

LEGISLATIVE BILL 80

Approved by the Governor May 22, 1979

Introduced by S. Marsh, 29

AN ACT relating to sex discrimination; to amend sections 14-201, 14-203 to 14-209, 14-216, 14-217, 14-222, 14-223, 14-224, 14-230, 15-1003 to 15-1009, 16-304, 16-306, 16-307, 16-323, 16-327, 16-330 to 16-336, 16-336.01, 16-337, 19-404 to 19-407, 19-409 to 19-412, 19-415, 19-418, 19-419, 19-424 to 19-426, 19-431 to 19-433, 19-512, 19-613, 19-613.01, 19-615, 19-616, 19-624, 19-628, 19-636, 19-1824, 20-107 to 20-110, 23-408, 23-1801, 23-1802, 23-1804, 23-1806, 23-1808, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, 23-1820, 24-315, 35-202, 35-204, 35-205, 35-207 to 35-210, 35-212.01, 35-213 to 35-216, 35-302, 35-518, 40-115, 42-7, 101, 55-134, 71-1536, 77-1201, 77-1605, 80-301, 80-403, 80-411, and 83-482, Reissue Revised Statutes of Nebraska, 1943, sections 35-201, 35-203, 35-203.01, 35-206, 35-211, 35-212, 48-512, 60-452.01, and 60-452.02, Revised Statutes Supplement, 1978, section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, and section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, First Session, 1979; to change terms; to make certain acts unlawful; to eliminate a preference based on sex for listing personal property; to provide duties; to change unlawful employment practice findings as prescribed; to repeal the original sections, and also sections 23-123, 77-1604, and 83-301 to 83-304.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 14-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-201. In any city of the metropolitan class there shall be elected at large the following officers and none other: Seven ~~councilmen~~ council members, whose terms of office shall be three years, who shall constitute the council of said city. The regular or

general election for the election of all elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May and every three years thereafter. The term of office of such ~~councilmen~~ council members shall commence on the second Tuesday after such election.

Sec. 2. That section 14-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-203. The annual salary of each ~~councilman~~ council member shall be forty-five hundred dollars; Provided, however, the mayor selected and appointed in the manner hereinafter provided, shall receive in addition to his the salary as ~~councilman~~ a council member the sum of five hundred dollars.

Sec. 3. That section 14-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-204. (1) Candidates for the office of ~~councilman~~ council member shall be nominated at large at a primary election, and no other names shall be placed upon the official ballot to be used at the regular or general city election except those selected at such primary in the manner hereinafter provided. Notwithstanding any more general law respecting the time or manner of holding primary elections, the primary election for such nomination shall be held on the first Tuesday of April preceding the date of the general or regular city election.

(2) Any person desiring to become a candidate for ~~councilman~~ council member, as referred to in subsection (1) of this section, shall at least thirty days prior to the date of holding such primary file, with the officer authorized to conduct the general city election, a statement of such candidacy, in substantially the following form:

State of Nebraska)
) ss.
County of)

I,, being first duly sworn, say that I reside at No. Street, in the city of, County of, and State of Nebraska; that I am a qualified voter of said city; that I am a candidate for the office of ~~councilman~~ council member, to be voted upon at the primary election to be held on the day of April, 19....; and I hereby request that my name

be printed upon the official primary ballot for nomination by such primary election for said office.
(Signed)

Subscribed and sworn to before me by the said this day of, 19.... .

.....
Notary Public

Such persons shall, at the same time, file with such statement a petition signed by at least one hundred qualified voters in said city and pay to the city treasurer, to aid in the expense of holding said primary, a filing fee of ten dollars and obtain a receipt from the treasurer therefor, which receipt shall be presented to and filed with said officer, authorized to conduct the general city election, before filing said petition.

(3) The petition, required by subsection (2) of this section, shall be substantially in the following form:

The undersigned, duly qualified electors of the city of, and residing at the places set opposite our respective names hereto attached, do hereby request that the name of be placed upon the official ballot as a candidate for nomination for the office of ~~councilman~~ council member, at the primary election to be held in said city on the day of April, 19.... . We further certify that we know him such person to be a qualified elector of said city and a man person of good moral character and well qualified, in our judgment, for the duties of said office.

