

## LEGISLATIVE BILL 163

Approved by the Governor March 31, 2021

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

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-131, 18-305, 18-306, 18-307, 18-308, 18-309, 18-310, 18-311, 18-401, 18-402, 18-403, 18-404, 18-405, 18-407, 18-408, 18-409, 18-410, 18-411, 18-412, 18-412.02, 18-412.07, 18-412.08, 18-412.09, 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505, 18-506, 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512, 18-602, 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618, 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626, 18-627, 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003, 18-1004, 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1206, 18-1207, 18-1215, 18-1216, 18-1501, 18-1502, 18-1503, 18-1504, 18-1508, 18-1509, 18-1701, 18-1702, 18-1705, 18-1706, 18-1707, 18-1708, 18-1709, 18-1712, 18-1713, 18-1714, 18-1716, 18-1718, 18-1721, 18-1722.01, 18-1723, 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748, 18-1750, 18-1752, 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803, 18-1804, 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915, 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131, 18-2135, 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206, 18-2301, 18-2302, 18-2303, 18-2304, 18-2305, 18-2306, 18-2307, 18-2308, 18-2309, 18-2310, 18-2311, 18-2312, 18-2313, 18-2314, 18-2315, 18-2402, 18-2443, 18-2476, 18-2501, 18-2502, 18-2504, 18-2505, 18-2506, 18-2518, 18-2520, 18-2521, 18-2522, 18-2523, 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529, 18-2530, 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538, 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, and 71-3305, Reissue Revised Statutes of Nebraska, and sections 16-6,108, 18-132, 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902, 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, and 18-3001, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to cities, villages, and metropolitan utilities districts; to change a federal reference; to change and eliminate provisions relating to publication of notice and requirements for application; to name an act; to define and redefine terms relating to initiatives and referendums; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 16-6,108, Revised Statutes Cumulative Supplement, 2020, is amended to read:

16-6,108 The powers granted by sections 16-6,106 to 16-6,109 may be exercised in whole or in part and from time to time as the city council may in its discretion determine but before general obligation bonds are issued for the purposes of sections 16-6,106 to 16-6,109, the city council shall hold a public hearing after three weeks' notice published in a legal newspaper in or of general circulation in such city, and the referendum provisions of the Municipal Initiative and Referendum Act sections ~~18-2501 to 18-2536~~ shall apply to any ordinance or resolution authorizing issuance of such bonds. The program for implementation of the plan may be adopted and carried out in parts, sections, or stages.

Sec. 2. Section 18-131, Reissue Revised Statutes of Nebraska, is amended to read:

18-131 Ordinances passed by cities of all classes and villages must be posted, published in a legal newspaper in or of general circulation in the respective cities or villages, or published in book or pamphlet form, as required by their respective charters or general laws.

Sec. 3. Section 18-132, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-132 (1) The city council of any city or ~~village~~ board of trustees of any village may adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building or construction code, and any other standard code which contains rules and regulations printed as a code in book, ~~or pamphlet, or electronic~~ form, by reference to such code, or portions thereof, alone, without setting forth in the ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, has been incorporated by reference into such ordinance, as provided in this section, it shall have the same force and effect as though it had been written in its entirety in such ordinance without further or additional publication thereof.

(2) Not less than one copy of such standard code, or portion thereof, shall be kept for use and examination by the public in the office of the city clerk or village clerk prior to the adoption thereof and as long as such standard code is in effect in such city or village.

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

(4) If there is no ordinance adopting a plumbing code in effect in a city or village, the 2009 Uniform Plumbing Code accredited by the American National Standards Institute shall serve as the plumbing code for all the area within the jurisdiction of the city or village. Nothing in this section shall be interpreted as creating an obligation for the city or village to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code.

Sec. 4. Section 18-201, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-201 (1) The mayor and city ~~the~~ council of any city or board of trustees of any village, in addition to other powers granted by law, may by ordinance or resolution provide for direct borrowing from a financial institution for the purposes outlined in this section. Loans made under this section shall not be restricted to a single year and may be repaid in installment payments for a term not to exceed seven years.

(2) The mayor and city ~~the~~ council of any city or board of trustees of any village may borrow directly from a financial institution for the (a) purchase of real or personal property, (b) construction of improvements, (c) repair or reconstruction of real or personal property, improvements, or infrastructure damaged as a result of a calamity, (d) provision of public services temporarily disrupted or suspended as a result of a calamity, or (e) refinancing of existing indebtedness upon a certification in the ordinance or resolution authorizing the direct borrowing that:

(i) Financing the (A) purchase of real or personal property, (B) construction of improvements, (C) repair or reconstruction of real or personal property, improvements, or infrastructure damaged as a result of a calamity, (D) provision of public services temporarily disrupted or suspended as a result of a calamity, or (E) refinancing of existing indebtedness through traditional bond financing would be impractical;

(ii) Financing the (A) purchase of real or personal property, (B) construction of improvements, (C) repair or reconstruction of real or personal property, improvements, or infrastructure damaged as a result of a calamity, (D) provision of public services temporarily disrupted or suspended as a result of a calamity, or (E) refinancing of existing indebtedness through traditional bond financing could not be completed within the time restraints facing the city or village; or

(iii) Financing the (A) purchase of real or personal property, (B) construction of improvements, (C) repair or reconstruction of real or personal property, improvements, or infrastructure damaged as a result of a calamity, (D) provision of public services temporarily disrupted or suspended as a result of a calamity, or (E) refinancing of existing indebtedness through direct borrowing would generate taxpayer savings over traditional bond financing.

(3) Prior to approving direct borrowing under this section, the city council or board of trustees shall include in any public notice required for meetings a clear notation that an ordinance or resolution authorizing direct borrowing from a financial institution will appear on the agenda.

(4)(a) The total amount of indebtedness attributable to any year from direct borrowing under this section shall not exceed:

(i) For any a city of the metropolitan class, city of the primary class, or city of the first class, ten percent of the municipal budget of the city; and

(ii) For any city of the second class or village, twenty percent of the municipal budget of the city or village.

(b) For purposes of this subsection, (i) the amount of any loan which shall be attributable to any year for purposes of the limitation on the total amount of indebtedness from direct borrowing is the total amount of the outstanding loan balance divided by the number of years over which the loan is to be repaid and (ii) the amount of indebtedness from any direct borrowing shall only be measured as of the date the ordinance or resolution providing for such direct borrowing is adopted.

(5) Prior to approving direct borrowing under this section, a municipality shall consider, to the extent possible, proposals from multiple financial institutions.

(6) For purposes of this section:

(a) Calamity means a disastrous event, including, but not limited to, a fire, an earthquake, a flood, a tornado, or other natural event which damages real or personal property, improvements, or infrastructure of a city or village or which results in the temporary disruption or suspension of public services provided by a city or village; and

(b) Financial institution means a state-chartered or federally chartered bank, savings bank, building and loan association, or savings and loan association.

Sec. 5. Section 18-305, Reissue Revised Statutes of Nebraska, is amended to read:

18-305 It shall be unlawful for any telephone company to furnish to any elected or appointed officer of any city or village in this state, ~~whether such officer be elective or appointive,~~ a telephone free of charge, or for a price less than is charged other customers for similar service, or for any such officer to accept such telephone or telephone service free of charge, or at a less price less than shall be charged to other customers for similar service. Any violation of this section by a telephone company shall be a Class III misdemeanor, and the officer or agent of any such telephone company acting or assisting in such violation shall be guilty of a Class III misdemeanor. Any

violation of this section by any officer of any such city or village shall be a Class III misdemeanor, ~~;~~ and the officer ~~he or she~~ shall upon conviction forfeit the office held by him or her at the time of committing such offense.

Sec. 6. Section 18-306, Reissue Revised Statutes of Nebraska, is amended to read:

18-306 It shall be unlawful for any person, partnership, limited liability company, or corporation engaged in furnishing in any city or village in this state artificial light, such as electric light, gas light, or light from oil, to furnish light to any elected or appointed officer, ~~either elective or appointive~~, in any city or village in which such person, partnership, limited liability company, or corporation is engaged in furnishing such lights, free or for a less price less than is charged other customers in such city or village for similar services. Any violation of this section shall be a Class III misdemeanor. Each day any service is furnished or accepted in violation of this section shall be considered as a separate offense and punished accordingly.

Sec. 7. Section 18-307, Reissue Revised Statutes of Nebraska, is amended to read:

18-307 If any elected or appointed officer, ~~either elective or appointive~~ in any city or village in this state, accepts free of charge or for a price less than is charged other customers for similar services in such city or village electric, ~~any light or lights from any lighting company or services from any electric utility such lighting company or from any person, partnership, or limited liability company which provides electric service in such city or village so engaged~~, such officer shall be guilty of a Class III misdemeanor and shall also forfeit the office held by him or her at the date of such offense.

Sec. 8. Section 18-308, Reissue Revised Statutes of Nebraska, is amended to read:

18-308 Any water company engaged in furnishing water in any city or village in this state and any person, corporation, partnership, or limited liability company engaged in such services who furnishes to any elected or appointed officer, ~~either elective or appointive~~, in such city or village, water free of charge or for a price less than is at the time charged for similar service to other customers in such city or village shall be guilty of a Class III misdemeanor. If any officer in any such city or village accepts free of charge or for a price less than is charged to other customers in such city or village any of the services mentioned in this section, such officer shall be guilty of a Class III misdemeanor and shall also forfeit the office held by him or her at the date of such violation. Each day such service or services are furnished or accepted in violation of this section shall constitute a separate and distinct offense and shall be punished accordingly.

Sec. 9. Section 18-309, Reissue Revised Statutes of Nebraska, is amended to read:

18-309 No person shall be excused from attending and testifying or producing books and papers, in any prosecution under sections 18-305 to 18-309, for the reason that the required testimony, documentary or otherwise, ~~required of him~~, may tend to incriminate such person ~~him~~ or subject such person ~~him~~ to a penalty or forfeiture. No ~~;~~ ~~but~~ no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which such person he may testify or produce evidence, documentary or otherwise, in any prosecution under such the provisions of said sections, except that ~~;~~ ~~Provided~~, no person so testifying shall be exempt from prosecution for perjury committed in so testifying.

Sec. 10. Section 18-310, Reissue Revised Statutes of Nebraska, is amended to read:

18-310 The Legislature finds and declares that it is ~~It is hereby declared to be~~ detrimental to good government and the best interests of the state to permit payment to any person, firm, or corporation of fees or compensation in any form, other than regular salaries of duly elected or appointed officers of a city or village, for services rendered to a city or village contingent or dependent upon the outcome of any municipal election.

Sec. 11. Section 18-311, Reissue Revised Statutes of Nebraska, is amended to read:

18-311 It shall be unlawful for the mayor and city council of any city, or the chairperson ~~chairman~~ and board of trustees of any village, to contract with, retain, or employ any person, firm, or corporation upon the basis that the amount of the fees or compensation to be paid shall be contingent or depend, in whole or in part, upon the outcome of any municipal election.

Sec. 12. Section 18-401, Reissue Revised Statutes of Nebraska, is amended to read:

18-401 In all cities, villages, or metropolitan utilities districts owning or operating a waterworks system, sanitary sewerage system, storm sewer system, gas plant, or other public utility plant and in which water, gas, or other public utility is supplied by municipal authority for domestic, mechanical, public, or other purposes, or sewage and storm water disposal, or other services furnished, the authorities having general charge, supervision, and control of all matters pertaining to the water, gas, or other public utility supplied by any city, village, or metropolitan utilities district, or the furnishing of any public service such as sewage and storm water disposal, shall have the power and authority, ~~whenever they deem it proper and necessary so to do~~, to create a water main ~~water-main~~ district, gas main ~~district~~, sanitary sewer district, storm water disposal district, or other public utility district, as the case may be, either within or without the corporate limits of

the city, village, or metropolitan utilities district ~~political subdivision~~ involved, and to order and cause to be made extensions or enlargements of water mains, sanitary sewers, storm water disposal mains, gas mains, or other public utility service through such public utility district, except that nothing contained in this section shall be construed as authorizing the creation of any such public utility district outside of the corporate limits of a city of the primary class.

Sec. 13. Section 18-402, Reissue Revised Statutes of Nebraska, is amended to read:

18-402 ~~Any water main district, gas main district, sanitary sewer district, storm water disposal district, Such water or gas main districts or other public utility district as provided in section 18-401 service districts shall be created by ordinance, if such public utility district is created the power be exercised, by a city or village, or by resolution of the board of directors of a metropolitan utilities district if such public utility district is created by a metropolitan utilities district the body having authority and control over the operation of said respective public utilities.~~

Sec. 14. Section 18-403, Reissue Revised Statutes of Nebraska, is amended to read:

18-403 Upon the passage of an ordinance or resolution under section 18-402, ~~as the case may be,~~ creating a water main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility service district or ordering the extension or enlargement of a water main, gas main, or other public utility service through such district, it shall be the duty of the city council or village board of trustees ~~council~~ which passed the ordinance or of the board of directors of the metropolitan utilities district ~~other public utility authority which passed the such resolution creating such district~~ to cause a notice to be published in a legal newspaper in or of general circulation in such city or village ~~the official paper of the city or village, as the case may be,~~ or in the principal city within the metropolitan utilities district, addressed generally to the owners of the real estate within such the water main, gas main, or other public utility district, notifying them of the creation of the district and of the ordering of the extension or enlargement of the water main, gas main, or other public utility service within such district and further notifying the owners of the real estate that they have thirty days from and after such publication to file with such city council, village board of trustees, or board of directors ~~or other public authority, as the case may be,~~ their written protest against the creation of the district and of the extension or enlargement of the water main, gas main, or other public utility service so ordered.

Sec. 15. Section 18-404, Reissue Revised Statutes of Nebraska, is amended to read:

18-404 If within the thirty days there is filed, as provided in section 18-403, a written protest signed by the record owners of a majority of the foot frontage of taxable property in a water main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility ~~such district,~~ then the filing of such protest shall operate as a repeal or rescission of the such ordinance or resolution creating such district, but if no such protest is filed within the thirty days, then the city power of the council, village board of trustees, or board of directors ~~or other authority in the premises shall be deemed complete, and it shall be its duty to proceed to contract for and on in behalf of such city, village, or metropolitan utilities district for the extension or enlargement of the main or utility service so ordered or to make such extension or enlargement with its own forces.~~

Sec. 16. Section 18-405, Reissue Revised Statutes of Nebraska, is amended to read:

18-405 Upon the completion of an extension or enlargement of any water or gas main or other utility service in a water main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility district created pursuant to section 18-401 ~~any such district,~~ the actual cost of such extension or enlargement thereof shall be duly certified to the city council, village board of trustees, or board of directors ~~of a such city, village, or metropolitan utilities district~~ when done by contract, but when done by utilizing the equipment and employees of any such city, village, or metropolitan utilities district, the average cost, based upon the average cost per foot to such city, village, or metropolitan utilities district in the previous calendar year, of installing water or gas distribution mains, as the case may be, shall be thus certified. Such city ~~Thereupon it shall be the duty of such council, village board of trustees, or board of directors shall to~~ assess, to the extent of special benefits, the cost, not exceeding the actual cost or average cost, as the case may be, of installing such water main, ~~or~~ gas main, ~~or~~ other utility service, upon all real estate in such the district, in proportion to the frontage of the real estate upon the main or utility service. The cost of any such extension or enlargement in excess of the actual or average cost of installing the water main, ~~or~~ gas main, ~~or~~ other utility service, ~~as the case may be, heretofore authorized to be assessed and levied against the real estate in such the district shall be paid out of the water fund, or gas fund, or other utility fund, as the case may be, of such city, village, or metropolitan utilities district, if there is such a fund, and if such city or village has no water fund, or gas fund, or other utility fund,~~ then the costs same shall be paid out of the general fund. No real estate in any city, village, or metropolitan utilities district shall be subject to more than one special tax assessment for the same extension or enlargement of water

~~mains, or gas mains, or other utility service.~~

Sec. 17. Section 18-406, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-406 The special assessment provided in section 18-405 shall be paid in ten installments. The first installment, or one-tenth of the assessment, shall become due and delinquent fifty days after the date of levy, and one-tenth of such assessment shall become due and delinquent each year thereafter, counting from the date of levy, for nine years. The special assessment shall bear interest at a rate not to exceed the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, prior to delinquency, and at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, after delinquency. Prior to the levy of the special assessment as provided in section 18-405, such assessment shall be equalized in the same manner as provided by law for the equalization of special assessments levied in the city or village that levied such special assessment, or in such cities, such villages, and the city of the metropolitan class within the such metropolitan utilities district that levied such special assessment.

Sec. 18. Section 18-407, Reissue Revised Statutes of Nebraska, is amended to read:

18-407 If a petition is filed, signed by the owners of a majority of the front footage of real estate within a the proposed water or gas main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility service district, which petition shall contain the consent of the owners of such the said real estate for the installation of gas mains or water mains of sizes designated by the city said council, village board of trustees, or board of directors of a metropolitan utilities district and inserted in such said petition, or of other utility service, then such said water or gas main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility service district, shall be created, ~~and the entire cost of laying such said water main, or gas main, or other utility service,~~ shall be assessed and collected as provided in sections 18-405 to 18-410. The city council, village board of trustees, or board of directors governing body shall have the discretion to deny the formation of the proposed district when the area to be improved has not previously been improved with a water system, sewer system, and grading of streets. If the city council, village board of trustees, or board of directors governing body should deny a requested district formation, it shall state the grounds for such denial in a written letter to interested parties.

Sec. 19. Section 18-408, Reissue Revised Statutes of Nebraska, is amended to read:

18-408 After the levy of a such special assessment tax and the extension of such assessment tax upon the tax record against the real estate in such water or gas main district, gas main district, sanitary sewer district, storm water disposal district, or other public utility service district, the city council, village board of trustees, or board of directors of a metropolitan utilities district or other authority having charge, supervision, and control of all matters pertaining to the water or gas supply or other utility service of such city, village, or metropolitan utilities district shall have the power to issue or cause to be issued against the fund so created special warrants payable out of the funds, which warrants shall be delivered to the contractor in payment of the money due him or her under his or her contract for the extension or enlargement of the water or gas main or other utility service, as the case may be, to cover the cost for which the special assessments taxes were levied.

Sec. 20. Section 18-409, Reissue Revised Statutes of Nebraska, is amended to read:

18-409 The city council, village board of trustees, or board of directors of a metropolitan utilities district or other authority in the city, village, or metropolitan utilities district in this state having general charge, supervision, and control of all matters pertaining to the water or gas supply or other utility service of such city, village, or metropolitan utilities district may by resolution elect and determine to proceed under the provisions of sections 18-401 to 18-411 in the matter of ordering and making and causing to be made extensions or enlargements of water or gas mains or other utility service in such cities, villages, or metropolitan utilities districts but are not required to do so.

Sec. 21. Section 18-410, Reissue Revised Statutes of Nebraska, is amended to read:

18-410 Any metropolitan utilities district is hereby given power to extend water mains, gas mains, and other utility service under its operation and management beyond the corporate limits of the city of the metropolitan class so as to include adjacent territory, sanitary and improvement districts, unincorporated areas, cities towns, or villages, even though in an adjoining county or counties, and may create such water main districts, gas main districts, sanitary sewer districts, storm water disposal districts, and other public utility service districts within such adjacent sanitary and improvement districts, unincorporated areas, cities, towns, and villages, even though located in an adjoining county or counties. When such water main districts mains, gas main districts, sanitary sewer districts, storm water disposal districts mains, or other public utility service districts are created in an adjoining county or counties, the special assessment tax levy in such districts shall be certified to the county treasurer of such adjoining county or

counties, as the case may be, and shall there be entered of record against the proper real estate ~~so taxed~~. It shall be the duty of the county treasurer of the adjoining county or counties, as the case may be, to collect the assessments taxes and as collected to report and transmit such assessments taxes to the metropolitan utilities district.

Sec. 22. Section 18-411, Reissue Revised Statutes of Nebraska, is amended to read:

18-411 Sections 18-401 to 18-410 shall not be construed as a restriction upon the powers of cities, other than a city of not in the metropolitan class, which have adopted or may hereafter adopt a home rule charter under the state Constitution of Nebraska nor as a limitation upon any provision in such charter or any amendments to such charter thereof.

