

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 798

FINAL READING

Introduced by Urban Affairs Committee: McKinney, 11, Chairperson;
Cavanaugh, J., 9; Quick, 35; Rountree, 3.

Read first time January 07, 2026

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to municipalities; to amend section 19-926,
2 Reissue Revised Statutes of Nebraska, and section 32-554, Revised
3 Statutes Supplement, 2025; to change provisions related to the
4 composition of the planning commission of a city of the second class
5 or village; to allow a city of the second class to elect some
6 council members by ward as provided; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 19-926, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-926 (1) The planning commission of a city of the first class,
4 city of the second class, or village shall consist of nine regular
5 members who shall represent, as far as is possible, the different
6 professions or occupations in the city or village and shall be appointed
7 by the mayor by and with the approval of a majority vote of the members
8 of the city council or by the chairperson of the village board of
9 trustees by and with the approval of a majority vote of the members of
10 the village board of trustees. Two of the regular members may be
11 residents of the area designated pursuant to section 16-902 or 17-1001
12 over which the city or village is exercising extraterritorial zoning
13 jurisdiction. When there is a sufficient number of residents in such area
14 over which the city or village exercises extraterritorial zoning
15 jurisdiction, one regular member of the commission shall be a resident
16 from such area. If it is determined by the city council or village board
17 of trustees that a sufficient number of residents reside in such area,
18 and no such resident is a regular member of the commission, the first
19 available vacancy on the commission shall be filled by the appointment of
20 such an individual. For purposes of this section, a sufficient number of
21 residents shall mean: (a) For a village, two hundred residents; (b) for a
22 city of the second class, five hundred residents; and (c) for a city of
23 the first class, one thousand residents. A number of commissioners equal
24 to a majority of the number of regular members appointed to the
25 commission shall constitute a quorum for the transaction of any business.
26 All regular members of the commission shall serve without compensation.
27 The term of each regular member shall be three years, except that three
28 regular members of the first commission to be so appointed shall serve
29 for terms of one year, three for terms of two years, and three for terms
30 of three years. All regular members shall hold office until their
31 successors are appointed. Any member may, after a public hearing before

1 the city council or village board of trustees, be removed by the mayor
2 with the consent of a majority vote of the members of the city council or
3 by the chairperson of the village board of trustees with the consent of a
4 majority vote of the members of the village board of trustees for
5 inefficiency, neglect of duty or malfeasance in office, or other good and
6 sufficient cause. Vacancies occurring otherwise than through the
7 expiration of term shall be filled for the unexpired portion of the term
8 by appointment by the mayor or the chairperson of the village board of
9 trustees.

10 (2) Notwithstanding the provisions of subsection (1) of this
11 section, the planning commission for any city of the second class or
12 village may have either three, five, seven, or nine regular members as
13 the city council or village board of trustees establishes by ordinance.
14 If a city or village planning commission has either three, five, or seven
15 regular members, approximately one-third of the regular members of the
16 first commission shall serve for terms of one year, one-third for terms
17 of two years, and one-third for terms of three years.

18 (3) A city of the first class, a city of the second class, or a
19 village may, by ordinance, provide for the appointment of one alternate
20 member to the planning commission who shall be chosen by the mayor with
21 the approval of a majority vote of the members of the city council or by
22 the chairperson of the village board of trustees with the approval of a
23 majority vote of the members of the village board of trustees. The
24 alternate member shall serve without compensation. The term of the
25 alternate member shall be three years, and he or she shall hold office
26 until his or her successor is appointed and approved. The alternate
27 member may be removed from office in the same manner as a regular member.
28 If the alternate member position becomes vacant other than through the
29 expiration of the term, the vacancy shall be filled for the unexpired
30 portion of the term by the mayor with the approval of a majority vote of
31 the members of the city council or by the chairperson of the village

1 board of trustees with the approval of a majority vote of the members of
2 the village board of trustees. The alternate member may attend any
3 meeting and may serve as a voting and participating member of the
4 commission at any time when less than the full number of regular
5 commission members is present and capable of voting.

6 (4) A regular or alternate member of the planning commission may
7 hold any other municipal office except (a) mayor, (b) a member of the
8 city council or village board of trustees, (c) a member of any community
9 redevelopment authority or limited community redevelopment authority
10 created under section 18-2102.01, or (d) a member of any citizen advisory
11 review committee created under section 18-2715.

12 **Sec. 2.** Section 32-554, Revised Statutes Supplement, 2025, is
13 amended to read:

14 32-554 (1)(a) Any city not under a home rule charter, village,
15 county, or school district nominating and electing members to its
16 governing board at large may, either by majority vote of the governing
17 body or by petition of registered voters pursuant to subsection (2) of
18 this section, submit, at a general election, the question of nominating
19 and electing members to its governing board by district or ward.

20 (b) Any city not under a home rule charter, village, county having
21 not more than four hundred thousand inhabitants as determined by the most
22 recent federal decennial census, or school district nominating and
23 electing members to its governing board by district or ward may, either
24 by majority vote of the governing body or by petition of registered
25 voters pursuant to subsection (2) of this section, submit, at a general
26 election, the question of nominating and electing members to its
27 governing board at large.

