or indirectly, in  
31 the sale of gasoline, oil, or other merchandise or in the furnishing of

1 any service other than that of parking motor vehicles as provided in this  
2 section ~~herein~~. Any such city shall have the authority to acquire by  
3 grant, contract, or purchase, as provided by law for such acquisition,  
4 all real or personal property, including a site or sites on which to  
5 construct such facilities, necessary or convenient in the carrying out of  
6 this grant of power.

7 Sec. 310. Section 14-1733, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 14-1733 (1) In order to pay the cost required by any purchase,  
10 construction, or lease of property and equipping of offstreet parking  
11 such facilities under sections 14-1731 to 14-1740, or the enlargement of  
12 presently owned facilities, a the city of the metropolitan class may:

13 (a) ~~(1)~~ Issue revenue bonds to provide the funds for such  
14 improvements. Such revenue bonds shall be a lien only upon the revenue  
15 and earnings of parking facilities and onstreet parking meters. Such  
16 revenue bonds shall mature in no more than forty years and shall be sold  
17 at public or private sale. Any such revenue bonds which may be issued  
18 shall not be included in computing the maximum amount of bonds which the  
19 issuing city of the metropolitan class may be authorized to issue under  
20 its home rule charter or any statute of this state. Such revenue bonds  
21 may be issued and sold or delivered to the contractor at par and accrued  
22 interest for the amount of work performed. The city may pledge the  
23 revenue from any facility or parking meters as security for the bonds;

24 (b) Upon ~~(2) upon~~ an initiative petition of the majority of the  
25 record owners of taxable property included in a proposed parking  
26 district, create, by ordinance, parking districts and delineate the  
27 boundaries of such parking districts ~~thereof~~. If the city council finds  
28 that there are common benefits enjoyed by the public at large without  
29 reference to the ownership of property, or that there is a common benefit  
30 to the property encompassed within a parking district or districts, the  
31 city may assess the costs of such improvement or improvements as special

1 assessments against all the property included in such district or  
2 districts, according to such rules as the city council, sitting as a  
3 board of equalization, shall adopt for the distribution or adjustment of  
4 the costs of such improvement or improvements. All such special  
5 assessments shall be equalized, levied, and collected as special  
6 assessments. Special assessments levied pursuant to this section shall be  
7 due, payable, and bear interest as the city council shall determine by  
8 ordinance. Installment payments shall not be allowed for any period in  
9 excess of twenty years; or

10 (c) Use ~~(3) use~~, independently or together with revenue derived  
11 pursuant to subdivision (1)(a) (1) or (b) (2) of this section, gifts,  
12 leases, devises, grants, federal or state funds, or agreements with other  
13 public entities.

14 (2) No real property shall be included in any parking district  
15 created pursuant to this section when the zoning district in which such  
16 property is located is a residential zoning district or a district where  
17 the predominant type of land use authorized is residential in nature.

18 Sec. 311. Section 14-1734, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 14-1734 Before the issuance of any revenue bonds for improvements as  
21 provided under section 14-1733, a the city of the metropolitan class  
22 shall have an independent and qualified firm of engineers prepare plans  
23 and specifications for the such improvements financed with such bonds. In  
24 the preparation of such the plans and specifications, the independent  
25 engineer shall collaborate and counsel with any city engineering or  
26 traffic department so as to coordinate the program with the program for  
27 the control of traffic within such city.

28 Sec. 312. Section 14-1735, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 14-1735 The city council governing body of a any such city of the  
31 metropolitan class shall make all necessary rules and regulations

1 governing the use, operation, and control of ~~the~~ facilities authorized by  
2 sections 14-1731 to 14-1740. In the exercise of the grant of power set  
3 forth in sections 14-1731 to 14-1740, the city of the metropolitan class  
4 shall make contracts with others, if such contracts are necessary and  
5 needed for the payment of the revenue bonds authorized in sections  
6 14-1731 to 14-1740 and for the successful operation of the parking  
7 facilities. If the city is unable to secure a reasonable lease with  
8 another party for operation of the facility, the city may operate the  
9 facility itself. The city council ~~governing body~~ may also make any other  
10 agreements with the purchasers of the bonds for the security of the  
11 ~~issuing~~ city and the purchasers of such bonds not in contravention with  
12 ~~of the provisions of~~ sections 14-1731 to 14-1740.