Sec. 23. Section 18-412, Reissue Revised Statutes of Nebraska, is amended to read:

18-412 Supplemental to any existing law on the subject, and in lieu of the issuance of general obligation bonds, or the levy of taxes upon property, as provided by law ~~provided~~, any city or village within the State of Nebraska may construct, purchase, or otherwise acquire, maintain, extend, or enlarge, an electric light and power plant, distribution system, and transmission lines, and real and personal property needed or useful in connection therewith, and pay the cost thereof by pledging and hypothecating the revenue and earnings of any electric light and power plant, distribution system, and transmission lines, owned or to be owned by such city or village. In the exercise of the authority granted in this section, any such city or village may issue and sell revenue bonds or debentures and enter into such contracts in connection therewith as may be proper and necessary. Such revenue bonds or debentures shall be a lien only upon the revenue and earnings of the electric light and power plant, distribution system, and transmission lines owned or to be owned by such city or village. No revenue bonds shall be issued until thirty days' notice of the proposition relating thereto shall have been given by the governing body of such city or village by publication once each week for three successive weeks in a some legal newspaper in or published ~~and~~ of general circulation in such city or village, or if no such newspaper is published ~~therein~~, then by posting in five or more public places in such city or village ~~therein~~. If, within thirty days after the last publication of such notice or posting thereof, a referendum petition signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held in such city or village ~~therein~~ shall be filed with the city municipal clerk or village clerk, such bonds shall not be issued until the issuance thereof has been approved by a vote of the electors of such city or village ~~municipality~~ at any general or special municipal election. If a majority of the voters voting on the issue vote against issuing such bonds, the bonds shall not be issued. If no such petitions are filed, the bonds shall be issued at the expiration of such thirty-day period. No publication of notice shall be required when revenue bonds are issued solely for the maintenance, extension, or enlargement of any electric generating plant, distribution system, or transmission lines owned by such city or village. The provisions of this section shall not restrict or limit the power or authority in the issuance of any such revenue bonds, as authorized by any home rule charter duly adopted by the electors or any city pursuant to the Constitution of ~~the State of~~ Nebraska.

Sec. 24. Section 18-412.02, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.02 If requested to do so at any time hereafter by a city or village, any public power district or public power and irrigation district, formed after May 4, 1945, and providing electrical service at retail to a city of the metropolitan class, owning a distribution system in such city or village and also owning generating plants and transmission lines or both, shall inform the city or village of the minimum price at which the district is permitted to sell that portion of its distribution system within the corporate limits of such city or village to such city or village under the agreements of the district entered into with the holders of obligations issued by such district. For ~~the~~ purposes of this section, the term obligations shall include all bonds, notes, and other evidences of indebtedness to the payment of which the revenue from that portion of the distribution system such city or village desires to acquire has been pledged. There shall be allowed as a credit upon such minimum price a sum that bears the same proportion thereto as the amount of such obligations that have been paid or redeemed and funded reserves established therefor by the district out of the net revenue from its operation while such city or village was within such district bears to the total amount of such obligations issued by the district since the date of its formation, excluding the amount of such obligations that have been refinanced and including the amount of the refinancing obligations. Such city or village shall reimburse the district for any costs necessarily paid by the district to independent engineers to obtain the minimum price under such agreements with the holders of the obligations of the district. At the request of the city or village, the district shall sell and convey that portion of the distribution system which is within its corporate limits to the city or village upon payment of such minimum price, and the city or village shall contract to continue to purchase all of its power and energy requirements from the district at least until such time as all obligations of the district outstanding on the date of such sale and conveyance shall have been fully paid and retired or reserves sufficient for the redemption thereof shall have been accumulated, but such transaction shall

not be consummated nor become effective until thirty days' notice of the transaction shall have been given by the city council or village board of trustees governing body by publication once each week for three successive weeks in some legal newspaper in or published and of general circulation in such city or village, or if no such newspaper is published ~~therein~~, then by posting in five or more public places in such city or village therein. If, within ninety days after the last publication of such notice or posting thereof, referendum petitions signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held in such city or village therein shall be filed with the city municipal clerk or village clerk, such transaction shall not become effective until it has been approved by a vote of the electors of such city or village municipality at any general or special municipal election. If a majority of the voters voting on the issue vote against such transaction, the transaction shall not become effective. If no such petitions are filed, the transaction shall become effective at the expiration of such ninety-day period. The public power district or public power and irrigation district shall charge fair, reasonable, and nondiscriminatory rates so adjusted as, in a fair and equitable manner, to confer upon and distribute among its customers the benefits of a successful and efficient operation and conduct of the business of the district.

Sec. 25. Section 18-412.07, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.07 The Legislature finds and declares that it is ~~It is hereby declared to be~~ in the public interest of the State of Nebraska that cities and villages of this state be empowered to participate jointly or in cooperation with public power districts and public power and irrigation districts and other public agencies in the establishment and operation of facilities for the generation or transmission of electric power and energy located within or outside this state in order to achieve economies and efficiencies in meeting the future electric energy needs of the people of the State of Nebraska. In furtherance of such need and in addition to but not in substitution for any other powers granted cities and villages of this state, each city and village which owns or operates electrical facilities shall have and may exercise its power and authority to plan, finance, acquire, construct, own, operate, maintain, improve, and decommission electric generation or transmission facilities located within or outside this state jointly and in cooperation with one or more such public power districts, public power and irrigation districts, other cities or villages of this state which own or operate electrical facilities, municipal corporations, or other governmental entities of other states which operate electrical facilities. The powers granted under this section may be exercised with respect to any electric generation or transmission facility jointly with the powers granted under any other provision of sections 18-412.07 to 18-412.09 and 70-628.02 to 70-628.04.

Sec. 26. Section 18-412.08, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.08 The Legislature finds and declares that it is ~~It is hereby declared to be~~ in the public interest of the State of Nebraska that cities and villages of this state be empowered to participate jointly and in cooperation with one or more electric cooperatives or electric membership corporations organized under the laws of this state or any other state in the establishment and operation of facilities for the generation or transmission of electric power and energy in order to achieve economies and efficiencies in meeting the future electric energy needs of the people of the State of Nebraska. In furtherance of such end and in addition to, but not in substitution for, any other powers granted such cities and villages of this state, each city or village which owns or operates electrical facilities shall have and may exercise such power and authority to plan, finance, acquire, construct, own, operate, maintain, improve, and decommission electric generation or transmission facilities located in this state jointly and in cooperation with one or more electric cooperatives or electric membership corporations organized under the laws of this state or any other state, and each city or village shall have and may exercise such power and authority with respect to electric generation or transmission facilities located outside this state jointly or in cooperation with one or more electric cooperatives or electric membership corporations organized under the laws of this state or any other state. The powers granted under this section may be exercised with respect to any electric generation or transmission facility jointly with the powers granted under any other provisions of sections 18-412.07 to 18-412.09 and 70-628.02 to 70-628.04.

Sec. 27. Section 18-412.09, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.09 Any city or village participating jointly and in cooperation with others in an electric generation or transmission facility may own an undivided interest in such facility and be entitled to the share of the output or capacity of such facility ~~therefrom~~ attributable to such undivided interest. Such city or village may enter into an agreement or agreements with respect to each such electric generation or transmission facility with the other participants in such facility therein, and any such agreement shall contain such terms, conditions, and provisions consistent with the provisions of sections 18-412.07 to 18-412.10 as the governing body of such city or village shall deem to be in the interests of such city or village. The agreement may include, but not be limited to, provision for the construction, operation, maintenance, and decommissioning of such electric generation or transmission

facility by any one of the participants, which shall be designated in or pursuant to such agreement as agent, on behalf of itself and the other participants or by such other means as may be determined by the participants and provision for a uniform method of determining and allocating among participants costs of construction, operation, maintenance, renewals, replacements, decommissioning, and improvements with respect to such facility. In carrying out its functions and activities as such agent with respect to construction, operation, maintenance, and decommissioning of such a facility, including without limitation the letting of contracts therefor, such agent shall be governed by the laws and regulations applicable to such agent as a separate legal entity and not by any laws or regulations which may be applicable to any of the other participants. Notwithstanding the provisions of any other law to the contrary, pursuant to the terms of any such agreement in which or pursuant to which a public power district, ~~or~~ a public power and irrigation district, or a city or village of this state shall be designated as the agent thereunder for the construction, operation, maintenance, and decommissioning of such a facility, each of the participants may delegate its powers and duties with respect to the construction, operation, maintenance, and decommissioning of such facility to such agent, and all actions taken by such agent in accordance with the provisions of such agreement shall be binding upon each of such participants without further action or approval by their respective boards of directors or governing bodies. Such agent shall be required to exercise all such powers and perform its duties and functions under such agreement in a manner consistent with prudent utility practice. As used in this section, prudent utility practice shall mean any of the practices, methods, and acts at a particular time which, in the exercise of reasonable judgment in the light of the facts, including, but not limited to, the practices, methods, and acts engaged in or approved by a significant portion of the electrical utility industry prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result at the lowest reasonable cost consistent with reliability, safety, and expedition. Unless specifically contracted otherwise by written agreement, no city or village shall become liable for and pay for any costs, expenses, or liabilities attributable to the undivided interest of any other participant in such electric generation or transmission facility, and unless specifically contracted otherwise by written agreement, no funds of such city or village may be used for any such purpose.

Sec. 28. Section 18-412.10, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.10 If a city or village proposes to, and during such time as such ~~the~~ city and village shall, plan, finance, acquire, construct, own, operate, maintain, improve, and decommission jointly and in cooperation with others as contemplated by sections 18-412.07 to 18-412.10 facilities for the generation or transmission of electric power and energy located or to be located outside this state, such city or village may comply with all laws of the United States and of the state in which the facilities are or are to be located applicable to such facilities or applicable to any of such ~~the foregoing~~ activities or applicable to the performance of any of such activities across state boundaries or in such state, ~~including, without limiting the generality of the foregoing,~~ submitting itself to any governmental body, board, commission, or agency having jurisdiction over such facilities or over any of such activities or over the performance of such activities and applying for and carrying out of all licenses, certificates, or other approvals required by such laws in order to enable the city or village to carry out the provisions of sections 18-412.07 to 18-412.10.

Sec. 29. Section 18-413, Reissue Revised Statutes of Nebraska, is amended to read:

18-413 Any city or village in this state erecting, constructing, or maintaining a system of waterworks, or part of a system of waterworks, outside ~~without~~ its corporate limits, is hereby granted the right-of-way along any of the public roads of the state, along any of the streets and alleys of any village or city or village within the state, and over and through any of the lands which are the property of the state, for the laying, constructing, and maintaining of water mains, conduits, and aqueducts for the purpose of transporting or conveying water from such system of waterworks, or part of such system of waterworks, to such city or village erecting the same. Such city or village is hereby granted such right-of-way for the further purpose of erecting and maintaining all necessary poles, ~~and~~ wires, or conduits, for the purpose of transporting, transmitting, or conveying electric current from such city or village to such system of waterworks, or part of such system of waterworks, for power and light purposes. ~~In ; Provided, however, that such city in constructing such water mains, conduits, and aqueducts for transporting water, and such poles, wires, and conduits for transmitting electric current along the streets or alleys of any other city or village, such city or village as aforesaid, shall construct and locate the same in accordance with existing ordinances of such other village or city or village pertaining thereto, and shall be liable for any damage caused thereby. Such ; provided further, that poles and wires shall be constructed so as not to interfere with the use of the public roadway, and such said wires shall be placed at a height not less than twenty feet above all road crossings.~~

Sec. 30. Section 18-501, Reissue Revised Statutes of Nebraska, is amended to read:

18-501 (1) Any city or village in this state is hereby authorized to own,

construct, equip, and operate, either within or without the corporate limits of such city or village municipality, a sewerage system, including any storm sewer system or combination storm and sanitary sewer system, and plant or plants for the treatment, purification, and disposal in a sanitary manner of the liquid and solid wastes, ~~and sewage, and night soil~~ of such city or village municipality or to extend or improve any existing storm sewer system, or sanitary sewer system, or combination storm and sanitary sewer system.

(2) Any city or village shall have authority to acquire by gift, grant, purchase, or condemnation necessary lands for the construction of a sewerage system therefor, either within or without the corporate limits of such city or village municipality.

(3) For the purpose of owning, operating, constructing, maintaining, and equipping ~~a such~~ sewage disposal plant and sewerage system, including any storm sewer system or combination storm and sanitary sewer system, referred to in subsections (1), (2), and (4) of this section, or improving or extending such existing system, any city or village is authorized and empowered to make a special levy of not to exceed three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property within any such city or village municipality. The proceeds of the tax may be used for any of the purposes enumerated in this section and for no other purpose.

(4) In the event the present or proposed sewage disposal system of any city or village does not comply with the provisions of any other law relating to sewer systems, sewage disposal, or water pollution, such city or village shall levy each year a tax of seven cents on each one hundred dollars of taxable valuation for such purpose until sufficient funds are available for the financing of a system in compliance with law. In the event any city or village is otherwise raising funds for such purpose, equivalent to such a levy, such city or village ~~it~~ shall not be required, in addition thereto, to make such levy.

Sec. 31. Section 18-502, Reissue Revised Statutes of Nebraska, is amended to read:

18-502 For the purpose of owning, operating, constructing, and equipping ~~a such~~ sewage disposal plant or sewerage system or improving or extending such existing system as provided in section 18-501, a city or village municipality may issue revenue bonds therefor. Such revenue bonds, as provided in this section, shall not impose any general liability upon the city or village municipality but shall be secured only by the revenue ~~as hereinafter provided~~ of such utility as provided in section 18-504. Such revenue bonds shall be sold for not less than par and bear interest at a rate set by the governing body ~~city council~~. The amount of such revenue bonds, either issued or outstanding, shall not be included in computing the maximum amount of bonds which such city or village ~~the said municipality~~ may be authorized to issue under its charter or any statute of this state.

Sec. 32. Section 18-503, Reissue Revised Statutes of Nebraska, is amended to read:

18-503 The governing body of a city or village which owns, constructs, equips, or operates a sewage disposal plant or sewerage system pursuant to section 18-501 such ~~municipality~~ may make all necessary rules and regulations governing the use, operation, and control of such system thereof. The governing body may establish just and equitable rates or charges to be paid to it for the use of such disposal plant and sewerage system by each person, firm, or corporation whose premises are served by such system ~~thereby~~. If the service charge so established is not paid when due, such sum may be recovered by the city or village municipality in a civil action, or it may be certified to the tax assessor and assessed against the premises served, and collected or returned in the same manner as other municipal taxes are certified, assessed, collected, and returned.

Sec. 33. Section 18-504, Reissue Revised Statutes of Nebraska, is amended to read:

18-504 (1) Revenue bonds which are issued, as provided in section 18-502, shall not be a general obligation of the city or village municipality, but shall be paid only out of the revenue received from the service charges as provided in section 18-503.

(2) If a service rate is charged, as a part of the revenue, as provided in subsection (1) of this section, to be paid as ~~herein~~ provided in this section, such portion of such rate thereof as may be deemed sufficient shall be set aside as a sinking fund for the payment of the interest on such revenue said bonds, and the principal of such revenue bonds thereof at maturity.

(3) It shall be the duty of the governing body of the city or village municipality to charge rates for the service of the sewerage system, as referred to in subsection (1) of this section, which shall be sufficient, at all times, to pay the cost of operation and maintenance of such system thereof and to pay the principal of and interest upon all revenue bonds issued, under the provisions of section 18-502, and to carry out any covenants that may be provided in the ordinance authorizing the issuance of any such bonds.

(4) The holders of any of the revenue bonds or any of the coupons of any revenue bonds, issued under subsection (1) of this section, in any civil action, mandamus, or other proceeding may enforce and compel the performance of all duties required by this section and the covenants made by the city or village municipality in the ordinance providing for the issuance of such bonds, including the making and collecting of sufficient rates or charges for the specified purposes and for the proper application of the income from such bonds therefrom.

Sec. 34. Section 18-505, Reissue Revised Statutes of Nebraska, is amended to read:

18-505 For the purpose of providing for a ~~such~~ sewage disposal plant and sewerage system, or improving or extending such existing system, any city or village ~~such municipality~~ may also enter into a contract with any corporation organized under or authorized by the laws of this state to engage in such the business ~~herein mentioned~~, to receive and treat in the manner provided in sections 18-501 to 18-510 ~~hereinbefore mentioned~~, the sewage of such system and right soil thereof, and to construct, and provide the facilities and services as provided in section 18-501 ~~hereinbefore described~~. Such contract may also authorize the corporation to charge the owners of the premises served such a service rate therefor as the governing body of such city or village municipality may determine to be just and reasonable, or the city or village municipality may contract to pay such the said corporation a flat rate for such service, and pay therefor out of its general fund or the proceeds of any tax levy applicable to the purposes of such contract, or assess the owners of the property served a reasonable charge for such service ~~therefor~~ to be collected as ~~hereinbefore provided in section 18-503~~ and paid into a fund to be used to defray such contract charges.

Sec. 35. Section 18-506, Reissue Revised Statutes of Nebraska, is amended to read:

18-506 For the purpose of owning, operating, constructing, and equipping any sewage disposal plant and any sanitary or storm sewer system or combination storm and sanitary sewer system, or improving or extending such existing system, or for the purpose stated in sections 18-501 to 18-505, any city or village ~~such municipality~~ is also authorized and empowered to issue and sell the general obligation bonds of such city or village municipality upon compliance with the provisions of section 18-506.01. Such bonds shall not be sold or exchanged for less than the par value thereof and shall bear interest which shall be payable annually or semiannually. The governing body of any such city or village municipality shall have the power to determine the denominations of such bonds, and the date, time, and manner of the payment thereof. The amount of such general obligation bonds, either issued or outstanding, shall not be included in the maximum amount of bonds which any such city or village municipality may be authorized to issue and sell under its charter or any statutes of this state.

Sec. 36. Section 18-506.01, Reissue Revised Statutes of Nebraska, is amended to read:

18-506.01 Revenue bonds, authorized by section 18-502, may be issued by ordinance duly passed by the mayor and city council of any city or the board of trustees of any village without any other authority. General obligation bonds, authorized by section 18-506, may be issued only after the question of their issuance shall have been submitted to the electors of such the city or village at a general or special election, of which three weeks' notice thereof has been published in a legal newspaper published in or of general circulation in such city or village, and more than a majority of the electors voting at the election have voted in favor of the issuance of such the bonds.

Sec. 37. Section 18-507, Reissue Revised Statutes of Nebraska, is amended to read:

18-507 Whenever the governing body of any city or village shall have ordered the installation of a sewerage system and sewage disposal plant or the improvement or extension of an existing system, the fact that such order was issued shall be recited in the official minutes of the governing body. The governing said body shall ~~thereupon~~ require that plans and specifications be prepared of such sewerage system and sewage disposal plant, or such improvement or extension. Upon approval of such plans, the governing body shall ~~thereupon~~ advertise for sealed bids for the construction of such said improvements once a week for three weeks in a legal newspaper ~~paper~~ published in or of general circulation within such city or village said municipality, and the contract shall be awarded to the lowest responsible bidder.

Sec. 38. Section 18-508, Reissue Revised Statutes of Nebraska, is amended to read:

18-508 The owner of any sewerage system or sewage disposal plant, provided for in sections 18-501 to 18-507, or the city or village in which such system or plant is located ~~municipality~~, is hereby authorized to extend such system or plant ~~the same~~ beyond the corporate limits of the city or village which it serves, under the same conditions as nearly as may be as within the ~~such~~ corporate limits of such city or village and to charge to users of its services reasonable and fair rates consistent with those charged or which might be charged within such corporate limits and consistent with the expense of extending and maintaining such system or plant ~~the same~~ for the users thereof outside such corporate limits at a fair return to the owner thereof. The mayor and city council of any city or the board of trustees of any village shall have authority to enter into contracts with users of such sewerage system or sewage disposal plant, except that ; Provided, no contract shall provide call for furnishing of such service for a period in excess of twenty years.

Sec. 39. Section 18-509, Reissue Revised Statutes of Nebraska, is amended to read:

18-509 (1) The mayor and city council of any city or the board of trustees of any village, in addition to other sources of revenue available to the city or village, may by ordinance set up a rental or use charge, to be collected from users of any system of sewerage, and provide methods for collection of such rental or use charge thereof. The charges shall be charged to each

property served by the sewerage system, shall be a lien upon the property served, and may be collected either from the owner or the person, firm, or corporation requesting the service.