Sec. 4. That section 14-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-205. Notwithstanding any more general law respecting primary elections in force in this state, the official ballot to be prepared and used at such primary shall be in substantially the following form, inserting in the blanks the name of the city and the number of ~~councilmen~~ council members to be elected, and placing simply the names of all candidates upon the ticket, without any party designation, circle, or mark whatsoever: Candidate for Nomination for ~~Councilmen~~ Council members of the City of at the Primary Election
Vote for only seven:

(Names of candidates)

In all other respects the general character of the ballot to be used shall be the same as authorized by the Australian Ballot Law of the state. In printing, the names shall not be arranged alphabetically but shall be rotated according to the following plan: The form shall be set up by the printer, with the names in the order in which they are placed upon the sample ballot prepared by the officer authorized to conduct the general city election; and in printing the ballots for the various election districts or precincts, the position of the names shall be changed for each election district, and in making the change of position the printer shall take the line of type containing the name at the head of the form and place it at the bottom, shoving up the column so that the name that was second before the change shall be the first after the change. After receiving such ballot from the election judges, endorsed by them as by law provided, the voter shall mark and cast such ballot. Any voter who shall declare that he or she will require assistance in voting, shall be aided in the manner provided by general law. The polls at such primary election shall open at 8:00 a.m. and close at 8:00 p.m. In all respects such primary election shall be held and conducted, and the vote canvassed and the result declared, as by law provided for holding other city primary elections, and all officers charged with any duty respecting the proclaiming, holding, and conducting of such general or city election in any such city, shall perform such duties for and at such primary election.

Sec. 5. That section 14-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-206. The fourteen candidates receiving the highest number of votes at such primary election, or all candidates if there be less than fourteen upon the primary ballot, shall be the candidates and the only candidates whose names shall be placed upon the official ballot for ~~councilmen~~ council members at such regular or general city election in such city.

Sec. 6. That section 14-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-207. At the regular or general city election at which such candidates are to be elected, the ballot shall be prepared in substantially the same form and the names rotated as hereinbefore provided for their nomination at the primary election, and the seven persons receiving the highest number of votes shall be the

councilmen council members elected. In all other respects the general laws in force in such city, respecting the holding and conducting and declaring the result of any such regular or general city election, shall apply so far as the same are applicable and not inconsistent with the provisions of sections 14-201 to 14-229.

Sec. 7. That section 14-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-203. Councilmen Council members elected hereunder shall qualify and give bond in the sum of five thousand dollars. If any vacancy occurs in the office of councilmen council members, the remaining members of the council shall appoint a person to fill such vacancy for the remainder of the term. The person thus appointed shall qualify and give bond as by law provided for councilmen council members elected to such office.

Sec. 8. That section 14-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-209. Any of such councilmen council members may be removed at any time from office by the qualified electors of any such city. The procedure to accomplish the removal of any incumbent of such office shall be as follows:

A petition signed by such electors equal in number to at least thirty per cent of the highest vote cast at the last preceding city election, demanding an election of a successor to the person sought to be removed, and naming the candidate or candidates for election to succeed ~~him~~ such person, shall be filed with the city clerk, which petition shall contain a general statement of the grounds upon which the removal is sought. Within ten days from the date of filing such petition, the city clerk shall examine it and from the voters' register, if the petition be filed in any city where registration laws are in force, or if not, then from such source as may be available to such clerk, ascertain whether or not said petition is signed by the requisite number of qualified electors; and, if necessary, the council shall allow such clerk extra help for that purpose. The clerk shall attach to said petition ~~his~~ a certificate showing the result of such examination, and if the clerk's certificate to such petition shows that it is insufficient in point of numbers signed, it may be amended, within ten days from the date of such clerk's certificate, by the filing of a