28 (c) Any city of the first class, except a city having adopted the
29 commissioner or city manager plan of government, nominating and electing
30 members to its governing body by ward may, either by ordinance by
31 majority vote of the governing body or by petition of registered voters

1 pursuant to subsection (2) of this section, submit, at a general
2 election, the question of nominating and electing some of the members to
3 its governing body by ward and some at large. No more than four members
4 of the city council may be elected on an at-large basis, and at least
5 four members of the city council shall be elected by ward. The ordinance
6 of the governing body or petition shall specify the number of at-large
7 members to be elected. At the first election in which one or more at-
8 large members are to be elected to the city council, the members shall be
9 elected to serve for initial terms of office of the following lengths:
10 (i) If one at-large member is to be elected, he or she shall serve for a
11 four-year term; (ii) if two at-large members are to be elected, the
12 candidate receiving the highest number of votes shall be elected to serve
13 for a four-year term and the other elected member shall be elected to
14 serve for a two-year term; (iii) if three at-large members are to be
15 elected, the two candidates receiving the highest number of votes shall
16 be elected to serve for four-year terms and the other elected member
17 shall be elected to serve for a two-year term; and (iv) if four at-large
18 members are to be elected, the two candidates receiving the highest
19 number of votes shall be elected to serve for four-year terms and the
20 other elected members shall be elected to serve for two-year terms.
21 Following the initial term of office, all at-large council members shall
22 be elected to serve for four-year terms. No candidate may file as both an
23 at-large candidate and a candidate by ward at the same election.

24 (d) Any city of the second class, except a city having adopted the
25 commissioner or city manager plan of government, nominating and electing
26 members to its governing body by ward may, either by ordinance by
27 majority vote of the governing body or by petition of registered voters
28 pursuant to subsection (2) of this section, submit, at a general
29 election, the question of nominating and electing some of the members to
30 its governing body by ward and some at large. No less than two members of
31 the city council may be elected on an at-large basis, and no more than

1 one-half of the members of the city council shall be elected on an at-
2 large basis. The ordinance of the governing body or petition shall
3 specify the number of at-large members to be elected. At the first
4 election in which one or more at-large members are to be elected to the
5 city council, the members shall be elected to serve for initial terms of
6 office of the following lengths: (i) If one at-large member is to be
7 elected, he or she shall serve for a four-year term; (ii) if two at-large
8 members are to be elected, the candidate receiving the highest number of
9 votes shall be elected to serve for a four-year term and the other
10 elected member shall be elected to serve for a two-year term; (iii) if
11 three at-large members are to be elected, the two candidates receiving
12 the highest number of votes shall be elected to serve for four-year terms
13 and the other elected member shall be elected to serve for a two-year
14 term; (iv) if four at-large members are to be elected, the two candidates
15 receiving the highest number of votes shall be elected to serve for four-
16 year terms and the other elected members shall be elected to serve for
17 two-year terms; and (v) if five or six at-large members are to be
18 elected, the three candidates receiving the highest number of votes shall
19 be elected to serve for four-year terms and the other elected members
20 shall be elected to serve for two-year terms. Following the initial term
21 of office, all at-large council members shall be elected to serve for
22 four-year terms. No candidate may file as both an at-large candidate and
23 a candidate by ward at the same election.

24 (2) Petitions for submission of the question shall be signed by
25 registered voters of the city, village, county, or school district
26 desiring to change the procedures for electing the governing board of the
27 city, village, county, or school district. The petition or petitions
28 shall be signed by registered voters equal in number to twenty-five
29 percent of the votes cast for the person receiving the highest number of
30 votes in the city, village, county, or school district at the preceding
31 general election for electing the last member or members to its governing

1 board. Each sheet of the petition shall have printed the full and correct
2 copy of the question as it will appear on the official ballot. The
3 petitions shall be filed with the county clerk or election commissioner
4 not less than seventy days prior to the date of the general election, and
5 no signatures shall be added or removed from the petitions after they
6 have been so filed. Petitions shall be verified as provided in section
7 32-631. If the petition or petitions are found to contain the required
8 number of valid signatures, the county clerk or election commissioner
9 shall place the question on a separate ballot to be issued to the
10 registered voters of the city, village, county, or school district
11 entitled to vote on the question.

12 (3)(a) Any city, village, county, or school district voting to
13 change from nominating and electing the members of its governing board by
14 district or ward to nominating and electing some or all of such members
15 at large shall notify the public and instruct the filing officer to
16 accept the appropriate filings on an at-large basis. Candidates to be
17 elected at large shall be nominated and elected on an at-large basis at
18 the next primary and general election following submission of the
19 question.

20 (b) Any city, village, county, or school district voting to change
21 from nominating and electing the members of its governing board at large
22 to nominating and electing by district or ward shall notify the public
23 and instruct the filing officer to accept all filings by district or
24 ward. Candidates shall be nominated and elected by district or ward at
25 the next primary and general election following submission of the
26 question. When district or ward elections have been approved by the
27 majority of the electorate, the governing board of any city, village,
28 county, or school district approving such question shall establish
29 districts substantially equal in population as determined by the most
30 recent federal decennial census except as provided in subsection (2) of
31 section 32-553.

1 (4) Except as provided in section 14-204, each city not under a home
2 rule charter, village, county, and school district which votes to
3 nominate and elect members to its governing board by district or ward
4 shall establish districts or wards so that approximately one-half of the
5 members of its governing board may be nominated and elected from
6 districts or wards at each election. Districts or wards shall be created
7 not later than October 1 in the year following the general election at
8 which the question was voted upon. If the governing board fails to draw
9 district boundaries by October 1, the procedures set forth in section
10 32-555 shall be followed.

11 **Sec. 3.** Original section 19-926, Reissue Revised Statutes of
12 Nebraska, and section 32-554, Revised Statutes Supplement, 2025, are
13 repealed.