(2) All money raised from the charges, referred to in subsection (1) of this section, shall be used for maintenance or operation of the existing system of sewerage, for payment of principal and interest on bonds issued as is provided for in section 17-925, 18-502, 18-506, or 19-1305, or to create a reserve fund for the purpose of future maintenance or construction of a new sewer system for the city or village. Any funds raised from this charge shall be placed in a separate fund and not be used for any other purpose or diverted to any other fund.

Sec. 40. Section 18-510, Reissue Revised Statutes of Nebraska, is amended to read:

18-510 The terms sewage system, sewerage system, and disposal plant or plants as used in sections 18-501 to 18-511 herein are defined to mean and include any system or works above or below ground which has for its purpose any or all of the following: The removal, discharge, conduction, carrying, treatment, purification, or disposal of the liquid and solid waste and night soil of a city or village municipality. It is intended that sections 18-501 to 18-512 may be employed in connection with sewage projects which do not include the erection or enlargement of a sewage disposal plant.

Sec. 41. Section 18-511, Reissue Revised Statutes of Nebraska, is amended to read:

18-511 Sections 18-501 to 18-512 The provisions of Chapter 18, article 5, shall be construed as independent, supplemental, of and in addition to any other provisions of the laws of the State of Nebraska relating with reference to sewage disposal plants and sewerage systems in cities and villages. Such sections The provisions of this article shall not be considered amendatory of or limited by any other provision of the laws of the State of Nebraska.

Sec. 42. Section 18-512, Reissue Revised Statutes of Nebraska, is amended to read:

18-512 For the purpose of creating a fund out of which anti-pollution-of-water measures may be financed, any city or village in this state is hereby authorized and empowered to make a special levy of not exceeding three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property within any such city or village municipality, the proceeds of such levy thereof to be used for such measures purpose.

Sec. 43. Section 18-601, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-601 Any city or village shall have power by ordinance to avail itself of federal funds for the construction within the city or village limits of subways, viaducts, and approaches thereto, over or under railroad tracks, and may authorize agreements with the Department of Transportation to construct such viaducts or subways or viaducts, which shall be paid for out of funds furnished by the federal government. Such The ordinance shall approve detailed plans and specifications for such construction, including a map showing the exact location that such viaduct or subway or viaduct is to occupy, which shall then and thereafter be kept on file with the city clerk or village clerk and be open to public inspection. The ordinance shall make provision for the assumption of liability and payment of consequential damages to property owners resulting from such proposed construction and payment of damages for property taken therefor. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 44. Section 18-602, Reissue Revised Statutes of Nebraska, is amended to read:

18-602 Grade crossing projects within the boundaries of a municipality shall be undertaken on a basis that will impose no involuntary contributions on the affected railroads except as provided by 23 U.S.C. 130(b) and (c) section 5(b) of Public Law 521 enacted by the 78th Congress of the United States, as such sections existed on January 1, 2021 and any amendments thereof, and shall not interfere with the use of present railroad tracks without the consent of such railroads.

Sec. 45. Section 18-603, Reissue Revised Statutes of Nebraska, is amended to read:

18-603 Any Such city or village that constructs subways or viaducts as provided in section 18-601 may appropriate an existing street or highway for such subway or viaduct therefor, and may acquire, extend, widen, or enlarge any street or highway for such purpose.

Sec. 46. Section 18-604, Reissue Revised Statutes of Nebraska, is amended to read:

18-604 When it becomes shall become necessary to appropriate or damage any private property for the construction of a such viaduct or subway as provided in section 18-601, such appropriation shall be made by ordinance. Such Said ordinance to be headed Viaduct Ordinance shall be published once each week for three weeks issues in a legal daily or weekly newspaper published in or of general circulation in such city or village and of general circulation therein. Such Said publication shall be sufficient notice to the owners, occupants, and parties interested, and all parties having equitable interests therein.

Sec. 47. Section 18-610, Reissue Revised Statutes of Nebraska, is amended to read:

18-610 The original ordinance authorizing construction of subways or viaducts as provided in section 18-601 shall also give notice of an election to authorize issuance of bonds, for such amount as may be necessary to pay for

~~such~~ right-of-way and damages. A majority of those voting shall be sufficient to carry authority to issue bonds, as ~~herein provided in sections 18-610 to 18-612 for.~~ A failure to approve the issue of bonds shall cancel all proceedings, except that in that event, the city or village shall pay the cost of survey and preparation of plans and specifications that have been filed, and may levy a tax for that purpose.

Sec. 48. Section 18-611, Reissue Revised Statutes of Nebraska, is amended to read:

18-611 Upon approval of the issuance of bonds pursuant to section 18-610, a such city or village may, without further vote of the electors, issue negotiable bonds in such amount as may be needed to pay for acquisition such acquiring, extension, or enlargement of any street or highway, and the amount of damages that may accrue by the appropriation thereof and construction of viaducts such viaduct or subways pursuant to section 18-601 subway. Such ~~Said~~ bonds shall draw interest and may be sold at not less than par, and shall be payable in annual installments over a period of not to exceed twenty years, and shall be subject to retirement at the option of the city or village at any time after five years. Such Said bonds shall be payable out of the general fund, and the city or village shall annually make a levy and an appropriation for the payment of interest and the installment of the principal.

Sec. 49. Section 18-612, Reissue Revised Statutes of Nebraska, is amended to read:

18-612 On the approval of a ~~such~~ bond issue pursuant to section 18-610 by ~~the electors,~~ the mayor and city council or village board of trustees shall be vested with all the powers provided for them in sections 18-601 to 18-614, without such powers ~~the same~~ having been specifically mentioned in the said ordinance authorizing construction of subways and viaducts pursuant to section 18-601.

Sec. 50. Section 18-613, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-613 The Department of Transportation shall be authorized to enter into contracts for the construction of viaducts such viaduct or subways subway, in accordance with ~~such~~ plans and specifications approved under section 18-601, immediately upon the approval by the voters of the issuance such issuing of bonds under section 18-610.

Sec. 51. Section 18-614, Reissue Revised Statutes of Nebraska, is amended to read:

18-614 In lieu of, or in addition to, the issuance of bonds under section 18-610, the city council or village board of trustees may issue warrants for the payment of damages, and levy taxes, if necessary, to provide funds for their payment, or may temporarily borrow any funds in the treasury belonging to any other fund, for the purpose of making the payments required under sections 18-601 to 18-615 ~~herein required,~~ restoring such funds within a reasonable time.

Sec. 52. Section 18-617, Reissue Revised Statutes of Nebraska, is amended to read:

18-617 Whenever the governing body of any city or village within the state believes the construction of a viaduct over or subway under the track or tracks of any railroad within its corporate limits is necessary for the public safety, convenience, and welfare, such governing body ~~it~~ shall pass a resolution so declaring. ~~The Thereafter~~ such governing body shall publish a notice of the passage of such ~~said~~ resolution six consecutive days in a legal newspaper published in or of general circulation in such ~~said~~ city or village or, if there is ~~be~~ no such daily legal newspaper, then two consecutive weeks in a weekly legal newspaper published in or of general circulation in such city or village ~~therein.~~ The notice of the passage of such ~~said~~ resolution, ~~published as aforesaid,~~ shall include an exact copy of the resolution same.

Sec. 53. Section 18-618, Reissue Revised Statutes of Nebraska, is amended to read:

18-618 After the passage and publication of a said resolution as provided in section 18-617, a ~~said~~ city or village shall have authority to enter into contracts and agreements with any railroad company or companies over or under whose railroad a viaduct or subway ~~such structure~~ is to be constructed providing for the construction and maintenance of such viaduct or subway and for the apportionment of the costs thereof. Such ~~;~~ ~~Provided,~~ such agreement or contract shall not be effective nor shall any work be commenced until after such matter is submitted to a vote of the electors as ~~hereinafter~~ provided in section 18-623.

Sec. 54. Section 18-619, Reissue Revised Statutes of Nebraska, is amended to read:

18-619 If no agreement can be reached between a ~~said~~ city or village and a ~~the~~ railroad company or companies for ~~such~~ construction or the division of the costs thereof as provided in section 18-618, the city or village shall file a complaint by the city its attorney or village attorney with the city clerk or village clerk on behalf of such city or village. The complaint ~~it~~ shall allege therein (1) the passage of the resolution ~~hereinbefore~~ referred to in section 18-617, (2) the location of the proposed viaduct or subway, (3) any facts which may show or tend to show why the proposed improvement is necessary for the public safety, convenience, and welfare, and (4) that the city or village and the railroad company or companies are unable to agree as to the construction or the division of the cost thereof and ask ~~,~~ ~~and~~ (5) ~~asking the city or village governing body to make an order relative to such construction and apportioning the cost thereof between the railroad company or companies and the city or~~

~~village other public authority.~~ A copy of such said complaint shall be served upon the railroad company or companies affected. Thereafter, within a reasonable time to be fixed by the governing body, such said railroad company or companies shall file with the city clerk or village clerk plans and specifications for such viaduct or subway requested in such complaint said petition, together with an estimate by such railroad or railroads of the cost of construction and maintenance thereof.

Sec. 55. Section 18-620, Reissue Revised Statutes of Nebraska, is amended to read:

18-620 Upon the filing of a such complaint and after the filing of plans and specifications as provided in section 18-619, the governing body shall fix a time for hearing such said complaint and give notice thereof to the railroad company or companies. At the time so fixed the governing body shall sit as a board of equalization and assessment and at such said hearing shall receive and hear such evidence as may be offered on the question of whether public safety, convenience, and welfare require the construction of such said viaduct or subway, whether or not the cost of such viaduct or subway thereof will exceed the benefits to be derived therefrom, and evidence on the question of the extent to which such said railroad company or companies and the public will be respectively benefited by the construction of such viaduct or subway thereof.

Sec. 56. Section 18-621, Reissue Revised Statutes of Nebraska, is amended to read:

18-621 Upon the conclusion of the hearing provided for in section 18-620, the said governing body, as a board of equalization, shall make an order determining: (1) whether or not the construction of the said viaduct or subway is necessary for the public safety, convenience, and welfare; (2) whether or not the cost of such viaduct or subway thereof will exceed the benefits to be derived therefrom; and (3) the proportion of the total benefits from the construction of such viaduct or subway thereof to be derived by the public and by the railroad company or companies respectively and shall apportion the cost of construction and maintenance of such viaduct or subway structure in the proportions found and shall apportion to the city or village and the railroad company or companies respectively such proportion of the cost of construction and maintenance of such viaduct or subway structure as the governing body ~~board~~ shall find the public and railroad company or companies are respectively benefited. Such said order shall include the governing body's estimate of the cost of the proposed viaduct or subway including the cost of approaches and damages caused to any property by construction thereof. A copy of such said order together with the plans, specifications, and estimates made therein shall be signed by the presiding officer and a majority of the members of the governing said body who concur therein, and filed with the city clerk or village clerk and a copy thereof served on the railroad company or companies, parties thereto. If the governing body shall find that construction of such viaduct or subway is not necessary for public safety, convenience, or welfare or that the cost thereof exceeds the benefits to be derived therefrom, it shall dismiss such complaint said petition.

Sec. 57. Section 18-622, Reissue Revised Statutes of Nebraska, is amended to read:

18-622 If any railroad company is, ~~party to said proceedings,~~ shall be dissatisfied with an said order issued as provided in section 18-621, such company it may appeal such order therefrom to the district court in the county in which such said city or village is situated. Such appeal shall be perfected by the railroad company filing, with the city clerk or village clerk of such said city or village within ten days after such said order is served upon it, a written notice of its intention to appeal ~~therefrom~~. Within twenty days after the filing of such notice of appeal, the city clerk or village clerk shall file with the clerk of the district court of such said county a transcript containing the complaint and the order appealed from together with such other documents as may have been filed in such said proceedings. The railroad company appealing shall pay to the city clerk or village clerk the cost of preparing such transcript. Upon such appeal the district court, without jury, shall hear and determine de novo all of the issues determined by the governing body said ~~board~~ except the question of whether or not the construction of such said viaduct or subway is necessary for the public safety, convenience, and welfare. The said court shall hear and determine such an appeal promptly and speedily, and the court's ~~Its~~ decision shall be subject to review by appeal or otherwise as other judgments of the district court are reviewable.

Sec. 58. Section 18-623, Reissue Revised Statutes of Nebraska, is amended to read:

18-623 The governing body of a any ~~such~~ city or village shall, after agreeing with a such railroad company or companies as provided in section 18-618 or after an order, other than one of dismissal, of the governing body, sitting as a board of equalization as provided in sections 18-620 to 18-622, at the next general election or at a special election called for the purpose, submit to the electors of the said city or village the question of whether such city or village or ~~city~~ and said railroad company or companies shall construct and maintain a viaduct or subway in accordance with any agreement made or in accordance with the order of the governing body of such city or village, and whether such city or village shall have the power to levy taxes or borrow money and pledge the property and credit of such said city or village upon its negotiable bonds to pay its proportion of all costs connected therewith. The ballot shall contain concise statements, to be prepared by the city attorney or village attorney, of the original ordinance declaring the necessity and, if

such viaduct or subway said structure is to be constructed under the provisions of any agreement, a concise statement of the provisions of the agreement or, if it is to be constructed by virtue of an order of the governing body, a concise statement of such said order, and in any instance a statement of the estimated amount of the costs of the construction and maintenance of such viaduct or subway said structure, including the cost of acquisition of or damage to property to be borne by such said city or village and the method by which the said share of such costs of such city or village is to be obtained. The city or village may, at its option, proceed with such said election notwithstanding the pendency of any appeal of any railroad company as ~~hereinbefore~~ provided in section 18-622.

Sec. 59. Section 18-624, Reissue Revised Statutes of Nebraska, is amended to read:

18-624 If a majority of those voting on the proposition of the construction of a said viaduct or subway approve such construction ~~the same~~ by their vote, the governing body of the any such city or village shall have the power to levy taxes, borrow money, and pledge the property and credit of such said city or village upon its negotiable bonds in an amount not exceeding its proportion of the aggregate cost of the construction and maintenance of such viaduct or subway, and to pay for the acquisition of or damage to property by reason of such construction.

Sec. 60. Section 18-625, Reissue Revised Statutes of Nebraska, is amended to read:

18-625 If the construction of a viaduct or subway is approved by the electors as ~~hereinbefore~~ provided in section 18-624, the governing body of the such city or village shall (1) by resolution approve the detailed plans and specifications for such construction, including a map showing the exact location of such viaduct or subway, (2) by resolution make provision for the assumption of liability, the payment of consequential damages to property owners resulting from such proposed construction, and the payment of damages for property taken therefor, and (3) award and pay damages as provided in sections 76-704 to 76-724.

Sec. 61. Section 18-626, Reissue Revised Statutes of Nebraska, is amended to read:

18-626 A Such city or village constructing a viaduct or subway as provided in sections 18-617 to 18-636 may appropriate any existing street or highway therefor and may acquire, extend, widen, or enlarge any street or highway for such purpose.

Sec. 62. Section 18-627, Reissue Revised Statutes of Nebraska, is amended to read:

18-627 When it ~~becomes shall become~~ necessary to appropriate or damage any private property for the construction of a such viaduct or subway as provided in sections 18-617 to 18-636, such appropriation shall be made by resolution. The resolution ~~to be headed Viaduct Resolution~~ shall be published once each week for three weeks in a legal daily or weekly newspaper published in or of general circulation in such city or village or in general circulation therein. The publication shall be sufficient notice to the owners, occupants, and parties interested, and all parties having equitable interest therein. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 63. Section 18-633, Reissue Revised Statutes of Nebraska, is amended to read:

18-633 When any viaduct or subway construction ~~such~~ project has been agreed to or when the division of costs has been otherwise finally determined and when such proposal has been approved by a vote as provided in sections 18-617 to 18-636 all in the manner heretofore provided, the railroad company or companies affected shall within ten days' notice or demand deposit with the city treasurer or village treasurer of the governing body the amount of its proportionate share ~~so determined~~. The district court is hereby given jurisdiction upon the application of the governing body of the city or village municipality to compel such deposit by mandamus together with such penalties as may be found and deemed reasonable by the court.

Sec. 64. Section 18-634, Reissue Revised Statutes of Nebraska, is amended to read:

18-634 After a such city or village has made provisions for financing its proportionate share of the costs and has complied with the provisions of sections 18-617 to 18-636, and the provisions of section 18-633 have been complied with, such city or village ~~it~~ shall proceed to construct, in accordance with plans and specifications previously approved, the such viaduct or subway, or such city or village is hereby authorized to contract for such construction in accordance with such plans and specifications. Any such contract shall be awarded ~~let~~ as provided by law.

Sec. 65. Section 18-635, Reissue Revised Statutes of Nebraska, is amended to read:

18-635 Nothing in sections 18-617 to 18-636 shall modify, change, or abrogate any obligation of any railroad company or companies to maintain, reconstruct, or keep in repair any viaduct or subway previously heretofore built or any replacement of such viaduct or subway thereof under any agreement, statute, or ordinance previously in effect.

Sec. 66. Section 18-636, Reissue Revised Statutes of Nebraska, is amended to read:

18-636 ~~Sections Nothing in sections 18-617 to 18-636 shall be construed to repeal or amend any statute except those statutes hereinafter specifically~~

~~repealed, but shall be construed as independent, supplemental, and in addition to any other laws of the State of Nebraska relating to the elimination of grade crossings, and shall be deemed additional thereto, and as an independent act to provide the entire powers, facilities, and expenditures necessary to accomplish the elimination of grade crossings in the manner provided herein specified. No other provision of law statute shall be effectual as a limitation upon the powers or proceedings herein contained in such sections, but other provisions of law . Other statutes may be relied upon, if need be, to supplement and effectuate the purposes of such sections herein contained.~~

Sec. 67. Section 18-1001, Reissue Revised Statutes of Nebraska, is amended to read:

18-1001 The Legislature hereby declares the public policy of the State of Nebraska to be that the acquisition of real estate sites for the construction of state armories within the corporate limits of cities or villages for the uses and purposes of the Nebraska National Guard and State Guard is a matter of general state concern and that the use of such said sites is a state use and not a city, village, or local use. One of the corporate purposes of all cities and villages is hereby declared to be to acquire real estate sites within their corporate limits and to convey such sites ~~the same~~ without consideration to the State of Nebraska for the uses and purposes of the Nebraska National Guard and State Guard, as provided in sections 18-1002 to 18-1005. Notwithstanding any more general or special law respecting armories in force and effect in this state, the ~~local~~ governing bodies of cities or villages ~~therein~~ are hereby empowered by ordinance to acquire through the exercise of the right of eminent domain, or otherwise, real estate to be used as a site or sites for the construction of state armories to be devoted to the uses and purposes of the Nebraska National Guard and State Guard and to convey such real estate without consideration, when acquired, to the State of Nebraska to the end that through state aid, or federal aid, or both, state armory buildings may be constructed on such sites ~~thereon~~ without cost to such cities or villages other than the cost to such said cities or villages to acquire and convey such ~~of said~~ real estate ~~so acquired and conveyed~~.