supplemental petition signed and sworn to as in the case of the original petition. The clerk shall, within ten days after such supplemental petition is filed, make a like examination of the supplemental petition and if the certificate shall show the supplemental petition together with the original petition contains the requisite number of signatures, the clerk shall submit such original and supplemental petitions together with his the clerk's certificates, without delay, to the council, and the council shall order and fix, without delay, a date for holding an election, which date shall not be less than thirty nor more than sixty days from the date of the clerk's certificate to the council showing the petition sufficient. Candidates other than those mentioned in the recall petition herein provided for shall be nominated as provided in section 14-204, except that where but one councilman council member is to be voted upon only the person receiving the largest number of votes of electors shall be deemed nominated and placed upon the ballot. Where two councilmen council members are to be voted upon, only the two candidates receiving the largest number of votes shall be deemed nominated and so on. Such primary shall be held upon the second Tuesday prior to the election. The council shall make, or cause to be made, publication of notice of the time of holding such election and all arrangements for holding such election. The method and manner of conducting the election and canvassing the vote cast thereat and declaring the results thereof, shall be the same in all respects as at the general or regular city elections in any such city, except that the ballot used at such election shall be the paper ballot authorized by the Australian Ballot Law, and the ticket shall be printed in the same manner as herein provided for the holding of elections at the general city election in such city and the names thereon so arranged, and aid to voters restricted to the classes hereinbefore named. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any councilman council member sought to be removed, may become a candidate to succeed himself or herself, and, unless he such person requests otherwise in writing, the clerk shall place his or her name on the official ballot with the other names mentioned in such petition. In any such removal election, the candidate receiving the highest number of votes shall be declared elected, and at such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his or her successor. If the party who receives the highest number of votes should fail to qualify and give bond, as by law provided, within ten days after receiving notice of his or her election, the office shall be deemed vacant and shall be

filled by the remaining members of the council as any other vacancy is filled in such office. If the incumbent receives the highest number of votes cast at such election, he such person shall continue in office. The foregoing method of removal shall be cumulative and additional to the methods otherwise provided by law for removing such officers.

Sec. 9. That section 14-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-216. The regular meetings of the city council shall be held once each week upon such day and hour as the council may designate. Special meetings of the council may be called from time to time by the mayor or two ~~councilmen~~ council members, giving notice in such manner as may be fixed or determined by ordinance or resolution. A majority of such council shall constitute a quorum for the transaction of any business, but it shall require a majority vote of the whole council in any such city to pass any measure or transact any business.

Sec. 10. That section 14-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-217. The council in all such cities shall at its first meeting elect by a majority vote one of its members president of the council. He Such member shall be styled and known as the mayor of the city, and shall preside at all meetings of the city council, but he shall have no power to veto any ordinance, resolution, or measure passed by the council. The council shall also at such meeting, or as soon as practicable thereafter, designate by a majority vote (1) one ~~councilman~~ council member to be superintendent of the department of accounts and finances, (2) one ~~councilman~~ council member to be superintendent of the department of police, sanitation, and public safety, (3) one ~~councilman~~ council member to be superintendent of the department of fire protection and water supply, (4) one ~~councilman~~ council member to be superintendent of the department of street cleaning and maintenance, (5) one ~~councilman~~ council member to be superintendent of the department of public improvements, and (6) one ~~councilman~~ council member to be superintendent of the department of parks and public property. The mayor of the city shall be superintendent of the department of public affairs. The mayor and ~~councilmen~~ council members shall maintain their offices at the city hall.

Sec. 11. That section 14-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-222. In all of said cities the superintendent of the department of accounts and finances shall be vice president of the city council, and in the absence or inability of the mayor to serve shall perform the duties of the mayor of the city. In case of vacancy in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council, after filling the office of councilman council member left vacant, shall elect another or new chairman chairperson and mayor, which it shall do either at the first council meeting after such vacancy occurs or as soon as practicable thereafter.

Sec. 12. That section 14-223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-223. In all such cities, the council may change the superintendency of any of the departments, except that of public affairs, from one of the councilmen council members to another, whenever it appears that the public service and management of the business affairs of the city would be benefited by such change.

Sec. 13. That section 14-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-224. The mayor and councilmen council members and all other officers, agents, and employees of the city are prohibited from soliciting or receiving, directly or indirectly, any contribution of money or supplies of whatsoever kind, or any valuable or special privilege at the hands of any city contractor, or his or her agents, or from any franchised municipal corporation for any purpose whatsoever, and such conduct shall constitute malfeasance in office. No officer, appointee, agent, or employee shall directly or indirectly solicit or receive any gift or contribution of money or supplies, or any valuable service, from any appointee, agent, or employee of such city, for the benefit of the person asking for such gift or contribution or for the benefit of another. Any violation of this provision shall constitute a ~~misdemeanor and shall subject the offender to a fine of not exceeding fifty dollars or to imprisonment for a term not exceeding thirty days~~ Class III misdemeanor.