13 Sec. 313. Section 14-1737, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 14-1737 On the creation of a ~~such~~ motor vehicle parking facility for  
16 the use of the general public under sections 14-1731 to 14-1740, a ~~the~~  
17 city of the metropolitan class shall lease such facility to one or more  
18 operators to provide for the efficient operation of the facility. Such  
19 lease shall be let on a competitive basis and no lease shall run for a  
20 period in excess of four years except ; ~~Provided~~, that leases of  
21 facilities in conjunction with office buildings, shopping centers, public  
22 facilities, or redevelopment areas may be for any period not to exceed  
23 twenty years. In granting any lease, the city shall retain such control  
24 of the facility as may be necessary to insure that the facility will be  
25 properly operated in the public interest and that the prices charged are  
26 reasonable. If the city is unable to secure a reasonable lease with  
27 another party for operation of the facility, the city may operate the  
28 facility itself. Sections ~~The provisions of sections~~ 14-1731 to 14-1740  
29 shall not be construed to authorize the city or the lessee of the  
30 facility to engage in the sale of any commodity, product, or service, or  
31 to engage in any business other than the purposes set forth in section

1 14-1732.

2 Sec. 314. Section 14-1738, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 14-1738 Multilevel parking structures now used or hereafter acquired  
5 for offstreet motor vehicle parking by a private operator within a city  
6 of the metropolitan class shall not be subject to eminent domain for the  
7 purpose of creating a parking facility pursuant to sections 14-1733,  
8 14-1735, 14-1737, and 14-1738 when such multilevel structure has a  
9 capacity of more than two hundred automobiles.

10 Sec. 315. Section 14-1739, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 14-1739 Sections ~~The provisions of sections~~ 14-1731 to 14-1740 and  
13 of any ordinance authorizing the issuance of bonds under such ~~the~~  
14 ~~provisions of sections 14-1731 to 14-1740~~ shall constitute a contract  
15 with the holders of such bonds, and any holder of a bond or bonds or any  
16 of the coupons of any bond or bonds of a city of the metropolitan class  
17 ~~such municipality~~, issued under such ~~the provisions of sections 14-1731~~  
18 ~~to 14-1740~~, may either in law or in equity, by suit, action, mandamus, or  
19 other proceedings, enforce and compel the performance of all duties  
20 required by such ~~the provisions of sections 14-1731 to 14-1740~~ or by the  
21 ordinance authorizing the bonds, including the making and collection of  
22 sufficient charges and fees for service and the use of such charges and  
23 fees ~~thereof~~, and the application of income and revenue from such charges  
24 and fees ~~thereof~~.

25 Sec. 316. Section 14-2001, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 14-2001 Any city of the metropolitan class may by ordinance provide  
28 for the creation and establishment of landmark heritage preservation  
29 districts and a landmark heritage preservation commission for the purpose  
30 of preserving buildings, lands, areas, or districts within any such city  
31 which are determined by the landmark heritage preservation commission to



1 possess particular historical, architectural, cultural, or educational  
2 value.

3 Sec. 317. Section 14-2002, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-2002 (1) The powers and duties of any landmark heritage  
6 preservation commission created pursuant to sections 14-2001 to 14-2004  
7 shall be such as are delegated or assigned by the ordinance establishing  
8 the landmark heritage preservation ~~such~~ commission. The city council  
9 shall specifically state in such ordinance which powers the landmark  
10 heritage preservation commission shall be allowed to exercise.

11 (2) The powers of a landmark heritage preservation commission shall  
12 not be repugnant to any other provision of law and shall be exercised  
13 only in the manner prescribed by the ordinance. No action of the landmark  
14 heritage preservation commission shall contravene any provision of a  
15 ~~municipal~~ zoning or planning ordinance unless such action is expressly  
16 authorized by the city council.

17 Sec. 318. Section 14-2003, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 14-2003 (1) Each city of the metropolitan class may exercise its  
20 power of eminent domain to maintain or preserve buildings, lands, areas,  
21 or districts which have been determined by the landmark heritage  
22 preservation commission created by such city to be of historical,  
23 architectural, cultural, or educational value.

24 (2) Within a landmark heritage preservation district, a city of the  
25 metropolitan class shall not exercise its power of eminent domain to  
26 acquire property for the purpose of demolition and reconveyance for  
27 private use. This subsection shall not be applicable to any eminent  
28 domain action filed by such city prior to September 6, 1991.

29 (3) Whenever it becomes necessary to take control of property  
30 pursuant to and for the purposes stated in this section, the purpose and  
31 necessity for such control shall be declared by ordinance. The procedure

1 to condemn property shall be exercised in the manner set forth in  
2 sections 76-704 to 76-724.