Sec. 68. Section 18-1002, Reissue Revised Statutes of Nebraska, is amended to read:

18-1002 Whenever the Nebraska National Guard and State Guard desire any city or village in this state to acquire at the cost of not to exceed ten thousand dollars to such city or village by condemnation, or otherwise, any lot, piece, or parcel of land within the corporate limits of such city or village for a state armory site, the Adjutant General shall notify the city municipal clerk or village clerk of such city or village ~~the local governing body thereof~~ in writing to that effect. The city clerk or village clerk shall present the notice to the ~~local~~ governing body at its next regular or special meeting. ~~If ; and, if a majority of the members of the governing body thereof, the vote thereon to be recorded by yeas and nays in the minutes of the proceedings of such city or village, shall favor the acquisition of such said lot, piece, or parcel of land, the governing body as aforesaid, they shall so order such acquisition by resolution duly passed and approved and recorded in spread at large upon the minutes. The mayor or chairperson chairman of the village board of trustees, as the case may be, shall thereupon designate a committee from the local governing body to negotiate with the owner or owners of such said real estate for the purchase thereof for the purposes and uses provided in this section aforesaid. If the committee and the owners are able to agree on the price, value, and title of the land, the committee shall report in writing its agreement with the owners to the local governing body. If the agreement is ratified, approved, and confirmed in all things by the local governing body by a majority vote of its members, by ordinance upon receipt of a deed properly executed, approved as to form and substance by the city attorney or village attorney in writing, from the owner or owners, as grantors to the city or village, as the case may be, as grantee, such said governing body shall direct the issuance through its proper officers of warrants upon the state armory site fund, as authorized by sections 18-1005 and 18-1006. Such warrants so issued shall be drawn payable to the owner or owners of the land.~~

Sec. 69. Section 18-1003, Reissue Revised Statutes of Nebraska, is amended to read:

18-1003 If the owner or owners and the committee cannot agree on the price, value, or title of the land as provided in section 18-1002, within a period of negotiation extending not more than ten days from the date of appointment of the committee by the ~~local~~ governing body, the committee shall report the fact of disagreement to the mayor and city council or to the chairperson chairman and village board of trustees, as the case may be. The city clerk or village municipal clerk shall immediately forthwith notify in writing the Adjutant General to that effect, whereupon ~~whereupon~~ it shall be the duty of the Attorney General, collaborating with the city attorney or village attorney, to institute proper legal proceedings to acquire the land for state use through the exercise of the power of eminent domain. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724. Payment of the award made or any other necessary costs or expenses incident to the condemnation suit shall be made by the city or village.

Sec. 70. Section 18-1004, Reissue Revised Statutes of Nebraska, is amended to read:

18-1004 Notwithstanding any more general or special law respecting sale or conveyance of real estate now or hereafter owned by cities and villages in force and effect in this state, the ~~local~~ governing bodies of cities and

~~villages are thereof~~ are hereby empowered by ordinance to direct their proper officers to execute deeds for conveyance of any real estate of such cities or villages without consideration to the State of Nebraska for the construction of state armory buildings on such real estate thereon. Such construction shall be made without cost to such cities or villages.

Sec. 71. Section 18-1005, Reissue Revised Statutes of Nebraska, is amended to read:

18-1005 All cities or villages ~~in organized under the laws of~~ the State of Nebraska shall have the power and authority to levy a special tax each year of not more than five and two-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city or village for the acquisition of real estate by agreement with the owner or owners or by condemnation as provided in sections 18-1002 and 18-1003 to be used for state armory sites. Such special levy shall be made by the same ~~local~~ governing body and shall be levied in the same manner as in the case of general city or village taxes. The proceeds of such levy shall ~~inure and~~ be credited to the state armory site fund created by the which the local governing body as provided in section 18-1006 is hereby authorized to create and manage. Revenue raised by such special levy shall be used only for the purpose of acquiring real estate for a state armory site within the corporate limits of such city or village or in the payment of warrants as authorized by section 18-1006.

Sec. 72. Section 18-1006, Reissue Revised Statutes of Nebraska, is amended to read:

18-1006 Any city or village may anticipate the collection of a special ~~such~~ tax collected as provided in section 18-1005 to be budgeted and levied in its adopted budget statement and for that purpose may issue its warrants, in a sum amounting to eighty-five percent of the tax to be levied, as provided in section 18-1005 aforesaid, for the amount of any award issued in condemnation and for the costs and expenses incident thereto, as provided in section 18-1003. Warrants so issued shall be secured by such tax which shall be assessed and levied, as provided by law, and shall be payable only out of funds derived from such tax. In any case in which warrants are issued, as provided in this section herein authorized, it shall be the duty of such city or village, on receipt of such tax when paid, to hold the same as a separate fund, to be known as the state armory site fund, to the amount of the warrants so issued, and the interest thereon, for the purpose of paying or redeeming such warrants.

Sec. 73. Section 18-1101, Reissue Revised Statutes of Nebraska, is amended to read:

18-1101 The mayor and city council of any city or the chairperson chairman and village board of trustees of any village of the State of Nebraska, which has issued valid pledge warrants, revenue bonds, revenue notes, or revenue debentures, which instruments are outstanding and unpaid, may take up and pay off any such outstanding instruments whenever the same can be done by lawful means by the issue and sale, or the issue and exchange therefor, of other pledge warrants, revenue bonds, revenue notes, or revenue debentures. Such instruments shall not be general obligations of such city or village the municipality. Any city or village which has issued and has outstanding valid pledge warrants, revenue bonds, revenue notes, or revenue debentures which are unpaid, some of which are secured by the pledge of the revenue and earnings of one public utility and others are secured by the pledge of the revenue and earnings of another public utility, may take up and pay off all such outstanding instruments by the issuance and sale of its combined revenue bonds or revenue notes which may be secured by the pledge of the revenue and earnings of any two or more of such public utilities. Any ; such a city or village may enter into such a contract or contracts in connection with such instruments therewith as may be proper and necessary.

Sec. 74. Section 18-1102, Reissue Revised Statutes of Nebraska, is amended to read:

18-1102 Whenever it is desired to issue pledge warrants, revenue bonds, or revenue debentures under section 18-1101, the city council or village board of trustees corporate authorities described therein shall, by resolution recorded entered in the minutes of its their proceedings, provide for the issuance and sale or exchange of the refunding instruments.

Sec. 75. Section 18-1201, Reissue Revised Statutes of Nebraska, is amended to read:

18-1201 All cities and villages ~~in organized under the laws of~~ the State of Nebraska may levy a special tax each year of not more than five cents on each one hundred dollars upon the taxable value of all the taxable property in such city or village for the special purposes set forth in this section. Such special levy shall be made by the same officers or board and be levied in the same manner as general city or village taxes. Revenue raised by such a special levy may be used for purchasing and maintaining public safety equipment, including, but not limited to, vehicles or rescue or emergency first-aid equipment for a fire or police department of such city or village, for purchasing real estate for fire or police station quarters or facilities, for erecting, building, altering, or repairing fire or police station quarters or facilities, for purchasing, installing, and equipping an emergency alarm or communication system, or for paying off bonds authorized by section 18-1202. Such revenue may be accumulated in a sinking fund or sinking funds to be used for any such purpose.

Sec. 76. Section 18-1202, Reissue Revised Statutes of Nebraska, is amended to read:

18-1202 Any city or village which has levied or intends to levy a tax as

authorized by section 18-1201 for the purposes stated in such section may anticipate the collection of such taxes, including the anticipation of collections from levies to be made in future years, and for such purpose may issue tax anticipation bonds which shall be payable in not exceeding twenty years and may bear interest, payable annually or semiannually, at such rate or rates as the mayor and city council or chairperson and village board of trustees may determine. The total of principal and interest payable on such bonds in any calendar year shall not exceed ninety percent of the anticipated tax collection for such calendar year on the assumption that the taxable valuation for such city or village in all succeeding years shall be the same as the taxable valuation most recently determined prior to passage of the ordinance authorizing such bonds and applying the tax levy made or agreed to be made by the city or village, but not exceeding five cents on each one hundred dollars, and using tax due and delinquency dates in effect at the time of passage of the bond ordinance. The city or village may agree in such bond ordinance to make and to continue to make a levy under section 18-1201 until such bonds and interest thereon are fully paid. Such bonds shall be secured by such tax so assessed and levied and shall be payable only out of the funds derived from such tax. It shall be the duty of such city or village on receipt of such taxes to hold the same as a separate fund to the amount of the bonds so issued and the interest thereon for the purpose of paying or redeeming such bonds.

Sec. 77. Section 18-1203, Reissue Revised Statutes of Nebraska, is amended to read:

18-1203 All ~~incorporated~~ cities and villages within the State of Nebraska are hereby expressly authorized, upon a three-fourths vote of all of the members elected to the city council or village board of trustees, to levy not to exceed two and one-tenth cents on each one hundred dollars upon the taxable value of all the taxable property in such cities or villages each year to establish and maintain a vocal, instrumental, or amusement organization for the purpose of rendering free public concerts, music festivals, and entertainments within such city or village limits for the people of such city or village ~~and locality~~. When such vote has been so made and recorded by the city council or village board of trustees, a tax of not to exceed two and one-tenth cents on each one hundred dollars of the taxable value of all the taxable property of such city or village shall be levied by such city or village, in addition to all other general and special taxes, for the support, maintenance, and necessary expenses of such vocal, instrumental, or amusement organization. Any ~~incorporated~~ city or village may levy each year a tax of not exceeding three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such municipality for the maintenance of a municipal band or other vocal, instrumental, or amusement organization for the purpose of rendering free public concerts, music festivals, and entertainments when a petition signed by ten percent of the legal voters of ~~such an incorporated~~ city or village, as shown by the last regular municipal election, is filed with the city clerk of the city or village clerk and requests the following question to be submitted to the voters of the city or village: Shall a tax of not exceeding ..... cents on each one hundred dollars upon the taxable value of all the taxable property of ....., Nebraska, be levied each year for the purpose of providing a fund for the maintenance of a municipal band or other vocal, instrumental, or amusement organization for the purpose of rendering free public concerts, music festivals, and entertainments? When such petition is filed, the city council or village board of trustees, ~~council, or city commission~~ shall cause the question to be submitted to the voters of the city or village at the next general municipal election, and if a majority of the votes cast at the election favor such proposition, the city council or village board of trustees, ~~council, or city commission~~ shall then levy such tax to maintain such municipal band or other vocal, instrumental, or amusement organization for the purposes enumerated in this section.

Sec. 78. Section 18-1204, Reissue Revised Statutes of Nebraska, is amended to read:

18-1204 When a petition signed by ten percent of the legal voters of a ~~such incorporated~~ city or village, as shown by the last regular municipal election, is filed with the city clerk of the city or village clerk requesting that the question be submitted to the voters of withdrawing the authority to tax under section 18-1203, the city council or village board of trustees ~~or city council or commissioners~~ shall submit the question of withdrawal at the next general municipal election. The question on the ballot shall be as follows: Shall the power previously heretofore granted in ....., Nebraska, to levy a tax of ..... cents on each one hundred dollars upon the taxable value of all the taxable property of such city or village for the purpose of providing a fund for the maintenance of a municipal band or other vocal, instrumental, or amusement organization for the purpose of rendering free public concerts, music festivals, and entertainments be withdrawn? If a majority of the votes cast favor such withdrawal, no further levy for the purpose shall thereafter be made until the proposition is again resubmitted to the people. After the proposition for withdrawing the right to tax has carried, no further submission of a proposition to levy the tax shall be made for at least two years.

Sec. 79. Section 18-1205, Reissue Revised Statutes of Nebraska, is amended to read:

18-1205 When a ~~any incorporated~~ city or village has voted as required by section 18-1203 to establish and maintain a vocal, instrumental, or amusement

organization, there shall thereafter be included in the annual estimate of expenses of such the city or village a levy of not to exceed two and one-tenth cents or three and five-tenths cents on each one hundred dollars, as the case may be, upon the taxable value of the taxable property of such city or village for each year for such the purpose. The levy so made shall be included in the appropriation ordinance.

Sec. 80. Section 18-1206, Reissue Revised Statutes of Nebraska, is amended to read:

18-1206 Every ~~such~~ vocal, instrumental, or amusement organization established under sections 18-1201 to 18-1207 herein contemplated shall be under the instruction and guidance of a leader, who may be nominated in the first instance by the organization or association but whose nomination, term of employment, and compensation shall be subject to the approval of the city council ~~of said city or village board of trustees of the city or village that established the organization of said village.~~

Sec. 81. Section 18-1207, Reissue Revised Statutes of Nebraska, is amended to read:

18-1207 The city council of each ~~such~~ city, or village board of trustees of each ~~such~~ village, making provision for any vocal, instrumental, or amusement organization as provided in sections 18-1201 to 18-1207, shall make and adopt all suitable and necessary rules, regulations, and bylaws concerning the government, organization, expenditures, and other necessary matters pertaining to such organization, and for that purpose shall appoint and designate three members of the city council or village board of trustees as a committee on municipal amusements and entertainments.

Sec. 82. Section 18-1215, Reissue Revised Statutes of Nebraska, is amended to read:

18-1215 Whenever a municipality has enacted an ordinance creating a special assessment district, it shall be the duty of such municipality to file a copy of such ordinance in the office of the register of deeds of the county in which such municipality is located.

Sec. 83. Section 18-1216, Reissue Revised Statutes of Nebraska, is amended to read:

18-1216 (1) Any municipality ~~city of the metropolitan, primary, first, or second class or any village~~ shall have authority to collect the special assessments which it levies and to perform all other necessary functions related thereto including foreclosure. The governing body of any municipality ~~city or village~~ collecting its own special assessments shall direct that notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

(2) A city of the second class or village collecting its own assessments under this section shall (a) file notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds of the county in which the municipality is located and (b) file a release of assessment upon final payment of each assessment with the register of deeds. Such register of deeds shall index the assessment against the individual lots and tracts of land and have such information available to the public.

Sec. 84. Section 18-1501, Reissue Revised Statutes of Nebraska, is amended to read:

18-1501 Any city or village in ~~within~~ the State of Nebraska, is hereby authorized to acquire by lease, for a term not to exceed twenty-five years, purchase, condemnation, or otherwise, the necessary land within or without such city or village for the purpose of establishing an aviation field and to erect thereon such buildings and make such improvements, as may be necessary for the purpose of adapting the field to the use of aerial traffic, and may, from time to time, fix and establish a schedule of charges for the use of such field ~~thereof~~, which charges shall be used in connection with the maintenance and operation of any such field and the activities thereof. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 85. Section 18-1502, Reissue Revised Statutes of Nebraska, is amended to read:

18-1502 For the purpose of acquiring and improving an aviation field as authorized in section 18-1501, any city or village may issue and sell bonds of such city or village to be designated aviation field bonds to provide the necessary funds for such aviation field ~~therefor~~ in an amount not to exceed seven-tenths of one percent of the taxable valuation of all the taxable property in such city or village. Such bonds shall become due in not to exceed twenty years from the date of issuance and shall draw interest payable semiannually or annually. Such bonds may not be sold for less than par and in no case without the proposition of issuing the same having first been submitted to the legal electors of such city or village at a general or special election held in such city or village ~~therein~~ and a majority of the votes cast upon the question of issuing the bonds being in favor thereof. The authority to sell such bonds shall not be limited by any other ~~or special~~ provision of law ~~found elsewhere outside of sections 18-1501 to 18-1509.~~

Sec. 86. Section 18-1503, Reissue Revised Statutes of Nebraska, is amended to read:

18-1503 For the purpose of acquiring and improving an the aviation field

as provided in section 18-1501, a the city or village may, in lieu of issuing and selling bonds, levy an annual tax of not to exceed seven cents on each one hundred dollars upon the taxable value of all the taxable property within the corporate limits of such city or village, which tax shall not be levied or collected until the proposition of levying such tax ~~the same~~ has first been submitted to the legal electors of such city or village at a general or special election held in such city or village ~~therein~~ and the majority of votes cast upon the question of levying such tax are in favor thereof. Such levy shall be authorized for a term not exceeding ten years, and the proposition submitted to the electors shall specify the number of years for which it is proposed to levy such tax. If funds for such purposes are raised by the levy of tax, no part of the funds so accruing shall be used for any other purpose.

Sec. 87. Section 18-1504, Reissue Revised Statutes of Nebraska, is amended to read:

18-1504 It shall not be necessary, in order for a city or village to acquire the necessary land for an aviation field by lease, to submit the proposition of such acquisition by lease to the legal voters of such city or village.

Sec. 88. Section 18-1508, Reissue Revised Statutes of Nebraska, is amended to read:

18-1508 The governing body ~~legislative body~~ of any city or village shall have power to make and enforce such ordinances, rules, and regulations as shall lawfully be made, for the control and supervision of any airport, landing field, or airdrome acquired, established, or operated by such city or village ~~it~~, and for the control of aircraft and airmen, but such ordinances, rules, and regulations shall not conflict with the rules and regulations for the navigation of aircraft promulgated by the United States Government. This power shall extend to the space above the lands and waters included within the corporate limits of such city or village, and to the space above any airport, landing field, or airdrome outside such ~~its~~ limits.

Sec. 89. Section 18-1509, Reissue Revised Statutes of Nebraska, is amended to read:

18-1509 The governing body of any city or village, authorized by section 18-1501 to acquire an aviation field, shall have power to lease or dispose of such aviation field ~~the same~~ or any portion thereof when doing so will not damage the public need for such airfield ~~will not thereby be injured~~.

Sec. 90. Section 18-1701, Reissue Revised Statutes of Nebraska, is amended to read:

18-1701 All cities and villages may ~~are empowered to~~ provide for the disposition or destruction of public records when such the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to the Records Management Act. ~~This sections 84-1201 to 84-1220; Provided, the provisions of this section shall not apply to the minutes of the city clerk or village clerk, and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator.~~

Sec. 91. Section 18-1702, Reissue Revised Statutes of Nebraska, is amended to read:

18-1702 Any city or village, in the State of Nebraska may, ~~is hereby authorized and empowered to~~ pay from municipal funds the cost of training and the expenses of trainees, designated by its governing body, to attend the Nebraska Law Enforcement Training Center ~~law enforcement institute jointly sponsored by the Police Officers Association of Nebraska and the Extension Division of the University of Nebraska and held periodically at the University of Nebraska at Lincoln, Nebraska.~~

Sec. 92. Section 18-1705, Reissue Revised Statutes of Nebraska, is amended to read:

18-1705 Whenever any city or village shall need any additional land for the purpose of avoiding a menace to travel by caving, sliding, washing, or otherwise or for the purpose of improving, maintaining, or changing any road, street, alley, or other public highway, such city or village may acquire such needed land or an easement therein by purchase, gift, or eminent domain proceedings. Such land may be so acquired regardless of whether the land ~~it~~ is contiguous or noncontiguous to such road, street, alley, or highway, or within or without the corporate limits of such city or village. In case of eminent domain proceedings, the procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 93. Section 18-1706, Reissue Revised Statutes of Nebraska, is amended to read:

18-1706 Any city or village may by resolution authorize its fire department or police department ~~departments~~ or any portion thereof to provide fire, police, and emergency service outside of the limits of such city or village ~~the municipality~~ either within or without the state.

Sec. 94. Section 18-1707, Reissue Revised Statutes of Nebraska, is amended to read:

18-1707 Any city or village shall have the authority to contract with other political subdivisions, government agencies, public corporations, private persons, or groups for (1) compensation for services rendered by such city or village ~~it~~ or (2) the use of vehicles and equipment of the city or village. Such ~~The~~ services shall be of a type which the city or village is empowered to perform and the vehicles or equipment shall be of a type which the city or village is empowered to use, as otherwise provided by law. Any person performing such the services shall have completed any training requirements of

his or her profession as required by law. The compensation agreed upon shall be a legal charge and collectible by the entity rendering such services in any court of competent jurisdiction.

Sec. 95. Section 18-1708, Reissue Revised Statutes of Nebraska, is amended to read:

18-1708 All city or village ~~municipal~~ employees serving outside the corporate limits of the city or village ~~municipality~~ as authorized in sections 18-1706 to 18-1709 shall be considered and held as serving in their regular line of duties as fully as if they were serving within the corporate limits of the city or village which employs them ~~their own municipality~~.

Sec. 96. Section 18-1709, Reissue Revised Statutes of Nebraska, is amended to read:

18-1709 Any city or village ~~Each and every municipality~~ of this state ~~may~~ ~~is hereby authorized and empowered to~~ make arrangements and contracts with any other city or village ~~municipality~~ for the purpose of fire protection and for the use of fire apparatus and emergency vehicles and equipment.

Sec. 97. Section 18-1712, Reissue Revised Statutes of Nebraska, is amended to read:

18-1712 Any city or village in the State of Nebraska may pay from city or village ~~municipal~~ funds the cost of training and the expenses of such members of the city or village fire department ~~from each fire company~~ as designated by the its governing body of the city or village ~~to attend the fire training school jointly sponsored by the Nebraska State Volunteer Firefighter's Association, the State Fire Marshal, the Nebraska Forest Service Fire Control, a division of the University of Nebraska Institute of Agriculture and Natural Resources, and the Nebraska Emergency Management Agency and held periodically at the state fire training school.~~

Sec. 98. Section 18-1713, Reissue Revised Statutes of Nebraska, is amended to read:

18-1713 Any city or village in the State of Nebraska ~~may~~ ~~shall be authorized and empowered to~~ enter into a contract with a fire department of any city of the primary or metropolitan class or city of the primary class ~~that maintains a fire training school for its own firefighters firemen,~~ to train such firefighters firemen as such city or village ~~it~~ might designate and may pay from city or village ~~municipal~~ funds the cost of such training and all of the expenses of such designated trainees during the time that they are undergoing such training.