Sec. 14. That section 14-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

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

Sec. 15. That section 15-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1003. (1) When any such-fireman fire fighter or police officer shall be eligible to retire regardless of whether he or she may actually elect to do so, the pension provided in sections 15-1001 to 15-1015 shall in any event be payable upon his death from any cause or upon any other termination of his service as a member of said department, whether by reason of resignation, discharge, or otherwise.

(2) In the event of the death of a fireman fire fighter or police officer who is eligible to retire, under conditions not bringing it within the provisions of section 15-1005 or 15-1006, the payments shall be made in accordance with the survivor beneficiary designation, if any, made by such deceased fireman fire fighter or police officer under option A, set forth in subsection (1) of section 15-1002, and if no such designation has been made, then the payments shall be made to the surviving wife spouse of such deceased fireman fire fighter or police officer, under option A, set forth in subsection (1) of section 15-1002, as if the deceased had retired at the time of his death.

(3) In event of the termination of service of a fireman fire fighter or police officer who is eligible to retire, by reason of resignation, discharge, or otherwise, in situations not covered by the provisions of subsection (2) of this section, or section 15-1005 or

15-1006, such fireman fire fighter or policeman police officer shall make designation as to whether the payments shall be made to him or her during his or her lifetime alone, or under option A or option B, set forth in subsection (1) of section 15-1002.

Sec. 16. That section 15-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1004. (1) If any fireman fire fighter or policeman police officer hereafter entering the employment of any primary city as a member of its paid fire or police department, except those who shall have been formerly employed in such department who are now in military service, shall die under conditions not bringing the death within the provisions of section 15-1005 or 15-1006, after becoming fifty years of age and before age fifty-five, and after serving in the paid fire or police department of such city for at least twenty-one years, then the same pension shall be paid as if such deceased fireman fire fighter or policeman police officer were fifty-five years of age and eligible to retire at the time of his death. The payments shall be made in accordance with the survivor beneficiary designation, if any, made by such deceased fireman fire fighter or policeman police officer under option A, set forth in subsection (1) of section 15-1002, and if no such designation has been made, then the payments shall be made to the surviving wife spouse of such deceased fireman fire fighter or policeman police officer under option A, set forth in subsection (1) of section 15-1002.

Sec. 17. That section 15-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1005. (1) In case of the death of any such fireman fire fighter or policeman police officer caused by or the result of injuries received while in line of duty and such death occurs within one year from the date of such injury then a pension of fifty per cent of his regular pay as defined in section 15-1001 shall be paid monthly to his the surviving wife spouse during his or her lifetime or until his or her remarriage, and upon his or her death or remarriage to the minor children of such deceased fireman fire fighter or policeman police officer until the youngest living child reaches eighteen years of age, subject to deduction of any amounts paid under the Nebraska Workmen's Compensation Act on account of such death as hereinafter provided in sections 15-1001 to 15-1015; Provided, that, as set forth in subsection (2) of this section, any such fireman fire fighter or

police officer shall have the election, by his written nomination filed with the city, to designate a survivor beneficiary who shall receive payment for such death, in the amount payable under option A, set forth in subsection (1) of section 15-1002, which would be applicable to retirement as of the date at which such death occurs.

(2) The election shall apply where such death occurs after such fireman fire fighter or police officer is eligible to retire.

Sec. 18. That section 15-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1006. (1) In case any such--fireman fire fighter or police officer shall become permanently and totally disabled, from accident or other cause, for the work he or she was doing at the time of such accident or other cause, while in the line of duty, he or she shall forthwith be placed upon the roll of pensioned fireman fire fighters or police officers, at the rate of fifty per cent of his regular pay as defined in section 15-1001 paid monthly: Provided, that if such disability occurred after such fireman fire fighter or police officer was eligible to retire, the rate shall be increased two per cent per year for each additional year of service from the time of such eligibility up to the time of such disability, but not to exceed a total increase of ten per cent. In case of the death of any fireman fire fighter or police officer who has been placed on such pension roll for such disability, his or her pension paid monthly shall be paid to his the surviving wife spouse so long as he or she remains unmarried, if ~~he was married to her prior to his being placed on such pension roll;~~ they were married prior to the receipt of the benefits and upon her the surviving spouse's death or remarriage, to his the minor children until the youngest living child reaches eighteen years of age; and provided further, that any such fireman fire fighter or police officer shall have, as set forth in subsection (2) of this section, the election, on or prior to the effective date of such disability retirement, or within thirty days thereafter, to elect to nominate a survivor beneficiary in accordance with the provisions of option A or option B contained in subsection (1) of section 15-1002, the payments to be based upon the amount provided under such designated option for retirement as of the date on which such fireman fire fighter or police officer was placed on the pension roll because of said disability.