3 Sec. 319. Section 14-2004, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 14-2004 (1) A landmark heritage preservation commission created  
6 pursuant to sections 14-2001 to 14-2004 shall have nine members. If  
7 available, one of the members shall be an architect, one member shall be  
8 a curator or director of an art or other museum, one member shall be a  
9 professional artist or historian, three members shall be interested and  
10 qualified persons chosen, as far as possible, from any existing  
11 historical society, preservation group, architectural, landscape  
12 architectural, interior design, or planning association, or cultural  
13 organization, two members shall be laypersons, and one member shall be an  
14 owner or operator of a business or property within a landmark heritage  
15 preservation district, which business or property may be owned or  
16 operated by a corporation of which such member is an officer, by a  
17 partnership in which such member is a partner, or by a limited liability  
18 company in which such member is a member.

19 (2) Members of the landmark heritage preservation commission shall  
20 be appointed by the mayor and approved by the city council and shall  
21 serve for terms of three years. Members shall serve until their  
22 successors are appointed and qualified. Members may be appointed to  
23 successive terms.

24 (3) The landmark heritage preservation commission shall select one  
25 of its members as chairperson. The director of the planning department of  
26 the city shall act as the executive director of the landmark heritage  
27 preservation such commission, and staff assistance for the landmark  
28 heritage preservation commission shall be provided by the planning  
29 department of such city.

30 Sec. 320. Section 19-414, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           19-414 The executive and administrative powers, authorities, and  
2 duties in cities adopting the commission plan of government shall be  
3 distributed into and among departments as follows:

4           In cities of the metropolitan class, (1) ~~finance department of~~  
5 ~~public affairs, (2) fire department of accounts and finances, (3) human~~  
6 ~~resources department of police, sanitation, and public safety, (4) human~~  
7 ~~rights and relations department of fire protection and water supply, (5)~~  
8 ~~law department of street cleaning and maintenance, (6) parks, recreation,~~  
9 ~~and public property department of public improvements, and (7) planning,~~  
10 ~~(8) police, and (9) public works department of parks and public property;~~

11           In cities of the primary class, (1) department of public affairs,  
12 (2) department of accounts and finances, (3) department of public safety,  
13 (4) department of streets and public improvements, and (5) department of  
14 parks and public property; and

15           In cities containing two thousand or more and not more than forty  
16 thousand inhabitants as determined by the most recent federal decennial  
17 census or the most recent revised certified count by the United States  
18 Bureau of the Census, (1) department of public affairs and public safety,  
19 (2) department of accounts and finances, (3) department of streets,  
20 public improvements, and public property, (4) department of public works,  
21 and (5) department of parks and recreation.

22           The city council shall provide, as nearly as possible, the powers  
23 and duties to be exercised and performed by, and assign them to, the  
24 appropriate departments. The city council may prescribe the powers and  
25 duties of all officers and employees of the city and may assign  
26 particular officers, or employees, to more than one of the departments,  
27 may require any officer or employee to perform duties in two or more of  
28 the departments, and may make such other rules and regulations as may be  
29 necessary or proper for the efficient and economical management of the  
30 business affairs of the city.

31           Sec. 321. Section 19-415, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 19-415 ~~In cities of the metropolitan class under the commission~~  
3 ~~plan of government, the city council shall consist of the mayor who shall~~  
4 ~~be superintendent of the department of public affairs, one city council~~  
5 ~~member to be superintendent of the department of accounts and finances,~~  
6 ~~one city council member to be superintendent of the department of police,~~  
7 ~~sanitation, and public safety, one city council member to be~~  
8 ~~superintendent of the department of fire protection and water supply, one~~  
9 ~~city council member to be superintendent of the department of street~~  
10 ~~cleaning and maintenance, one city council member to be superintendent of~~  
11 ~~the department of public improvements, and one city council member to be~~  
12 ~~superintendent of parks and public property.~~

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

24 In cities under the commission plan of government containing at  
25 least two thousand and less than forty thousand inhabitants as determined  
26 by the most recent federal decennial census or the most recent revised  
27 certified count by the United States Bureau of the Census, the city  
28 council shall consist of the mayor who shall be commissioner of the  
29 department of public affairs and public safety, one city council member  
30 to be commissioner of the department of streets, public improvements, and  
31 public property, one city council member to be commissioner of the

1 department of public accounts and finances, one city council member to be  
2 commissioner of the department of public works, and one city council  
3 member to be commissioner of the department of parks and recreation.

4 In all of such cities, the commissioner of the department of  
5 accounts and finances shall be vice president of the city council and  
6 shall, in the absence or inability of the mayor to serve, perform the  
7 duties of the mayor. In case of vacancy in the office of mayor by death  
8 or otherwise, the vacancy shall be filled as provided in section 32-568.