Sec. 99. Section 18-1714, Reissue Revised Statutes of Nebraska, is amended to read:

18-1714 Any city or village in the State of Nebraska ~~may~~ ~~is hereby authorized to~~ send any person or persons designated by its governing body to attend any fire training school operating within the State of Nebraska and that has been approved as a proper fire department training school for such purposes by the State Fire Marshal and the Nebraska Emergency Management Agency.

Sec. 100. Section 18-1716, Reissue Revised Statutes of Nebraska, is amended to read:

18-1716 Any regulation of any municipality pertaining to any area outside of its corporate limits shall be subject to any lawful and existing regulation of another municipality pertaining to that same area except as otherwise provided by an agreement entered into pursuant to the Interlocal Cooperation Act or Joint Public Agency Act. However, any area annexed by any municipality shall only be subject to the ordinances of such annexing ~~municipality~~ after such annexation.

Sec. 101. Section 18-1718, Reissue Revised Statutes of Nebraska, is amended to read:

18-1718 Any action or proceeding of any kind or nature, whether legal or equitable, which is brought to contest any annexation of property made ~~after April 29, 1967,~~ by any city or village, shall ~~must~~ be brought within one year from the effective date of such ~~the~~ annexation or such action or proceeding ~~the same~~ shall be forever barred. The period of time prescribed by this section for bringing an action shall not be tolled or extended by nonresidence or disability.

Sec. 102. Section 18-1719, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-1719 Any city or village may provide for the destruction and removal of specified portions of weeds and worthless vegetation within the right-of-way of all railroads within the corporate limits of ~~any~~ such city or village, ~~and it~~ may require the owner or owners of such right-of-way to destroy and remove the weeds or vegetation from such right-of-way ~~therefrom~~. If such owner or owners fail, neglect, or refuse, after ten days' written notice to remove the weeds or vegetation, such city or village, by its proper officers, shall destroy and remove the weeds or vegetation or cause the weeds or vegetation to be destroyed or removed and shall assess the cost thereof against such property as a special assessment. No city or village shall destroy or remove or otherwise treat such specified portions until after the time has passed in which the railroad company is required to destroy or remove such vegetation.

Sec. 103. Section 18-1720, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-1720 (1) All cities and villages in this state ~~may~~ ~~are hereby granted power and authority~~ by ordinance to define, regulate, suppress, and prevent nuisances, ~~and to declare what constitutes shall constitute a nuisance, and to abate and remove such nuisances the same.~~ Every city and village ~~may~~ ~~is authorized to~~ exercise such power and authority within its corporate limits and

extraterritorial zoning jurisdiction.

(2) Any city or village may enter into an interlocal agreement pursuant to the Interlocal Cooperation Act with a county in which the extraterritorial zoning jurisdiction of the city or village is located to provide for joint and cooperative action to abate, remove, or prevent nuisances within such extraterritorial zoning jurisdiction. The governing body of such city or village and the county board of such county shall first approve such interlocal agreement by ordinance or resolution.

Sec. 104. Section 18-1721, Reissue Revised Statutes of Nebraska, is amended to read:

18-1721 In order to lessen congestion on the streets and to facilitate adequate provisions for community utilities and facilities such as transportation, any city or village which has a comprehensive zoning ordinance is authorized to require that no building or structure shall be erected or enlarged upon any lot in any zoning district unless the half of the street adjacent to such lot has been dedicated to its comprehensive plan width. The maximum area of land required to be so dedicated shall not exceed twenty-five percent of the area of any such lot and the dedication shall not reduce such a lot below a width of fifty feet or an area of five thousand square feet. Any owner of such a lot may submit an application for a variance and the city or village municipality shall provide a procedure for such application to prevent unreasonable hardship under the facts of each case. The authority granted in this section ~~herein~~ is in addition to the authority of the city or village municipality to require dedication of right-of-way as a condition of subdivision approval.

Sec. 105. Section 18-1722.01, Reissue Revised Statutes of Nebraska, is amended to read:

18-1722.01 Whenever the governing body of a municipality ~~of the metropolitan class~~ has decided by resolution or other a municipality of any other class has made a determination that a property is unsafe or unfit for human occupancy because of one or more violations of its minimum standard housing ordinance or has decided by resolution or other determination, ~~whichever is applicable,~~ that a building is unsafe because of one or more violations of its local dangerous building or construction code ordinance, it shall be the duty of such municipality to post the property accordingly, and to file a copy of such resolution or other determination or resolution in the office of the register of deeds of the county to be recorded. No fee shall be charged for such recording or for the release of such recording.

Sec. 106. Section 18-1723, Reissue Revised Statutes of Nebraska, is amended to read:

18-1723 Whenever any firefighter who has served a total of five years as a member of a paid fire department of any city in this state or any police officer of any city or village, including any city having a home rule charter, shall suffer death or disability as a result of hypertension or heart or respiratory defect or disease, there shall be a rebuttable presumption that such death or disability resulted from accident or other cause while in the line of duty for all purposes of the Police Officers Retirement Act, ~~Chapter 15, article 10,~~ sections 15-1012 to 15-1027 and 16-1020 to 16-1042, and any firefighter's or police officer's pension plan established pursuant to any home rule charter, the Legislature specifically finding the subject of this section to be a matter of general statewide concern. The rebuttable presumption shall apply to death or disability as a result of hypertension or heart or respiratory defect or disease after the firefighter or police officer separates from his or her applicable employment if the death or disability occurs within three months after such separation. Such rebuttable presumption shall apply in any action or proceeding arising out of death or disability incurred prior to December 25, 1969, and which has not been processed to final administrative or judicial conclusion prior to such date.

Sec. 107. Section 18-1724, Reissue Revised Statutes of Nebraska, is amended to read:

18-1724 Notwithstanding any other provision of law or laws heretofore enacted, all cities and villages in this state shall have the power by ordinance to define, regulate, suppress, and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, age, or disability in employment, public accommodation, and housing and may provide for the enforcement of such ordinances by providing appropriate penalties for the violation thereof. It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both spouses husband and wife if such policy is equally applied to both sexes.

Sec. 108. Section 18-1729, Reissue Revised Statutes of Nebraska, is amended to read:

18-1729 Any ~~incorporated~~ city or village may, by ordinance, establish a violations bureau for the collection of penalties for nonmoving traffic violations within such city or village. Such violations shall not be subject to prosecution in the courts except when payment of the penalty is not made within the time prescribed by ordinance. When payment is not made within such time, the violations may be prosecuted in the same manner as other ordinance violations.

Sec. 109. Section 18-1741.03, Reissue Revised Statutes of Nebraska, is amended to read:

18-1741.03 To ensure insure uniformity, the Supreme Court may prescribe the form of the handicapped parking citation to be used for handicapped parking

infractions. The handicapped parking citation shall include a description of the handicapped parking infraction, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matter as the Supreme Court deems appropriate, but shall not include a place for the cited person's social security number. The handicapped parking citation shall provide space for an affidavit by a peace officer certifying that the recipient of the citation is the lawful possessor in his or her own right of a handicapped or disabled parking permit and that the peace officer has personally viewed the permit. The Supreme Court may provide that a copy of the handicapped parking citation constitutes the complaint filed in the trial court.

Sec. 110. Section 18-1743, Reissue Revised Statutes of Nebraska, is amended to read:

18-1743 Any city or village which requires that a building permit be issued for the erection, alteration, or repair of any building within its corporate limits or extraterritorial zoning jurisdiction shall, if the improvement is two thousand five hundred dollars or more, issue a duplicate of such permit to the county assessor.

Sec. 111. Section 18-1748, Reissue Revised Statutes of Nebraska, is amended to read:

18-1748 (1) Any city or village may require the owner of any property which is within such city or village and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

(2) Any city or village may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks.

(3) The city or village shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line or driveway approach. If within thirty days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the city or village may cause such work to be done and assess the cost upon the property served by such connection or approach.

Sec. 112. Section 18-1750, Reissue Revised Statutes of Nebraska, is amended to read:

18-1750 (1) Municipalities may issue notes up to seventy percent of the unexpended balance of total anticipated receipts for the current year and the following year. Total anticipated receipts for the current year and the following year shall mean a sum equal to the anticipated receipts from the current existing total levy multiplied by two.

(2) Municipalities may execute and deliver in evidence of such anticipated receipts thereof their promissory notes, which they may ~~are hereby authorized and empowered to~~ make and negotiate, bearing a rate of interest set by the city council or village board of trustees and maturing not more than two years from the date thereof. Such notes, before they are negotiated, shall be presented to the city treasurer or village treasurer of the municipality and registered by him or her and shall be payable out of the funds collected by such municipality in the order of their registration after the payment of prior registered warrants, but prior to the payment of any warrant subsequently registered, except that if both warrants and notes are registered, the total of such registered notes and warrants shall not exceed one hundred percent of the unexpended balance of the total anticipated receipts of such municipality for the current year and the following year. For the purpose of making such calculation, such total anticipated receipts shall not include any anticipated receipts against which the municipality has issued notes pursuant to this section in either the current or the immediately preceding year.

(3) ~~(2)~~ In addition to the provisions of subsections ~~subsection~~ (1) and (2) of this section, municipalities may accept interest-free or low-interest loans from the federal government and may execute and deliver in evidence thereof their promissory notes maturing not more than twenty years from the date of execution.

Sec. 113. Section 18-1751, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-1751 All cities and villages may create a special improvement district for the purpose of replacing, reconstructing, or repairing an existing street, alley, water line, or sewer line, or any other such improvement. Except as provided in sections 19-2428 to 19-2431, the city council or village board of trustees may levy a special assessment, to the extent of such special benefits, for the costs of such improvements upon the properties found specially benefited thereby, whether or not such properties were previously assessed for the same general purpose. In creating such special improvement district, the city council or village board of trustees shall follow procedures applicable to the creation and assessment of the same type of improvement district as otherwise provided by law.

Sec. 114. Section 18-1752, Reissue Revised Statutes of Nebraska, is

amended to read:

18-1752 (1) Any city or village may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate limits or extraterritorial zoning jurisdiction or upon the streets, roads, or alleys abutting such lot or land which constitutes a public nuisance. The city or village may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot, ~~or land, and~~ streets, roads, or alleys.

(2) Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city or village ~~through its proper offices~~ shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot, ~~or land, and~~ streets, roads, or alleys.

(3) If the mayor or city manager of such city or chairperson of the village board of trustees of such village declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city or village shall remove the garbage or refuse, or cause it to be removed, from such lot or land within forty-eight hours after notice by personal service or following receipt of a certified letter in accordance with subsection (2) of this section if such garbage or refuse has not been removed.

(4) Whenever any city or village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this section, such city or village ~~it~~ shall, after a hearing conducted by the city council or village board of trustees ~~its governing board~~, assess the cost of the removal against such lot or land.

Sec. 115. Section 18-1754, Reissue Revised Statutes of Nebraska, is amended to read:

18-1754 The Tax Commissioner shall review the report of the annexing city or village issued pursuant to section 18-1753 and its calculations as to the new population of the city or village as the result of the annexation. The Tax Commissioner ~~He or she~~ shall determine if the methodology employed in determining such calculations has been made in conformity with section 18-1753 and shall, within sixty days of his or her receipt of a complete report from the annexing city or village, certify the total new population of the city or village following the annexation. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section and section 18-1753.

Sec. 116. Section 18-1755, Reissue Revised Statutes of Nebraska, is amended to read:

18-1755 A city ~~of the metropolitan, primary, first, or second class~~ or village acquiring an interest in real property by purchase or eminent domain shall do so only after the governing body of such city or village has authorized the acquisition by action taken in a public meeting after notice and public hearing. The city or village shall provide to the public a right of access for recreational use to the real property acquired for public recreational purposes. Such access shall be at designated access points and shall be equal to the right of access for recreational use held by adjacent landowners. The right of access granted to the public for recreational use shall meet or exceed such right held by a private landowner adjacent to the real property.

Sec. 117. Section 18-1757, Reissue Revised Statutes of Nebraska, is amended to read:

18-1757 (1) The fire chief or head official of the fire department, fire inspectors as may be designated by such fire chief or head official, or inspectors charged with the enforcement of fire, health, ~~or safety,~~ and building or construction codes and constructional technical codes of a city of the metropolitan first class, city of the primary class, or city of the first metropolitan class shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, ~~and safety,~~ and building or construction codes and constructional technical codes (a) that constitute infractions or violations of city ordinances, (b) that are violations of the fire, health, ~~or safety,~~ or building or construction code or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and (c) in which the circumstances do not pose a danger to the official or inspector.

(2) If a city of the second class or village has adopted and is enforcing a fire, health, safety, or building or construction constructional technical code, the fire chief or head official of the fire department, fire inspectors designated by such fire chief or head official, or such inspectors charged with the enforcement of the fire, health, safety, or building or construction constructional technical code shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, safety, or building or construction constructional technical codes (a) that constitute infractions or violations of city or village ordinances, (b) that are violations of the fire, health, safety, or building or construction constructional technical code that the official or inspector issuing the citation is charged with enforcing, and (c) where the circumstances do not pose a danger to the official or inspector.

(3) A citation issued under this section shall be equivalent to and have the same legal effect as a citation issued in lieu of arrest or continued

custody by a peace officer if the citation and procedures utilized meet the requirements of sections 29-422 to 29-429. The citation shall be on the same form prescribed under section 29-423. Failure to appear or comply with a citation issued under this section shall be punishable in the same manner as provided in section 29-426. An official or inspector issuing a citation under this section shall not have authority to take a person into custody or detain a person under this section or section 29-427.

Sec. 118. Section 18-1801, Reissue Revised Statutes of Nebraska, is amended to read:

18-1801 Whenever any city or village is authorized to issue bonds that would constitute a general obligation of the city or village and such ~~the~~ city or village has taken all preliminary steps required for the issuance of two or more issuances of such bonds, except the enactment of an ordinance or resolution prescribing the form of such bonds ~~thereof~~, the city or village may combine all such proposed bonds into a single issue in the total amount of the aggregate of the proposed separate issues and issue and sell such bonds at not less than par. The bonds shall be known as Various Purpose Bonds of the City (or Village) of .....

Sec. 119. Section 18-1802, Reissue Revised Statutes of Nebraska, is amended to read:

18-1802 Any ~~The~~ various purpose bonds issued under section 18-1801 shall be authorized by an ordinance enacted by a majority vote of the governing body of the city or village. The ordinance shall state the various proposed bonds and the amount of each proposed issue which have been combined in the various purpose bonds. The various purpose bonds may mature and bear interest as the governing body may determine but the amount of each proposed separate issue included therein shall mature and bear interest within the maturity and interest limitations which would be applicable to such separate issue as if it were issued independently. The proceeds received from the sale of such bonds shall be allocated and applied to the same purposes as the proceeds of the separate bond issues would have been applied if issued. All money collected from special assessments or other special funds which might have been applied on the payment of any bonds if issued separately shall be kept in a special account and used to pay the principal and interest on the various purpose bonds of the city or village.

Sec. 120. Section 18-1803, Reissue Revised Statutes of Nebraska, is amended to read:

18-1803 Any city or village shall have the power to issue revenue bonds for the purpose of acquiring, constructing, reconstructing, improving, extending, equipping, or furnishing any revenue-producing facility within or without its corporate limits that the city or village municipality ~~municipality~~ has power to acquire, construct, reconstruct, extend, equip, improve, or operate and for any purpose necessary or incidental to any such purpose of the foregoing and for the purpose of refunding any such bonds and for the purpose of refunding general obligation bonds of the city or village issued to construct part or all of such revenue-producing facilities including refunding any general obligation bonds which may have been issued to refund any bonds issued to construct part or all of such revenue-producing facilities. Cities of the primary class may also issue revenue bonds for any public purpose in connection with or related to any such revenue-producing facility. For the purposes of sections 18-1803 to 18-1805, bonds shall mean and include bonds, notes, warrants, or debentures, including notes issued pending permanent revenue bond financing. For the purposes of sections 18-1803 to 18-1805, facility means and includes, but is not shall mean and include, but not be limited to, all or part of a revenue-producing undertaking, such as a health care facility, waterworks plant, water system, sanitary sewer system, sewage disposal plant, gas plant, electric light and power plant, electric distribution system, or airport facility, including an ownership interest in any such undertaking, or any combination of two or more such undertakings or an interest or interests therein.

Sec. 121. Section 18-1804, Reissue Revised Statutes of Nebraska, is amended to read:

18-1804 General provisions relating to the form, sale, issuance, and other matters concerning revenue bonds issued by municipalities shall be as follows:

(1) The form, denominations, and other features of such bond issues shall be as prescribed by the governing body in the ordinance authorizing the issuance of such bonds. The official designated shall be responsible for the sale and issuance of such bonds, for their delivery, for promptly and properly depositing the proceeds from such bonds ~~therefrom~~, and for other ministerial acts relating to bonds;

(2) Revenue bonds shall be issued for such terms as the ordinance authorizing such bonds ~~them~~ shall prescribe but shall not mature later than fifty years after the date of issuance thereof and may be issued with or without an option of redemption as shall be determined by the governing body;

(3) Revenue bonds shall be sold for such price, bear interest at such rate or rates, and be payable as to principal and interest at such time or times and at such place or places within or without the state as shall be determined by the governing body;

(4) Any ordinance authorizing revenue bonds may contain such covenants and provisions to protect and safeguard the security of the holders of such bonds as shall be deemed necessary to assure the prompt payment of the principal thereof and the interest thereon. Such covenants and provisions may establish or provide for, but shall not be limited to, (a) the payment of interest on such bonds from the proceeds thereof for such period as the governing body

deems advisable, the creation of reserve funds from bond proceeds, revenue of the facility for or with respect to which the bonds were issued or other available money, the creation of trust funds, and the appointment of trustees for the purpose of receiving and disbursing bond proceeds or the collection and disbursement of revenue from the facility for or with respect to which the bonds were issued, (b) ÷ the limitations or conditions upon the issuance of additional bonds payable from the revenue of the facility for or with respect to which the bonds were issued, (c) ÷ the operation, maintenance, management, accounting, and auditing procedures to be followed in the operation of the facility, ÷ and (d) the conditions under which any trustee or bondholders committee shall be entitled to the appointment of a receiver to take possession of the facility, to manage it, and to receive and apply revenue from the facility;

(5) The provisions of this section and any ordinances authorizing the issuance of revenue bonds pursuant to this section shall constitute a contract of the municipality with every holder of such bonds and shall be enforceable by any bondholder by mandamus or other appropriate action at law or in equity in any court of competent jurisdiction;

(6) Bonds issued pursuant to this section shall not be a debt of the municipality within the meaning of any constitutional, statutory, or charter limitation upon the creation of general obligation indebtedness of the municipality, and the municipality shall not be liable for the payment of such bonds thereof out of any money of the municipality other than the revenue pledged to the payment thereof, and all bonds issued pursuant to this section shall contain a recital to that effect. The holders of all revenue bonds shall have a lien on the revenue of the facility for or with respect to which they are issued subject to conditions provided in the ordinance authorizing the issuance of such bonds;

(7) Whenever the governing body shall have issued any revenue bonds, the governing body it shall establish, maintain, revise, and collect charges and rates throughout the life of the bonds at least sufficient to provide for all costs associated with the ownership, operation, maintenance, renewal, and replacement of the facility for or with respect to which the bonds were issued and ÷ the payment of the principal and interest on all indebtedness incurred with respect thereto and to provide adequate reserves therefor, to maintain such coverage for the payment of such indebtedness as the governing body may deem advisable, to maintain such other reserves as provided in the ordinances authorizing the issuance of such bonds, and to carry out the provisions of such ordinances; and

(8) Bonds issued pursuant to this section ~~Such bonds~~ shall be signed by the mayor or chairperson of the village board of trustees and countersigned by the official designated. Signatures upon such bonds and coupons shall be in such form as the governing body may prescribe in the bond ordinance concerned. At least one manual signature shall be affixed to each bond, but other required signatures may be affixed as facsimile signatures. The use on bonds and coupons of a printed facsimile of the municipal seal is also authorized.