(2) The election shall apply where such disability occurs after such fireman fire fighter or policeman police officer is eligible to retire.

(3) In case of the temporary total disability of a fireman fire fighter or policeman police officer received while in the line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then his such salary shall cease and he the disabled person shall be entitled to the benefits of the provisions with reference to pensions in case of total and permanent disability contained in subsections (1) and (2) of this section. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Nebraska Workmen's Compensation Act, as hereinafter provided in sections 15-1001 to 15-1015.

(4) In case any such fireman fire fighter or policeman police officer shall become permanently and totally disabled, from accident or other cause, for the work he or she was doing at the time of such accident or other cause, while not in the line of duty, he the disabled person shall forthwith be placed upon the roll of pensioned firemen fire fighters or policemen police officers at the following percentage of his regular pay as defined in section 15-1001: (a) Fifteen per cent if he or she has five years of service or more but less than ten years, (b) thirty per cent if he or she has ten years of service or more but less than fifteen years, or (c) forty-five per cent if he or she has fifteen years of service or more. If such accident or other cause results in death while not in line of duty, the same pension shall be paid to his-widow the surviving spouse during his or her lifetime or until she-re-marries remarriage, or a reduced amount shall be paid to a surviving beneficiary pursuant to an election made under the provisions of section 15-1002, which election, for purposes of this subsection, may be made at any time after five years of service; Provided, that until the date any such disabled member attains or would have attained age sixty-two years, the amount of pension payable in accordance with the provisions of this subsection shall be reduced by the sum of the following amounts: (a) Amounts paid under any workmen's compensation act; and (b) amounts paid under any program of sickness and accident insurance, disability insurance, or similar insurance program, supported in whole or in part by an employer of such policeman police officer or fireman fire fighter.

Sec. 19. That section 15-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1007. From and after December 25, 1969, every ~~such fireman~~ fire fighter or ~~police officer~~ police officer shall contribute to the city an amount equal to seven per cent of his or her salary, until such ~~fireman~~ fire fighter or ~~police officer~~ police officer shall be entitled to retire or otherwise become eligible for a pension under the provisions of sections 15-1001 to 15-1015, which amount may be deducted from the salary of every such ~~fireman~~ fire fighter or ~~police officer~~ police officer. No ~~fireman~~ fire fighter or ~~police officer~~ police officer, continuing in the employment of the city as a member of such department after becoming eligible to retire at age fifty-five with twenty-one years of service, shall be required to make any further contribution.

Sec. 20. That section 15-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1008. Notwithstanding any prior provisions of this act, no ~~fireman~~ fire fighter or ~~police officer~~ police officer shall be entitled during any period of disability to receive in full both his or her pension or salary, as herein provided, and in addition benefits under the Workmen's Compensation Act. All Workmen's Compensation Act benefits shall be payable in full to such ~~fireman~~ fire fighter or ~~police officer~~ police officer or his or her dependents as provided in said act, but all amounts paid by the city or its insurer under said act to any disabled ~~fireman~~ fire fighter or ~~police officer~~ police officer entitled to receive a salary or pension during such disability, or to the widow surviving spouse or children of any deceased ~~fireman~~ fire fighter or ~~police officer~~ police officer, shall be considered as payments on account of such salary or pension and shall be credited thereon. The remaining balance of such pension or salary, if any, shall be payable as otherwise provided by this act.

Sec. 21. That section 15-1009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1009. This act shall apply to officers of paid fire and police departments as well as to regularly employed ~~firemen~~ fire fighters and ~~police officers~~ police officers.