9 Sec. 322. Section 77-3523, Revised Statutes Supplement, 2021, is  
10 amended to read:

11 77-3523 The county treasurer and county assessor shall, on or before  
12 November 30 of each year, certify to the Tax Commissioner the total tax  
13 revenue that will be lost to all taxing agencies within the county from  
14 taxes levied and assessed in that year because of exemptions allowed  
15 under sections 77-3501 to 77-3529. The county treasurer and county  
16 assessor may amend the certification to show any change or correction in  
17 the total tax that will be lost until May 30 of the next succeeding year.  
18 If a homestead exemption is approved, denied, or corrected by the Tax  
19 Commissioner under subsection (2) of section 77-3517 after May 1 of the  
20 next year, the county treasurer and county assessor shall prepare and  
21 submit amended reports to the Tax Commissioner and the political  
22 subdivisions covering any affected year and shall adjust the  
23 reimbursement to the county and the other political subdivisions by  
24 adjusting the reimbursement due under this section in later years. The  
25 Tax Commissioner shall, on or before January 1 next following such  
26 certification or within thirty days of any amendment to the  
27 certification, notify the Director of Administrative Services of the  
28 amount so certified to be reimbursed by the state. Reimbursement of the  
29 funds lost shall be made to each county according to the certification  
30 and shall be distributed in six as nearly as possible equal monthly  
31 payments on the last business day of each month beginning in January. The

1 Director of Administrative Services shall, on the last business day of  
2 each month, issue payments by electronic funds transfer. Out of the  
3 amount so received the county treasurer shall distribute to each of the  
4 taxing agencies within his or her county the full amount so lost by such  
5 agency, except that one percent of such amount shall be deposited in the  
6 county general fund and that the amount due a Class V school district  
7 shall be paid to the district and the county shall be compensated one  
8 percent of such amount pursuant to section 14-554. Each taxing agency  
9 shall, in preparing its annual or biennial budget, take into account the  
10 amount to be received under this section.

11 Sec. 323. Original sections 14-102.01, 14-102.02, 14-104, 14-106,  
12 14-107, 14-108, 14-110, 14-111, 14-112, 14-113, 14-115, 14-116, 14-118,  
13 14-120, 14-121, 14-122, 14-123, 14-124, 14-125, 14-136, 14-201,  
14 14-201.03, 14-202, 14-204, 14-205, 14-206, 14-207, 14-210, 14-211,  
15 14-212, 14-213, 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219,  
16 14-220, 14-221, 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230,  
17 14-360, 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03,  
18 14-365.04, 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09,  
19 14-365.10, 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372,  
20 14-373, 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383, 14-384,  
21 14-385, 14-386, 14-387, 14-388, 14-389, 14-390, 14-391, 14-393, 14-394,  
22 14-395, 14-396, 14-397, 14-399, 14-3,100, 14-3,101, 14-3,105, 14-3,108,  
23 14-3,109, 14-3,111, 14-3,112, 14-3,113, 14-3,114, 14-3,115, 14-3,116,  
24 14-3,117, 14-3,118, 14-3,119, 14-3,120, 14-3,121, 14-3,122, 14-3,123,  
25 14-3,124, 14-3,125, 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405,  
26 14-406, 14-408, 14-409, 14-410, 14-411, 14-412, 14-413, 14-414, 14-416,  
27 14-417, 14-418, 14-501, 14-501.01, 14-503, 14-504, 14-505, 14-506,  
28 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515,  
29 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524,  
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3 14-601, 14-602, 14-603, 14-604, 14-605, 14-606, 14-609, 14-702, 14-704,  
4 14-709, 14-804, 14-805, 14-806, 14-807, 14-808, 14-809, 14-810, 14-811,  
5 14-812, 14-813, 14-814, 14-816, 14-817, 14-818, 14-1201, 14-1202,  
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9 14-1232, 14-1233, 14-1234, 14-1235, 14-1236, 14-1237, 14-1238, 14-1239,  
10 14-1240, 14-1241, 14-1242, 14-1243, 14-1244, 14-1245, 14-1246, 14-1247,  
11 14-1248, 14-1249, 14-1250, 14-1251, 14-1252, 14-1702, 14-1703, 14-1704,  
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15 14-1730, 14-1731, 14-1732, 14-1734, 14-1735, 14-1737, 14-1738, 14-1739,  
16 14-2001, 14-2002, 14-2003, and 14-2004, Reissue Revised Statutes of  
17 Nebraska, sections 14-101, 14-101.01, 14-102, 14-103, 14-105, 14-109,  
18 14-117, 14-363, 14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106,  
19 14-3,107, 14-403, 14-415, 14-419, 14-420, 14-502, 14-553, 14-567, 14-607,  
20 14-1733, 19-414, and 19-415, Revised Statutes Cumulative Supplement,  
21 2020, and sections 14-137 and 77-3523, Revised Statutes Supplement, 2021,  
22 are repealed.

23       Sec. 324. The following sections are outright repealed: Sections  
24 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of Nebraska.