Sec. 122. Section 18-1902, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-1902 The plumbing board shall organize by selecting one member as chairperson. The plumbing inspector shall be the secretary of the board. It shall be the duty of the secretary to keep full, true, and correct minutes and records of all licenses issued by the plumbing board ~~it~~, together with their kinds and dates, and the names of the persons to whom issued, in books to be provided by such city or village for that purpose, which books and records shall be open for free inspection by all persons during business hours.

Sec. 123. Section 18-1905, Reissue Revised Statutes of Nebraska, is amended to read:

18-1905 The assistant inspectors shall receive a salary in an amount to be determined by the city council or village chairman ~~and board of trustees~~. The members of the plumbing board, not ex officio members, shall be paid an amount to be determined by the city council or village chairman ~~and board of trustees~~. No meeting of the plumbing board shall be held at any time, except on the call of the chairperson ~~chairman~~ of such board. All salaries shall be paid out of the general fund of the city or village, where the plumbing board is located, the same as other city or village officers are paid. Vouchers for the same shall be duly certified by the chairperson ~~chairman~~ and secretary of such plumbing board to the city council, city manager, or village chairman ~~and board of trustees~~.

Sec. 124. Section 18-1907, Reissue Revised Statutes of Nebraska, is amended to read:

18-1907 Any person desiring to do any plumbing, or to work at the business of plumbing, in any such city or village which has established a plumbing board, shall make written application to the plumbing board for examination for a license, which examination shall be made at the next meeting of the plumbing board, or at an adjourned meeting. ~~If the applicant is an individual, the application shall include the applicant's social security number.~~ The plumbing board shall examine the applicant as to his or her practical knowledge of plumbing, house drainage, ventilation, and sanitation, which examination shall be practical as well as theoretical, ÷ and if the applicant has shown himself or herself competent, the plumbing board shall cause its chairperson and secretary to execute and deliver to the applicant a license authorizing him or her to do plumbing in such city or village and also within the area of extraterritorial ~~the zoning jurisdiction outside the corporate limits of cities~~

of the metropolitan class.

Sec. 125. Section 18-1909, Reissue Revised Statutes of Nebraska, is amended to read:

18-1909 All original and renewal plumbing licenses shall be good for one year or two years from the date of issuance as determined by the plumbing board, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the plumbing board showing the holder of the license to be incompetent or guilty of a willful breach of the rules, regulations, or requirements of the plumbing board or of the laws or ordinances relating thereto or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.

Sec. 126. Section 18-1910, Reissue Revised Statutes of Nebraska, is amended to read:

18-1910 It shall be unlawful for any person to do any plumbing in any such city or village, or within the area of extraterritorial ~~the zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class, which has established a plumbing board unless the person he holds a proper license. It shall be unlawful for any person to make any connection to water mains extended from within and beyond the extraterritorial zoning jurisdiction of a city of the metropolitan class which has established a plumbing board, unless the person he complies with the applicable plumbing codes of the city of the metropolitan class city and holds a proper license as required by such city. ~~The thereby; Provided, that the requirements of this section shall not apply to employees of the water utility of such city or village acting within the scope of their employment.~~

Sec. 127. Section 18-1912, Reissue Revised Statutes of Nebraska, is amended to read:

18-1912 The city or village plumbing inspector shall inspect all plumbing work in process of construction, alteration, or repair within the inspector's his respective jurisdiction, and for which a permit either has or has not been granted, and shall report to the plumbing said board all violations of any law, or ordinance, or rule or regulation of the plumbing board, in connection with the plumbing work being done, and ~~also shall perform such other appropriate duties as may be required of such inspector him by the plumbing said board.~~ If necessary, the mayor, by the consent of the city council, the city manager, or the chairperson of the village chairman and board of trustees, shall employ one or more assistant inspectors, who shall be practical licensed plumbers, to assist in the performance of the duties of the plumbing inspector.

Sec. 128. Section 18-1913, Reissue Revised Statutes of Nebraska, is amended to read:

18-1913 The plumbing inspector shall be required to stop any plumbing work not being done in accordance with the requirements of the rules and regulations of the plumbing board. ~~The ; and the~~ plumbing board shall have the power to cause plumbing to be removed, if, after notice to the owner or plumber doing the work, the plumbing board shall find the work or any part thereof to be defective.

Sec. 129. Section 18-1915, Reissue Revised Statutes of Nebraska, is amended to read:

18-1915 The State of Nebraska shall permit cities and villages to collect permit fees and inspect all sanitary plumbing installed or repaired, except for a single-family dwelling or a farm or ranch structure, within the State of Nebraska outside of the corporate limits or extraterritorial zoning jurisdiction of cities and villages. The city or village nearest the construction site shall have jurisdiction to collect such permit fees and conduct the inspection of the sanitary plumbing. If such the city or village has a plumbing ordinance in force and effect, such ordinance will govern the installation of the sanitary plumbing. If there is no plumbing city ordinance in effect for such city or village, the 2009 Uniform Plumbing Code accredited by the American National Standards Institute shall apply to all buildings except single-family dwellings and farm and ranch structures.

~~Any code or ordinance enacted by a city or village which is at least equal to the 2009 Uniform Plumbing Code accredited by the American National Standards Institute shall take preference over the provisions of the immediately preceding sentence.~~

Sec. 130. Section 18-1919, Reissue Revised Statutes of Nebraska, is amended to read:

18-1919 Nothing in sections 18-1915 to 18-1919 shall be construed to require an employee working for a single employer as part of such employer's full-time staff and not holding himself or herself out to the public for hire to hold a license while acting within the scope of ~~his~~ employment for such employer.

Sec. 131. Section 18-2003, Reissue Revised Statutes of Nebraska, is amended to read:

18-2003 In order to defray the costs and expenses of the improvements authorized by sections 18-2001 and 18-2002, the mayor and city council or chairperson chairman and village board of trustees, as the case may be, may levy and collect special taxes and assessments upon the lots and parcels of real estate adjacent to or abutting upon the portion of the street or alley ~~thus~~ improved, or which may be specially benefited by such improvements, notwithstanding that such lots and parcels the same may be unplatted and not subdivided. ~~The ; and the~~ method of levying, equalizing, and collecting such special assessments, and generally financing such improvements by bond issues

and other means, shall be as provided by law for paving and street improvements in such city or village municipality. For the purpose of paying the cost of street improvements as provided in section 18-2001, the mayor and city council or chairperson chairman and village board of trustees, as the case may be, shall have the power, after the improvements have been completed and accepted, to issue negotiable bonds of such city or village to be called Paving Bonds, payable in not exceeding fifteen years and bearing interest payable annually or semiannually, which may be sold by the city or village for not less than the par value of such bonds thereof. For the purpose of making partial payments as the work progresses, warrants bearing interest may be issued by the city council or village board of trustees governing body of the city or village upon certificates of the engineer in charge showing the amount of work completed and materials necessarily purchased and delivered for the orderly and proper continuation of the project, in a sum not exceeding ninety-five percent of the cost thereof until the work has been completed and accepted by the city or village, at which time a warrant for the balance of the amount may be issued, which warrants shall be redeemed and paid upon the sale of the bonds or from any other funds available. The city or village shall pay to the contractor interest at the rate of eight percent per annum on the amounts due on partial and final payments beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the city council or village board of trustees governing body, and running until the date that the warrant is tendered to the contractor. All special assessments which may be levied upon property specially benefited by such work or improvements shall, when collected, be set aside and constitute a sinking fund for the payment of the interest and principal of such bonds. There shall be levied annually upon all taxable property in such city or village a tax which, together with such sinking fund derived from special assessments, shall be sufficient to meet payments of interest and principal as the same become due.

Sec. 132. Section 18-2004, Reissue Revised Statutes of Nebraska, is amended to read:

18-2004 Nothing in sections 18-2001 to 18-2004 shall be construed to repeal or amend any statutes except those hereinafter specifically repealed, and sections 18-2001 to 18-2004 shall be supplemental to and in addition to any other laws of the State of Nebraska related to street improvements ~~construed as an independent and complete act~~. Other statutes may be relied upon, if need be, to supplement and effectuate the purposes of sections 18-2001 to 18-2004.

Sec. 133. Section 18-2005, Reissue Revised Statutes of Nebraska, is amended to read:

18-2005 The city council governing body of any city shall have concurrent and joint jurisdiction with the county board of any county and the governing body of any other municipality over any street which is contiguous to and forms a common boundary between such city and any county or municipality. The city council governing body of such any city shall have the right and authority to exercise all powers over such street as it may over streets within its corporate limits with the cooperation and concurrence of the county board or the governing body of any other municipality. Nothing in this section ~~herein~~ shall be construed as granting any power of annexation which is not otherwise granted by law.

Sec. 134. Section 18-2123, Reissue Revised Statutes of Nebraska, is amended to read:

18-2123 Upon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard and ~~or~~ blighted area, is essential to the proper clearance or redevelopment of substandard and ~~or~~ blighted areas or a necessary part of the general community redevelopment program of the city, or that the acquisition and development of land outside the city, but within a radius of three miles thereof, is necessary or convenient to the proper clearance or redevelopment of one or more substandard and ~~or~~ blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, and preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the Community Development Law ~~foregoing sections~~.

Sec. 135. Section 18-2124, Reissue Revised Statutes of Nebraska, is amended to read:

18-2124 An authority may issue bonds from time to time in its discretion for any of its corporate purposes, including the payment of principal and interest upon any advances for surveys and plans for redevelopment projects. An authority may also issue refunding bonds for the purpose of paying, retiring, or otherwise refinancing or in exchange for any or all of the principal or interest upon bonds previously issued by the authority. An authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable: (1) Exclusively from the income, proceeds, and revenue of the redevelopment project financed with proceeds of such bonds; (2) exclusively from the income, proceeds, and revenue of any of its redevelopment projects whether or not they are financed in whole or in part with the proceeds of such bonds; (3) exclusively from its revenue and income, including any special assessment levied pursuant to section 18-1722 and such tax revenue or receipts as may be ~~herein~~ authorized under the Community Development Law, including those which may be pledged under section 18-2150, and from such grants and loans as may be received; or (4) from all or part of the income, proceeds, and

revenue enumerated in subdivisions (1), (2), and (3) of this section. Any such bonds may be additionally secured by a pledge of any loan, grant, or contributions, or parts thereof, from the federal government or other source or a mortgage of any redevelopment project or projects of the authority. The authority shall not pledge the credit or taxing power of the state or any political subdivision thereof, except such tax receipts as may be authorized under this section or pledged under section 18-2150, or place any lien or encumbrance on any property owned by the state, county, or city used by the authority.

Sec. 136. Section 18-2131, Reissue Revised Statutes of Nebraska, is amended to read:

18-2131 An authority ~~may will have power~~ by its resolution, trust indenture, mortgage, lease, or other instrument ~~contract~~ to confer upon any obligee holding or representing a specified amount in bonds, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instruments, by suit, action, or proceeding in any court of competent jurisdiction: (1) To cause possession of any redevelopment project or any part thereof, title to which is in the authority, to be surrendered to any such obligee; (2) to obtain the appointment of a receiver of any redevelopment project of such said authority or any part thereof, title to which is in the authority, and of the rents and profits therefrom. If such receiver be appointed, the receiver ~~he~~ may enter and take possession of, carry out, operate, and maintain such project or any part thereof and collect and receive all fees, rents, revenue, or other charges thereafter arising from such project ~~therefrom~~, and shall keep such money in a separate account or accounts and apply the same in accordance with the obligations of such said authority as the court shall direct; and (3) to require the authority and the members, officers, agents, and employees thereof to account as if it and they were the trustees of an express trust.

Sec. 137. Section 18-2133, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2133 An obligee of an authority shall have the right in addition to all other rights which may be conferred upon such obligee, subject only to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action, or proceeding at law or in equity to compel such said authority and the members, officers, agents, or employees thereof to perform each and every term, provision, and covenant contained in any contract of such said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements to the authority and the fulfillment of all duties imposed upon the authority by the Community Development Law; and

(2) By suit, action, or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority.

Sec. 138. Section 18-2135, Reissue Revised Statutes of Nebraska, is amended to read:

18-2135 In any contract for financial assistance with the federal government, an ~~the~~ authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws, to convey to the federal government possession of or title to a ~~the~~ redevelopment project and land therein to which such contract relates which is owned by the authority, upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants or conditions to which the authority is subject. Such ~~;~~ ~~such~~ contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the redevelopment project in accordance with the terms of such contract, if ~~;~~ ~~Provided,~~ that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the redevelopment project have been cured and that the redevelopment project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the redevelopment project as then constituted.

Sec. 139. Section 18-2136, Reissue Revised Statutes of Nebraska, is amended to read:

18-2136 All property including funds of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property ~~the same~~ nor shall judgment against an authority be a charge or lien upon its property. The ~~;~~ ~~Provided,~~ that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, grants, or revenue.

Sec. 140. Section 18-2201, Reissue Revised Statutes of Nebraska, is amended to read:

18-2201 The Legislature hereby finds and declares that the ~~The~~ furnishing of community antenna television service is ~~hereby declared to be~~ a business affected with such a public interest that it must be regulated locally. All municipalities in Nebraska are hereby authorized and empowered, by ordinance, to regulate, ~~to~~ prohibit, and ~~to~~ consent to the construction, installation, operation, and maintenance within their corporate limits of all persons or entities furnishing community antenna television service. All municipalities, acting through the mayor and city council or village board of trustees, shall have power to require every individual or entity offering such service, subject

to reasonable rules and regulations, to furnish any person applying therefor along the lines of its wires, cables, or other conduits, with television and radio service. The mayor and city council or village board of trustees shall have power to prescribe reasonable quality standards for such service and shall regulate rate increases so as to provide reasonable and compensatory rents or rates for such service including installation charges. In the regulation of rate increases the procedure provided in section 18-2206 shall be used in any franchise granted or renewed after May 23, 1979. Such person or entity furnishing community antenna television service shall be required to carry all broadcast signals as prescribed by franchise and permitted to be carried by Federal Communications Commission regulations during the full period of the broadcast day of its stations.

Sec. 141. Section 18-2202, Reissue Revised Statutes of Nebraska, is amended to read:

18-2202 It shall be unlawful for any person, firm, or corporation to construct, install, operate, or maintain in or along the streets, alleys, and public ways, or elsewhere within the corporate limits of any municipality, a community antenna television service without first obtaining, from such municipality involved, a franchise authorizing the community antenna television service. ~~The same; and the governing bodies of such municipalities are hereby authorized to grant such a franchise and such franchise shall be effective and binding without submission to the electors and approval by a majority vote thereof, notwithstanding any other law or home rule charter, for a term of not to exceed twenty-five years upon such reasonable conditions as the circumstances may require.~~

Sec. 142. Section 18-2203, Reissue Revised Statutes of Nebraska, is amended to read:

18-2203 Municipalities may by ordinance require the filing with the city clerk or village clerk by the person, firm, or corporation constructing, installing, operating, or maintaining such community antenna television service of a proper map showing the exact location of all underground cables and equipment, together with a statement showing the exact nature of such cables and equipment ~~the same~~.

Sec. 143. Section 18-2204, Reissue Revised Statutes of Nebraska, is amended to read:

18-2204 Municipalities may, by appropriate ordinance, levy an annual occupation tax against any person, firm, or corporation ~~now~~ maintaining and operating any community antenna television service within its boundaries; and may levy an annual occupation tax against any persons, firms, or corporations ~~hereafter~~ constructing, installing, operating, or maintaining such community antenna television service. Any such occupation tax so levied shall be due and payable on May 1 of each year to the city treasurer or village treasurer ~~of such city or village~~.

Sec. 144. Section 18-2206, Reissue Revised Statutes of Nebraska, is amended to read:

18-2206 (1) Approval of a rate increase for a person or entity furnishing community antenna television service shall be required and shall be made by the city council or village board of trustees which granted the franchise to such person or entity. Such approval shall be made by ordinance or resolution.

(2) Prior to voting on a rate increase the city council or village board of trustees shall hold at least two public meetings at which the ratepayers and the franchisee may comment on the programming content and rates of such franchisee.

(3) At least thirty days prior to the first public meeting held to examine programming content and rates, each ratepayer or subscriber shall be notified by a billing statement or other written notice when and where such public meeting shall be held. Such notice shall also provide information as to what rates are proposed by the franchisee for consideration by the city council or village board of trustees.

Sec. 145. Section 18-2301, Reissue Revised Statutes of Nebraska, is amended to read:

18-2301 For purposes of ~~As used in~~ sections 18-2301 to 18-2315, unless the context otherwise requires:

(1) Air conditioning air distribution means shall mean the control of any one or more of the following factors affecting both physical and chemical conditions of the atmosphere within a structure: Temperature, humidity, movement and purity;

(2) Furnace means shall mean a self-contained, flue-connected or vented, appliance intended primarily to supply heated air through ducts to spaces remote from or adjacent to the appliance location as well as to the space in which it is located;

(3) Contractor means shall mean a holder of a valid certificate of competency for air conditioning air distribution;

(4) Ventilating system means shall mean each process of removing air by natural gravity exhauster or mechanical exhaust fan from any space; and

(5) Kitchen exhaust system means shall mean a duct system or air passageway for removal of kitchen air contaminants by mechanical means.

Sec. 146. Section 18-2302, Reissue Revised Statutes of Nebraska, is amended to read:

18-2302 In any city or village, there may be a board for the examination of air conditioning air distribution contractors for the issuance of certificates of competency and for such other duties and responsibilities as may be prescribed by sections 18-2301 to 18-2315. Such board shall consist of

not more than five members all of whom shall be appointed by the mayor, the ~~chairperson chairman~~ of the ~~village board~~ of trustees, or the city manager with the approval of the city council or ~~village board of trustees~~. All vacancies occurring on the ~~air conditioning air distribution board~~ by reason of death, disability, or inability of a member to serve shall be filled in the same manner as the original appointment. The qualifications for members of the ~~air conditioning air distribution board~~ may be prescribed by the city council or ~~in the case of a village, by the board of trustees~~.

Sec. 147. Section 18-2303, Reissue Revised Statutes of Nebraska, is amended to read:

18-2303 ~~Members of~~ The persons who compose the air conditioning air distribution board shall, within ten days after their appointments, meet in their respective city or village building or place designated by the city council, city manager, or ~~village chairman~~ and board of trustees and organize by the selection of one of their members as ~~chairperson chairman~~, one as ~~vice-chairperson vice-chairman~~, and one as secretary. It shall be the duty of the secretary to keep full, true, and correct minutes and records of all meetings, applications for examinations, examinations given and results thereof, and certificates issued, which records shall be open for free inspection by all persons during business hours.

Sec. 148. Section 18-2304, Reissue Revised Statutes of Nebraska, is amended to read:

18-2304 The appointment of the air conditioning air distribution board shall be for staggered terms of three years as provided by the city council or ~~village board of trustees of the respective city or village~~ with the appointments to be made in December of each year. Compensation shall be determined by the city council or ~~village chairman~~ and board of trustees.

Sec. 149. Section 18-2305, Reissue Revised Statutes of Nebraska, is amended to read:

18-2305 The air conditioning air distribution board shall meet at least once a month at a fixed time as determined by the city council or ~~village chairman~~ and board of trustees. The board shall adopt rules for the examination at such times and places of all persons who desire a certificate of competency to engage in the business of designing, installing, altering, repairing, cleaning, or adding to any air conditioning air distribution system, furnace, restaurant appliance hood and duct system, or other exhaust or intake ventilating system within the city or village and also within the area of ~~extraterritorial zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class.

Sec. 150. Section 18-2306, Reissue Revised Statutes of Nebraska, is amended to read:

18-2306 The air conditioning air distribution board, subject to the approval of the city council or ~~village board of trustees~~, may adopt rules and regulations, not inconsistent with the laws of the state or the ordinances of the city or village, for the designing, installing, altering, inspecting, or repairing of an air conditioning air distribution and ventilating system placed in or in connection with any building in such city or village or within the area of ~~extraterritorial zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class describing the kind and size of materials to be used in such systems and the manner in which such work shall be done. All plans and specifications for any such system to be placed in a building shall be first submitted to the board or other body designated by the ~~city council or village chairman~~ and board of trustees for its approval before ~~such system~~ it shall be installed.