Sec. 22. That section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section

2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and two ~~councilmen~~ council members from each ward, who shall be electors of the city and residents of the ward from which elected. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a council that would expire prior to the first regular council meeting in December, 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December, 1976, and prior to the first regular council meeting in December, 1978, is hereby extended to the first regular council meeting in December, 1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(7) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall

notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(8) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(9) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

Sec. 23. That section 16-304, Beissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-304. Each councilman council member, before entering upon the duties of his or her office, shall be required to give bond to the city, with two or more good and sufficient sureties or some responsible surety company; if by two sureties, they shall each justify that he or she is worth, at least, two thousand dollars over and above all debts and exemptions. Such bonds shall be in the sum of one thousand dollars, and shall be conditioned for the faithful discharge of the duties of the councilman council member giving the same, and shall be further conditioned that if the said councilman council member shall vote for any expenditure or appropriation of money or creation of any liability in excess of the amount allowed by law, such councilman council member, and the sureties signing said bond, shall be liable thereon. Said bond shall be filed with the city clerk and approved by the mayor, and upon the approval, the city may pay the premium for such bond. Any liability sought to be incurred, or debt created in

excess of the amount limited or authorized by law, shall be taken and held by every court of the state as the joint and several liability and obligation of the councilman council member voting for and the mayor approving the same, and not the debt, liability or obligation of the city. Voting for or approving of such liability, obligation or debt shall be conclusive evidence of malfeasance in office for which such councilman council member or mayor may be removed from office.

Sec. 24. That section 16-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-306. In any city which may become a city of the first class any councilman council member, whose term shall extend through another year by reason of his or her prior election under the provisions governing cities of the second class, shall hold his or her office as a councilman council member from the ward in which he or she is a resident, as if he or she were elected under the provisions of this act.

Sec. 25. That section 16-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-307. All properly registered voters, who shall reside within the limits of the city on or before election day, shall be entitled to vote at all municipal elections. The county canvassing board shall canvass all returns at the same time and in the same manner as the other returns are canvassed, and the county clerk or election commissioner shall issue the certificates of nomination or election the same as all other certificates, and a neglect of any such officer to qualify within ten days after the delivery to him or her of such certificate shall be deemed a refusal to accept the office to which he or she may have been elected. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office on account of disqualification, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in sections 32-4,152 and 32-1045. An incumbent councilman council member shall be eligible for the appointment.

Sec. 26. That section 16-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-323. The chief of police shall have the immediate superintendence of the police. He or she and the police police officers shall have power, and it shall be their duty, to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff or constable, and keep them in the city prison or other place to prevent their escape, until a trial or examination may be had before the proper officer; and they shall have the same power as sheriff and constable in relation to all criminal matters arising out of a violation of a city ordinance and all process issued by the county court in connection with a violation of a city ordinance.

Sec. 27. That section 16-327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-327. The mayor or council shall have power, when he she, or they deem it necessary, to require any officer of the city to exhibit his or her accounts or other papers and make reports to the council, in writing, touching any subject or matter they may require pertaining to his the office.

Sec. 28. That section 16-330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-330. Every city of the first class shall pension every police police officer at regular retirement of fifty per cent of his or her regular pay whenever such police police officer shall (1) have first served in the paid police department for a period of twenty-one years, (2) have attained the age of sixty years, and (3) elect to retire from active service and go upon the retired list; Provided, no person entering the employment of any such city after November 18, 1965, as a member of its paid police department, shall be entitled to retire until, after the completion of twenty-five years of service, he or she shall be sixty years of age. In event of such regular retirement he or she shall be paid a straight life pension of fifty per cent of the regular pay as defined in sections 16-330, 16-331, and 16-334 to 16-335.01; Provided, that a police police officer who shall have completed twenty-five years of service and attained the age of fifty-five may elect to retire early but in event of such early retirement his or her pension shall be forty per cent of his or her regular

pay as hereinafter defined. Regular pay shall be defined as the average pay of such ~~police~~ police officer for the five years preceding the date such ~~police~~ police officer elects to retire or his or her death whichever is earlier. Such pension may be paid in the same manner as ~~police~~ police officers upon the active list are paid or any recognized method of funding a pension plan may be employed. If such a pension plan is to be funded by group annuity or insurance contracts, the mayor and council shall expend funds of the city in such amounts as are necessary for the payment of premiums for the group insurance contracts.

Sec. 29. That section 16-331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-331. When any ~~such-police~~ police officer shall be eligible to retire, regardless of whether he or she may actually elect to do so, the pension to which he or she would have been entitled as provided in section 16-330 shall in any event be payable upon his death from any cause to his widow the surviving spouse, or upon her remarriage or death of the surviving spouse, to his the minor child or children during said child or children's minority, or to him or her upon any other termination of his service as a member of said department whether by reason of resignation, discharge or otherwise.