Sec. 151. Section 18-2307, Reissue Revised Statutes of Nebraska, is amended to read:

18-2307 (1) Any person desiring to engage in business as an air conditioning air distribution contractor in a city or village which has established an air conditioning air distribution board or within the ~~extraterritorial area of zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class if ~~such city~~ it has such a board, shall secure a certificate of competency. ~~Any ; and any~~ person desiring to engage in the business, or to proceed to install, alter, repair, clean, or add to or change in any manner any air conditioning air distribution system or any furnace, restaurant appliance hood and duct system, or other exhaust or intake ventilating system within such city or village or within the ~~extraterritorial area of zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class shall be the holder of a certificate of competency or in the direct employ of a person, firm, or corporation holding such certificate.

(2) The ~~air conditioning air distribution board~~ shall, upon written application, examine the applicant at its next meeting or at an adjourned meeting as to his or her practical and theoretical knowledge of the designing and installing of residential, commercial, and industrial air conditioning air distribution and ventilating systems and, if found competent, deliver to the applicant a certificate of competency. ~~If the applicant is an individual, the application for a certificate of competency shall include the applicant's social security number.~~

Sec. 152. Section 18-2308, Reissue Revised Statutes of Nebraska, is amended to read:

18-2308 Nothing contained in sections 18-2301 to 18-2315 shall be construed to prohibit a homeowner from personally performing air conditioning air distribution work on the property in which ~~the homeowner~~ he resides, and ~~the homeowner~~ he will not be required to have a certificate of competency to do

such work, but the work must conform to the rules and regulations set forth by the city council or ~~village chairman~~ and board of trustees for such work as provided by ~~the provisions of~~ sections 18-2301 to 18-2315.

Sec. 153. Section 18-2309, Reissue Revised Statutes of Nebraska, is amended to read:

18-2309 All applicants who have successfully passed an the examination may, prior to receiving a certificate of competency, be required by the air conditioning air distribution board to furnish a corporate surety bond in the penal sum of not more than ten thousand dollars conditioned that the applicant shall, in all material ~~furnished by the applicant~~ him ~~done~~ and performed within the city or village or within the ~~extraterritorial area of zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class, in installing, altering, and repairing any air conditioning air distribution system or ventilating system, strictly comply with all regulations of the air conditioning air distribution board and ordinances of the city or village related thereto.

Sec. 154. Section 18-2310, Reissue Revised Statutes of Nebraska, is amended to read:

18-2310 All original certificates of competency may be renewed and all renewed certificates of competency may be renewed by the air conditioning air distribution board before the dates of their expiration. Such renewal certificates shall be granted without a reexamination upon the written application of the certificate holder filed with the board and showing that the certificate holder's ~~his~~ purposes and condition remain unchanged unless it is made to appear by affidavit before the board that the certificate holder is no longer competent or entitled to such renewal certificate, in which event the renewal certificate shall not be granted until the applicant has undergone the examination required by section 18-2307.

Sec. 155. Section 18-2311, Reissue Revised Statutes of Nebraska, is amended to read:

18-2311 All original and renewal certificates shall be good for one year from their dates, but any certificate may be revoked by the air conditioning air distribution board at any time after a hearing upon sufficient notice after ~~sworn charges~~ are filed with the board showing the holder of the certificate to be then incompetent, guilty of willful breach of the rules, regulations, or requirements of the board, or of the laws or ordinances relating thereto, or of other causes sufficient for the revocation of the certificate as determined by the city council or ~~village chairman~~ and board of trustees of ~~each city or village~~ of which charges and hearing the holder of such certificate shall have written notice.

Sec. 156. Section 18-2312, Reissue Revised Statutes of Nebraska, is amended to read:

18-2312 It shall be unlawful for any person to engage in business as an air conditioning air distribution contractor or to engage in the business of installing, altering, repairing, cleaning, adding to, or changing in any manner any air conditioning air distribution system or any furnace, any restaurant appliance hood or its duct system, or any other exhaust or intake ventilating system within a city or village having an air conditioning air distribution board or within the ~~extraterritorial area of zoning jurisdiction outside the corporate limits~~ of cities of the metropolitan class having such a board unless such person ~~he~~ holds a certificate or is employed by a person, firm, or corporation holding such a certificate.

Sec. 157. Section 18-2313, Reissue Revised Statutes of Nebraska, is amended to read:

18-2313 Fees for the original certificates, renewal certificates, and permits shall be fixed by the city council or ~~village chairman~~ and board of trustees of each city or village having an air conditioning air distribution board. The fee for the original or renewal certificate shall in no event be more than fifty dollars.

Sec. 158. Section 18-2314, Reissue Revised Statutes of Nebraska, is amended to read:

18-2314 Any city or village having an air conditioning air distribution board shall be authorized to employ inspectors who shall inspect all parts of any air conditioning air distribution system or ventilating or exhaust system in process of construction, alteration, or repair within the respective jurisdiction of such city or village. Any such system found not to comply with the regulations of the air conditioning air distribution board or ordinances of the city or village shall be reported to the board and if not corrected in accordance with requirements of the rules and regulations of the board and ordinances of the city or village shall be removed, if, after notice to the owner or contractor or certificate holder doing the work, the board shall find the work or any part of such work thereof to be defective or not in compliance with such rules and regulations or ordinances.

Sec. 159. Section 18-2315, Reissue Revised Statutes of Nebraska, is amended to read:

18-2315 Any person violating ~~any of the provisions of~~ sections 18-2301 to 18-2315 or of any rules or regulations adopted or ordinances passed pursuant to such sections ~~lawful ordinance~~ shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months, or be both so fined and imprisoned, and as a part of such punishment such person's ~~their~~ license may be revoked.

Sec. 160. Section 18-2402, Reissue Revised Statutes of Nebraska, is amended to read:

18-2402 The Legislature hereby finds and declares (1) It is declared that cooperative action by municipalities cities and villages of this state in the fields of the supplying, treatment, and distribution of water, the generation, transmission, and distribution of electric power and energy, and the collection, treatment, and disposal of sewerage and solid waste is in the public interest; (2) that there is a need in order to insure the stability and continued viability of such systems to provide for a means by which municipalities may cooperate with one another in the financing, acquisition, and operation of such facilities and interests therein and rights thereto in all ways possible; (3) that the creation of agencies through which the municipalities of this state may act cooperatively is in the best interest of this state and the inhabitants thereof and is for a public use and public purpose; and (4) that the necessity in the public interest for the provisions included in the Municipal Cooperative Financing Act sections 18-2401 to 18-2485 is declared as a matter of legislative determination. It is further declared that the intent of the act sections 18-2401 to 18-2485 is to replace competition between participating municipalities in connection with the projects described in the act sections 18-2401 to 18-2485 by allowing such municipalities to combine and cooperate in connection with the acquisition, construction, operation, financing, and all other functions authorized by the act sections 18-2401 to 18-2485 with respect to such projects.

Sec. 161. Section 18-2409, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2409 Governing body shall mean the city council in the case of a city, the village board of trustees in the case of a village, the equivalent body in the case of a municipality incorporated under the laws of another state, and the board in the case of an agency primarily comprised of municipalities.

Sec. 162. Section 18-2443, Reissue Revised Statutes of Nebraska, is amended to read:

18-2443 Prior to advertisement for sealed bids, plans and specifications for the proposed work or materials shall be prepared and filed at the principal office or place of business of the agency. Such advertisement shall be made in three issues, not less than seven days between issues, in one or more legal newspapers in or of general circulation in the municipality or county where the principal office or place of business of the agency is located, or if no newspaper is so published then in a newspaper qualified to carry legal notices having general circulation therein, and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of the receiving of bids. Such advertisement shall designate the nature of the work proposed to be done or materials proposed to be purchased and , that the plans and specifications therefor may be inspected at the office of the agency, giving the location thereof, and shall designate the time within which bids shall be filed, and the date, hour, and place such bids the same shall be opened.

Sec. 163. Section 18-2476, Reissue Revised Statutes of Nebraska, is amended to read:

18-2476 The board may provide for the publication of any resolution or other proceeding adopted by it pursuant to the Municipal Cooperative Financing Act sections 18-2401 to 18-2485, in a legal newspaper published in or of general circulation published in the municipality or county where the principal office or place of business of the agency is located, or if no newspaper is so published, then in a newspaper qualified to carry legal notices having general circulation therein.

Sec. 164. Section 18-2501, Reissue Revised Statutes of Nebraska, is amended to read:

18-2501 (1) Sections 18-2501 to 18-2538 and section 166 of this act shall be known and may be cited as the Municipal Initiative and Referendum Act.

(2) (1) The powers of initiative and referendum are hereby reserved to the qualified electors of each municipality municipal subdivision in the state. The Municipal Initiative and Referendum Act Sections 18-2501 to 18-2537 shall govern the use of initiative to enact, and the use of referendum to amend or repeal measures affecting the governance of all municipalities municipal subdivisions in the state, except those operating under home rule charter and as specified in section 18-2537.

(3) (2) Cities operating under home rule charter shall provide, by charter provision or ordinance, for the exercise of the powers of initiative and referendum within such the cities. Nothing in the Municipal Initiative and Referendum Act sections 18-2501 to 18-2537 shall be construed to prevent such cities from adopting any or all of the provisions of the act sections 18-2501 to 18-2537.

Sec. 165. Section 18-2502, Reissue Revised Statutes of Nebraska, is amended to read:

18-2502 For purposes of the Municipal Initiative and Referendum Act sections 18-2501 to 18-2538, the definitions in sections 18-2503 to 18-2511 and section 166 of this act, unless the context otherwise requires, shall apply.

Sec. 166. Chief executive officer means the mayor, the city manager, or the chairperson of the board of trustees of a municipality.

Sec. 167. Section 18-2504, Reissue Revised Statutes of Nebraska, is amended to read:

18-2504 City clerk means shall mean the city clerk, or village clerk, or other the municipal official in charge of elections.

Sec. 168. Section 18-2505, Reissue Revised Statutes of Nebraska, is amended to read:

18-2505 ~~Governing body means shall mean the city council or village board of trustees legislative authority of any municipality municipal subdivision subject to the Municipal Initiative and Referendum Act sections 18-2501 to 18-2537.~~

Sec. 169. Section 18-2506, Reissue Revised Statutes of Nebraska, is amended to read:

18-2506 Measure means an ordinance, charter provision, or resolution which is within the legislative authority of the governing body of a municipality ~~municipal subdivision~~ to pass and which is not excluded from the operation of referendum by the exceptions in section 18-2528. Measure does not include any action permitted by the Nebraska Advantage Transformational Tourism and Redevelopment Act.

Sec. 170. Section 18-2507, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2507 Municipality means ~~Municipal subdivision shall mean all cities and villages, not operating under home rule charters, of metropolitan, primary, first, and second classes, including those functioning under the commission and city manager plans of government, and villages.~~

Sec. 171. Section 18-2518, Reissue Revised Statutes of Nebraska, is amended to read:

18-2518 (1) Signed petitions shall be filed with the city clerk for signature verification. Upon the filing of a petition, a municipality ~~city~~, upon passage of a resolution by the governing body of such municipality ~~city~~, and the county clerk or election commissioner of the county in which such municipality ~~city~~ is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the petition is signed by the requisite number of voters. The municipality ~~city~~ shall reimburse the county for any costs incurred by the county clerk or election commissioner. When the verifying official has determined that one hundred percent of the necessary signatures required by the Municipal Initiative and Referendum Act sections 18-2501 to 18-2537 have been obtained, he or she shall notify the ~~municipal subdivision's governing body of the municipality of that fact,~~ and shall immediately forward to the governing body a copy of the petition.

(2) In order for an initiative or referendum proposal to be submitted to the governing body and the voters, the necessary signatures shall be on file with the city clerk within six months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void.

Sec. 172. Section 18-2520, Reissue Revised Statutes of Nebraska, is amended to read:

18-2520 (1) Except as provided in subsection (2) of this section, the chief executive officer and governing body of a municipality ~~municipal subdivision~~ may at any time, by resolution, provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto, if necessary, or enacted by the electors under the Municipal Initiative and Referendum Act sections 18-2501 to 18-2538 and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the city clerk shall cause such measure to be submitted to a direct vote of the electors, at the time specified in such resolution and in the manner provided in the Municipal Initiative and Referendum Act sections 18-2501 to 18-2538 for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast.

(2) The chief executive officer and governing body of a municipality ~~municipal subdivision~~ shall not submit to a direct vote of the electors the question of whether the municipality ~~municipal subdivision~~ should initiate proceedings for the condemnation of a natural gas system.

Sec. 173. Section 18-2521, Reissue Revised Statutes of Nebraska, is amended to read:

18-2521 Elections under the Municipal Initiative and Referendum Act sections 18-2501 to 18-2538, either at a special election or regularly scheduled primary or general election, shall be called by the city clerk. Any special election to be conducted by the election commissioner or county clerk shall be subject to section 32-405.

The city clerk shall cause notice of every such election to be printed in one or more legal newspapers in or of general circulation in such municipality ~~municipal subdivision~~ at least once not less than thirty days prior to such election and also posted in the office of the city clerk and in at least three conspicuous places in such municipality ~~municipal subdivision~~ at least thirty days prior to such election. ~~The notice shall be substantially as follows:~~

~~Notice is hereby given that on Tuesday, the ..... day of ..... 20...., at (identify polling place or precinct) of the city (or village) of ....., Nebraska, an election will be held at which there will be submitted to the electors of the municipality for their approval or rejection, the following measures, propositions, or issues: .....~~  
~~..... (naming measures, propositions, or issues), which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.~~

~~Dated this ..... day of ..... 20....~~

~~.....  
City (or Village) Clerk of the City (or Village) of~~

....., Nebraska.

The city clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this section shall designate where such a copy in pamphlet form may be obtained.

Sec. 174. Section 18-2522, Reissue Revised Statutes of Nebraska, is amended to read:

18-2522 All ballots for use in special elections under the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2538~~ shall be prepared by the city clerk and furnished by the governing body, unless the governing body contracts with the county for such service, and shall be in form the same as provided by law for election of the chief executive officer and governing body of such municipality ~~municipal subdivision~~. When ordinances under the Municipal Initiative and Referendum Act ~~such sections~~ are submitted to the electors at a regularly scheduled primary or general election, they shall be placed upon the official ballots as provided in the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2538~~.

Sec. 175. Section 18-2523, Reissue Revised Statutes of Nebraska, is amended to read:

18-2523 (1) The power of initiative allows citizens the right to enact measures affecting the governance of each municipality ~~municipal subdivision~~ in the state. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.

(2) An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law, or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to section 18-2528.

(3) The power of initiative shall extend to a measure to provide for the condemnation of an investor-owned natural gas system by a municipality ~~municipal subdivision~~ when the condemnation would, if initiated by the governing body of the municipality ~~municipal subdivision~~, be governed by the provisions of the Municipal Natural Gas System Condemnation Act.

(4) An initiative measure to provide for the condemnation of an investor-owned natural gas system by a municipality ~~municipal subdivision~~ shall be a measure to require the municipality ~~municipal subdivision~~ to initiate and pursue condemnation proceedings subject to the provisions of the Municipal Natural Gas System Condemnation Act.

Sec. 176. Section 18-2524, Reissue Revised Statutes of Nebraska, is amended to read:

18-2524 Whenever an initiative petition bearing signatures equal in number to at least fifteen percent of the qualified electors of a municipality ~~municipal subdivision~~ has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the ~~municipal subdivision's~~ governing body of such municipality to consider passage of the measure contained in the petition, including an override of any veto, if necessary. If the governing body fails to pass the measure without amendment, including an override of any veto, if necessary, within thirty days from the date it received notification pursuant to section 18-2518, the city clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the municipality ~~municipal subdivision~~. If the governing body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the municipality ~~municipal subdivision~~, the governing body shall, by resolution, direct the city clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Sec. 177. Section 18-2525, Reissue Revised Statutes of Nebraska, is amended to read:

18-2525 Whenever an initiative petition bearing signatures equal in number to at least twenty percent of the qualified electors of a municipality ~~municipal subdivision~~, which petition requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the ~~municipal subdivision's~~ governing body of such municipality to consider passage of the measure contained in the petition, including an override of any veto, if necessary. If the governing body fails to pass the measure, without amendment, including an override of any veto, if necessary, within thirty days from the date it received notification pursuant to section 18-2518, the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. Subject to the provisions of section 18-2521, the date of such election shall be set during the first available month that complies with sections 32-405 and 32-559 ~~not be less than thirty nor more than sixty days from the date the governing body received notification pursuant to section 18-2518~~.

Sec. 178. Section 18-2526, Reissue Revised Statutes of Nebraska, is amended to read:

18-2526 If a majority of the voters voting on an the initiative measure pursuant to the Municipal Initiative and Referendum Act shall vote in favor of such measure, it shall become a valid and binding measure of the municipality ~~municipal subdivision~~ thirty days after certification of the election results, unless the governing body by resolution orders an earlier effective date or the measure itself provides for a later effective date, which resolution shall not

be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two-thirds majority of the members of the governing body. No such attempt to amend or repeal shall be made within one year from the passage of the measure by the electors.

Sec. 179. Section 18-2527, Reissue Revised Statutes of Nebraska, is amended to read:

18-2527 The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of each municipality ~~municipal subdivision~~ in the state.

Sec. 180. Section 18-2528, Reissue Revised Statutes of Nebraska, is amended to read:

18-2528 (1) The following measures shall not be subject to referendum or limited referendum:

(a) Measures necessary to carry out contractual obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the ~~municipal subdivision's~~ governing body of the municipality and approved by its chief executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections 18-2524 and 18-2529;

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section 18-2526;

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness;

(i) Measures that amend, supplement, change, modify, or repeal a zoning regulation, restriction, or boundary and are subject to protest as provided in section 14-405 or 19-905;

(j) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, promotion, demotion, or termination of personnel; and

(k) Measures relating to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipality ~~municipal subdivision~~ or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects;

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal ~~subdivision~~ employees other than the members of the governing body and the chief executive officer; and

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section 18-2518 within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any

facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in the Municipal Initiative and Referendum Act sections ~~18-2501 to 18-2537~~ by the following procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a legal newspaper in or of general circulation within the municipality governing body's jurisdiction;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows: (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and (ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one legal newspaper in or of general circulation within the municipality ~~municipal subdivision~~ and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipality ~~municipal subdivision~~ to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional, and no municipality ~~municipal subdivision~~ shall be required to hold such a hearing or give such notice for any particular project.

(5) Nothing in subsections (2) and (4) of this section shall be construed as subjecting to limited referendum any measure related to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(6) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.

Sec. 181. Section 18-2529, Reissue Revised Statutes of Nebraska, is amended to read:

18-2529 Whenever a referendum petition bearing signatures equal in number to at least fifteen percent of the qualified electors of a municipality ~~municipal subdivision~~ has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the ~~municipal subdivision's~~ governing body of the municipality to reconsider the measure or portion of such measure which is the object of the referendum. If the governing body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum, including an override of any veto, if necessary, within thirty days from the date the governing body receives notification pursuant to section 18-2518, the city clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the municipality ~~municipal subdivision~~. If the governing body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the municipality ~~municipal subdivision~~, the governing body shall, by resolution, direct the city clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Sec. 182. Section 18-2530, Reissue Revised Statutes of Nebraska, is amended to read:

18-2530 Whenever a referendum petition bearing signatures equal in number to at least twenty percent of the qualified voters of a municipality ~~municipal subdivision~~, which petition requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the ~~municipal subdivision's~~ governing body of the municipality to reconsider the measure or portion of such measure which is the object of the referendum. If the governing body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty days from the date the governing body received notification pursuant to section 18-2518. Subject to the provisions of section 18-2521, the date of such special

~~election shall be set during the first available month that complies with sections 32-405 and 32-559 not be less than thirty nor more than sixty days from the date the governing body received notification pursuant to section 18-2518.~~

Sec. 183. Section 18-2532, Reissue Revised Statutes of Nebraska, is amended to read:

18-2532 Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2531~~ shall be guilty of a Class I misdemeanor with a fine not to exceed limit ~~of three hundred dollars on the fine.~~

Sec. 184. Section 18-2533, Reissue Revised Statutes of Nebraska, is amended to read:

18-2533 Whoever falsely makes or willfully destroys a petition or any part thereof, or signs a false name thereto, or signs or files any petition knowing the same or any part thereof to be falsely made, or suppresses any petition, or any part thereof, which has been duly filed, pursuant to the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2531~~ shall be guilty of a Class I misdemeanor with a fine not to exceed limit ~~of five hundred dollars on the fine.~~

Sec. 185. Section 18-2534, Reissue Revised Statutes of Nebraska, is amended to read:

18-2534 Whoever signs any petition under the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2533~~, knowing that he or she is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such petition, or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a fine not to exceed limit ~~of three hundred dollars on the fine.~~

Sec. 186. Section 18-2535, Reissue Revised Statutes of Nebraska, is amended to read:

18-2535 Any city clerk who willfully refuses to comply with the Municipal Initiative and Referendum Act ~~provisions of sections 18-2501 to 18-2531 and 18-2538~~ or who willfully causes unreasonable delay in the execution of his or her duties under the Municipal Initiative and Referendum Act ~~such sections~~ shall be guilty of a Class I misdemeanor, but imprisonment shall not be included as part of the punishment.

Sec. 187. Section 18-2536, Reissue Revised Statutes of Nebraska, is amended to read:

18-2536 The Election Act, so far as applicable and when not in conflict with the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2531~~, shall apply to voting on ordinances by the registered voters pursuant to the Municipal Initiative and Referendum Act ~~such sections.~~

Sec. 188. Section 18-2537, Reissue Revised Statutes of Nebraska, is amended to read:

18-2537 Nothing in the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2536~~ shall apply to procedures for initiatives or referendums provided in sections 14-210 to 14-212 relating to cities of the metropolitan class metropolitan-class cities, sections 18-412 and 18-412.02 relating to municipal light and power plants, sections 70-504 and 70-650.01 relating to public power districts, and sections 80-203 to 80-205 relating to soldiers and sailors monuments.

Sec. 189. Section 18-2538, Reissue Revised Statutes of Nebraska, is amended to read:

18-2538 The municipality or any chief petitioner may seek a declaratory judgment regarding any questions arising under the Municipal Initiative and Referendum Act ~~Chapter 18, article 25~~, as it may be from time to time amended, including, but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a chief petitioner seeks a declaratory judgment, the municipality shall be served as provided in section 25-510.02. If the municipality seeks a declaratory judgment, only the chief petitioner or chief petitioners shall be required to be served. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the city clerk for signature verification until forty days from the date the governing body received notification pursuant to section 18-2518. If the municipality does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative until after it has received notification pursuant to section 18-2518, it shall be required to proceed with the initiative or referendum election in accordance with the Municipal Initiative and Referendum Act ~~sections 18-2501 to 18-2537 and this section.~~ If the municipality does file such an action prior to receiving notification pursuant to section 18-2518, it shall not be required to proceed to hold such election until a final decision has been rendered in the action. Any action for a declaratory judgment shall be governed generally by sections 25-21,149 to 25-21,164, as amended from time to time, except that only the municipality and each chief petitioner shall be required to be made parties. The municipality, city clerk, governing body, or any other officers of the

~~municipality municipality's officers~~ shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this section shall be given priority in scheduling hearings and in disposition as determined by the court. When an action is brought to determine whether the measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five days prior to the election. The provisions of this section relating to declaratory judgments shall not be construed as limiting, but construed as supplemental and additional to other rights and remedies conferred by law.

Sec. 190. Section 18-2705, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2705 (1) Economic development program means any project or program utilizing funds derived from local sources of revenue for the purpose of providing direct or indirect financial assistance to a qualifying business or the payment of related costs and expenses or both, without regard to whether that business is identified at the time the project or program is initiated or is to be determined by specified means at some time in the future.

(2) An economic development program may include, but shall not be limited to, the following activities: Direct loans or grants to qualifying businesses for fixed assets or working capital or both; loan guarantees for qualifying businesses; grants for public works improvements which are essential to the location or expansion of, or the provision of new services by, a qualifying business; grants or loans to qualifying businesses for job training; the purchase of real estate, options for such purchases, and the renewal or extension of such options; grants or loans to qualifying businesses to provide relocation incentives for new residents; the issuance of bonds as provided for in the Local Option Municipal Economic Development Act; and payments for salaries and support of city staff to implement the economic development program or the contracting of such to an outside entity.

(3) For cities of the first class, cities of the second class, and villages, an economic development program may also include:

~~(a) Grants grants~~ or loans for the construction or rehabilitation for sale or lease of housing for persons of low or moderate income; -

~~(b) Grants (4) For cities of the first class, cities of the second class, and villages, an economic development program may also include grants, loans, or funds for rural infrastructure development as defined in section 66-2102; -~~

~~(c) Grants (5) For cities of the first class, cities of the second class, and villages, an economic development program may also include grants or loans for the construction or rehabilitation for sale or lease of housing as part of a workforce housing plan; or -~~

~~(d) Grants (6) For cities of the first class, cities of the second class, and villages, an economic development program may also include grants, loans, or funds for early childhood infrastructure development.~~

~~(4) (7) An economic development program may be conducted jointly by two or more cities after the approval of the program by the voters of each participating city.~~

Sec. 191. Section 18-2708, Reissue Revised Statutes of Nebraska, is amended to read:

18-2708 Local sources of revenue means the city's property tax, the city's local option sales tax, or any other general tax levied by the city or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city subject to any restrictions of the grantor, donor, or state or federal law. Funds generated from municipally owned utilities shall be used for utility-related purposes or activities associated with the economic development program as determined by the governing body city council, including, but not limited to, load management, energy efficiency, energy conservation, incentives for load growth, line extensions, land purchase, site development, and demand side management measures.

Sec. 192. Section 18-2709, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2709 (1) Qualifying business means any corporation, partnership, limited liability company, or sole proprietorship which derives its principal source of income from any of the following: The manufacture of articles of commerce; the conduct of research and development; the processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce; the sale of services in interstate commerce; headquarters facilities relating to eligible activities as listed in this section; telecommunications activities, including services providing advanced telecommunications capability; tourism-related activities; or the production of films, including feature, independent, and documentary films, commercials, and television programs.

(2) Qualifying business also means:

(a) In cities of the first class, cities of the second class, and villages, a business that derives its principal source of income from the construction or rehabilitation of housing;

(b) In cities of the first class, cities of the second class, and villages, a business that derives its principal source of income from early childhood care and education programs;

(c) A business that derives its principal source of income from retail trade, except that no more than forty percent of the total revenue generated pursuant to the Local Option Municipal Economic Development Act for an economic development program in any twelve-month period and no more than twenty percent

of the total revenue generated pursuant to the act for an economic development program in any five-year period, commencing from the date of municipal approval of an economic development program, shall be used by the city for or devoted to the use of retail trade businesses. For purposes of this subdivision, retail trade means a business which is principally engaged in the sale of goods or commodities to ultimate consumers for their own use or consumption and not for resale; and

(d) In cities with a population of two thousand five hundred inhabitants or less as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, a business shall be a qualifying business even though it derives its principal source of income from activities other than those set out in this section.

(3) If a business which would otherwise be a qualifying business employs people and carries on activities in more than one city in Nebraska or will do so at any time during the first year following its application for participation in an economic development program, it shall be a qualifying business only if, in each such city, it maintains employment for the first two years following the date on which such business begins operations in the city as a participant in its economic development program at a level not less than its average employment in such city over the twelve-month period preceding participation.

(4) A qualifying business need not be located within the territorial boundaries of the city from which it is or will be receiving financial assistance.

(5) Qualifying business does not include a political subdivision, a state agency, or any other governmental entity, except as allowed for cities of the first class, cities of the second class, and villages for rural infrastructure development as provided for in subdivision (3)(b) ~~subsection (4)~~ of section 18-2705.

Sec. 193. Section 18-2717, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-2717 (1) No city of the metropolitan class or primary class shall appropriate from funds derived directly from local sources of revenue more than five million dollars for all approved economic development programs in any one year, no city of the first class shall appropriate from funds derived directly from local sources of revenue more than four million dollars for all approved economic development programs in any one year, and no city of the second class or village shall appropriate from funds derived directly from local sources of revenue more than three million dollars for all approved economic development programs in any one year.

(2) Notwithstanding the provisions of subsection (1) of this section, no city shall appropriate from funds derived directly from local sources of revenue an amount for an economic development program in excess of the total amount approved by the voters at the election or elections in which the economic development program was submitted or amended.

(3) The restrictions on the appropriation of funds from local sources of revenue as set out in subsections (1) and (2) of this section shall apply only to the appropriation of funds derived directly from local sources of revenue. Sales tax collections in excess of the amount which may be appropriated as a result of the restrictions set out in such subsections shall be deposited in the city's economic development fund and invested as provided for in section 18-2718. Any funds in the city's economic development fund not otherwise restricted from appropriation by reason of the city's ordinance governing the economic development program or this section may be appropriated and spent for the purposes of the economic development program in any amount and at any time at the discretion of the governing body of the city subject only to section 18-2716.

(4) The restrictions on the appropriation of funds from local sources of revenue shall not apply to the reappropriation of funds which were appropriated but not expended during previous fiscal years.

Sec. 194. Section 18-2722, Reissue Revised Statutes of Nebraska, is amended to read:

18-2722 (1) The registered voters of any city that has established an economic development program shall, at any time after one year following the original vote on the program, have the right to vote on the continuation of the economic development program. The question shall be submitted to the voters whenever petitions calling for its submission, signed by registered voters of the city in number equal to at least twenty percent of the number of persons voting in the city at the last preceding general election, are presented to the governing body of the city.

(2) Upon the receipt of the petitions, the governing body of the city shall submit the question at a special election to be held not less than thirty days nor more than forty-five days after receipt of the petitions, except that if any other election is to be held in such city within ninety days of the receipt of the petitions, the governing body may provide for holding the election on the same date.

(3) Notwithstanding the provisions of subsection (2) of this section, if two-thirds of the members of the governing body of the city vote to repeal the ordinance establishing the economic development program within fifteen days of the receipt of the petitions for an election, the economic development program shall end and the election shall not be held.

(4) The governing body shall give notice of the submission of the question of whether to continue the economic development program not more than twenty

days nor less than ten days prior to the election by publication one time in one or more legal newspapers published in or ~~of having~~ a general circulation in the city in which the question is to be submitted. Such notice shall be in addition to any other notice required by the election laws of the state.

(5) The question on the ballot shall generally set out the basic terms and provisions of the economic development program as required for the initial submission, except that the question shall be: "Shall the city of (name of the city) continue its economic development program?".

(6) A majority of the registered voters voting on the question at the election shall determine the question. The final vote shall be binding on the city, and the governing body of the city shall act within sixty days of the certification of the vote by the county clerk or the election commissioner to repeal the ordinance establishing the economic development program if a majority of the voters voting on the question vote to discontinue the program.

(7) The repeal of the ordinance and the discontinuation of the economic development program shall be subject only to the provisions of any contracts related to the economic development program and the rights of any third parties arising from those contracts existing on the date of the election. Any funds collected by the city under the economic development program and unexpended for that program on the date of its repeal and any funds received by the city on account of the operation of the economic development program thereafter shall be deposited in the general fund of the city.

Sec. 195. Section 18-2737, Reissue Revised Statutes of Nebraska, is amended to read:

18-2737 (1) Any city which has received voter approval to conduct an economic development program pursuant to the Local Option Municipal Economic Development Act prior to June 1, 1993, may, subject to subsection (2) of this section, issue bonds as provided by the act even though the proposed plan prepared pursuant to section 18-2710 did not contemplate or provide for the issuance of bonds and the question on the ballot approved by the voters did not set out that the city proposed to issue bonds to provide funds to carry out the economic development program.

(2) The governing body of any city proposing to issue bonds pursuant to the authority granted by subsection (1) of this section shall adopt a resolution expressing the intent of the city to issue bonds from time to time pursuant to the act to provide funds to carry out the economic development program. Such resolution shall set a date for a public hearing on the issue of exercising such authority, and notice of such hearing shall be published in a legal newspaper in or of general circulation in the city at least seven days prior to the date of such hearing. Following such hearing, the governing body of the city shall amend or incorporate into the ordinance adopted pursuant to section 18-2714 a provision authorizing the governing body to exercise, in the manner set forth in the act, the authority granted by the act to issue bonds to provide funds to carry out the economic development program.

(3) Any city desiring to exercise the authority granted by this section which complies with the provisions of subsection (2) of this section may exercise the authority to issue bonds as provided in the act.

Sec. 196. Section 18-2803, Reissue Revised Statutes of Nebraska, is amended to read:

18-2803 For purposes of the Municipal Proprietary Function Act:

(1) Fiscal year shall mean the twelve-month period established by each governing body for each proprietary function of municipal government for determining and carrying on its financial affairs for each proprietary function;

(2) Governing body shall mean the city council in the case of a city of any class, including any city with a home rule charter, and the village board of trustees in the case of a village ~~and shall include any city with a home rule charter~~;

(3) Municipal budget statement shall mean a budget statement adopted by a governing body for nonproprietary functions of the municipality under the Nebraska Budget Act;

(4) Proprietary budget statement shall mean a budget adopted by a governing body for each proprietary function pursuant to the Municipal Proprietary Function Act; and

(5) Proprietary function shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by a municipality.

Sec. 197. Section 18-2806, Reissue Revised Statutes of Nebraska, is amended to read:

18-2806 (1) After a proposed proprietary budget statement is filed with the municipal clerk, the governing body shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the municipal clerk during normal business hours shall be published one time at least five days prior to the hearing in a legal newspaper in or of general circulation within the governing body's jurisdiction or by mailing to each resident within the governing body's jurisdiction.

(2) After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written record shall be kept

of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary budget statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the municipal clerk within twenty days after its adoption and published in a legal newspaper in or of general circulation within the governing body's jurisdiction or by mailing to each resident within the governing body's jurisdiction.

Sec. 198. Section 18-2807, Reissue Revised Statutes of Nebraska, is amended to read:

18-2807 If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the governing body shall adopt a proprietary function reconciliation statement within ninety days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After adoption of a proprietary function reconciliation statement, it shall be filed with the municipal clerk and published in a legal newspaper in or of general circulation within the governing body's jurisdiction or by mailing to each resident within the governing body's jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenue for such fiscal year is greater than ten percent, the proprietary function reconciliation statement shall only be adopted following a public hearing.

Sec. 199. Section 18-3001, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-3001 (1) Except as provided in subsection (5) of this section and notwithstanding any provisions of Chapter 14, article 4, Chapter 15, article 9, or Chapter 19, article 9, or of any home rule charter to the contrary, every city or village may include within its zoning ordinance provisions authorizing and regulating planned unit developments within such city or village or within the extraterritorial zoning jurisdiction of such city or village, ~~except such cities or villages shall not have authority to impose such power over other organized cities or villages within the zoning jurisdiction of such cities or villages.~~ As used in this section, planned unit development includes any development of a parcel of land or an aggregation of contiguous parcels of land to be developed as a single project which proposes density transfers, density increases, and mixing of land uses, or any combination thereof, based upon the application of site planning criteria. The purpose of such ordinance shall be to permit flexibility in the regulation of land development, to encourage innovation in land use and variety in design, layout, and type of structures constructed, to achieve economy and efficiency in the use of land, natural resources, and energy and the provision of public services and utilities, to encourage the preservation and provision of useful open space, and to provide improved housing, employment, or shopping opportunities particularly suited to the needs of an area.

(2) An ordinance authorizing and regulating planned unit developments shall establish criteria relating to the review of proposed planned unit developments to ensure that the land use or activity proposed through a planned unit development shall be compatible with adjacent uses of land and the capacities of public services and utilities affected by such planned unit development and to ensure that the approval of such planned unit development is consistent with the public health, safety, and general welfare of the city or village and is in accordance with the comprehensive plan.

(3) Within a planned unit development, regulations relating to the use of land, including permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open spaces, roadway and parking design, and land-use density shall be determined in accordance with the planned unit development regulations specified in the zoning ordinance. The planned unit development regulations need not be uniform with regard to each type of land use.

(4) The approval of planned unit developments, as authorized under a planned unit development ordinance, shall be generally similar to the procedures established for the approval of zone changes. In approving any planned unit development, a city or village may, either as a condition of the ordinance approving a planned unit development, by covenant, by separate agreement, or otherwise, impose reasonable conditions as deemed necessary to ensure that a planned unit development shall be compatible with adjacent uses of land, will not overburden public services and facilities, and will not be detrimental to the public health, safety, and welfare. Such conditions or agreements may provide for dedications of land for public purposes.

(5) Except as provided in subsection (6) of this section, a city of the second class or village located in a county that has adopted a comprehensive development plan which meets the requirements of section 23-114.02 and is enforcing subdivision regulations shall not finally approve a planned unit development upon property located outside of the corporate boundaries of the city or village until the plans for the planned unit development have been submitted to, reviewed, and approved by the county's planning commission pursuant to subsection (4) of section 17-1002.

(6) A city of the second class or village located in whole or in part within the boundaries of a county having a population in excess of one hundred thousand inhabitants but less than two hundred fifty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census that has adopted a comprehensive development plan which meets the requirements of section 23-114.02 and is enforcing subdivision regulations shall not finally

approve a planned unit development upon property located outside of the corporate boundaries of the city or village until the plans for the planned unit development have been submitted to the county's planning department and public works department for review.

Sec. 200. Section 71-3305, Reissue Revised Statutes of Nebraska, is amended to read:

71-3305 (1) Except as otherwise provided in subsection (2) or (3) of this section, any city or village having a population of one thousand or more inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall add fluoride to the water supply for human consumption for such city or village as provided in the rules and regulations of the Department of Health and Human Services unless such water supply has sufficient amounts of naturally occurring fluoride as provided in such rules and regulations.

(2) Subsection (1) of this section does not apply if the voters of the city or village adopted an ordinance, after April 18, 2008, but before June 1, 2010, to prohibit the addition of fluoride to such water supply.

(3) If any city or village reaches a population of one thousand or more inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census after June 1, 2010, and is required to add fluoride to its water supply under subsection (1) of this section, the city or village may adopt an ordinance to prohibit the addition of fluoride to such water supply. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to the Municipal Initiative and Referendum Act sections 18-2501 to 18-2538. Such proposed ordinance shall be voted upon at the next statewide general election after the population of the city or village reaches one thousand or more inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census.

(4) Any rural water district organized under sections 46-1001 to 46-1020 that supplies water for human consumption to any city or village which is required to add fluoride to such water supply under this section shall not be responsible for any costs, equipment, testing, or maintenance related to such fluoridation unless such district has agreed with the city or village to assume such responsibilities.

Sec. 201. Original sections 18-131, 18-305, 18-306, 18-307, 18-308, 18-309, 18-310, 18-311, 18-401, 18-402, 18-403, 18-404, 18-405, 18-407, 18-408, 18-409, 18-410, 18-411, 18-412, 18-412.02, 18-412.07, 18-412.08, 18-412.09, 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505, 18-506, 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512, 18-602, 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618, 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626, 18-627, 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003, 18-1004, 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1206, 18-1207, 18-1215, 18-1216, 18-1501, 18-1502, 18-1503, 18-1504, 18-1508, 18-1509, 18-1701, 18-1702, 18-1705, 18-1706, 18-1707, 18-1708, 18-1709, 18-1712, 18-1713, 18-1714, 18-1716, 18-1718, 18-1721, 18-1722.01, 18-1723, 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748, 18-1750, 18-1752, 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803, 18-1804, 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915, 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131, 18-2135, 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206, 18-2301, 18-2302, 18-2303, 18-2304, 18-2305, 18-2306, 18-2307, 18-2308, 18-2309, 18-2310, 18-2311, 18-2312, 18-2313, 18-2314, 18-2315, 18-2402, 18-2443, 18-2476, 18-2501, 18-2502, 18-2504, 18-2505, 18-2506, 18-2518, 18-2520, 18-2521, 18-2522, 18-2523, 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529, 18-2530, 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538, 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, and 71-3305, Reissue Revised Statutes of Nebraska, and sections 16-6,108, 18-132, 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902, 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, and 18-3001, Revised Statutes Cumulative Supplement, 2020, are repealed.