Sec. 30. That section 16-332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-332. On or prior to the effective date of such retirement, but not thereafter, any such ~~police~~ police officer may elect, by written notice filed with the city, to receive his or her pension as hereinbefore set forth, or he may elect to receive the actuarial equivalent of his or her straight life pension in a reduced pension payable throughout his life, and nominate a survivor beneficiary, having an insurable interest, in accordance with the provisions of option A or B, as hereinafter set forth in this section.

Option A. Under option A, a retired ~~police~~ police officer shall receive a reduced pension payable throughout his life and upon his death ~~his--said the~~ reduced pension shall be continued throughout the life of and paid to such person as he or she shall have nominated by written designation duly executed and filed with the city on or prior to the effective date of his or her retirement.

Option B. Under option B, a retired police officer shall receive a reduced pension payable throughout his life and upon his death one half of his ~~said~~ reduced pension shall be continued throughout the life of and paid to such person as he or she shall have nominated by written designation duly executed and filed with the city on or prior to the effective date of his or her retirement.

In the event a retired police officer and his or her survivor beneficiary, if any, die before the aggregate amount of pension payments received by the said retired police officer and his or her survivor beneficiary, if any, equals the total amount of contributions made to the retirement plan by the said retired police officer, without interest, the difference between the total amount of his the contributions and the aggregate amount of pension payments received by the retired police officer and his or her survivor beneficiary, if any, shall be paid, in a single sum, to such person or persons as the retired police officer shall have nominated by his written designation duly executed and filed with the city. If there be no such designated person or persons surviving the retired police officer and his or her survivor beneficiary, if any, such difference, if any, shall be paid to his or her duly qualified personal representative; Provided, that if the difference is less than three hundred dollars, the city may pay same to such claimant or claimants as the city, in its discretion shall determine to be entitled to same.

Sec. 31. That section 16-333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-333. If any police officer hereafter entering the employment of any such city as a member of its paid police department, except those who shall have been formerly employed in such department who are now in military service, shall die other than in line of duty after becoming fifty-five years of age and before age sixty, and after serving in the paid police department of such city for at least twenty-one years, then a pension of at least twenty-five per cent of his regular pay as hereinbefore defined shall be paid to the widow surviving spouse or minor children of such deceased police officer as provided in section 16-331.

Sec. 32. That section 16-334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-334. In case of the death, while in the line of duty, of any such ~~police~~ police officer or in case death is caused by or is the result of injuries received while in line of duty, then the regular retirement pension of fifty per cent of his regular pay, as defined in section 16-330, shall be paid to the widow surviving spouse or minor children of such deceased ~~police~~ police officer, as provided in section 16-331, subject to deduction of the amounts paid under the Nebraska Workmen's Compensation Act on account of such death, as provided in section 16-337.

Sec. 33. That section 16-335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-335. In case any such ~~police~~ police officer shall become permanently and totally disabled from accident or other cause, while in the line of his duty, and said ~~police~~ police officer because of such disability is unable to resume the duties he or she was performing at the time of his injury, such ~~police~~ police officer shall forthwith be placed upon the roll of pensioned ~~police~~ police officers at the regular retirement pension of fifty per cent of his regular pay, as defined in section 16-330. In case of temporary total disability of a ~~police~~ police officer received while in line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then his ~~the~~ salary shall cease and he or she shall be entitled to the benefits of the foregoing provisions with reference to pensions in case of total and permanent disability. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Nebraska Workmen's Compensation Act, as provided in section 16-337.

Sec. 34. That section 16-336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-336. From and after October 19, 1963, every such ~~police~~ police officer shall contribute to the city by payroll deduction an amount equal to six per cent of his or her salary until such ~~police~~ police officer becomes eligible for regular retirement at fifty per cent of his regular pay as defined in section 16-330, at which time such contributions shall cease; Provided, any ~~police~~ police officer who retires early at forty per

cent of his regular pay as defined in section 16-330 and who shall have made contributions after becoming eligible therefor shall be reimbursed by the city for the amount of such excess contributions without interest. Any police officer whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary, as provided in this section, shall, upon demand, be reimbursed by the city for the amount of such contributions without interest.

Sec. 35. That section 16-336.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-336.01. The terms and provisions of sections 16-330, 16-331, and 16-334 to 16-336.01 shall be effective and applicable as to the retirement of any such police officer who, before May 20, 1971, has already retired pursuant to pension provisions for first-class cities.

Sec. 36. That section 16-337, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-337. Notwithstanding any prior provisions of sections 16-329 to 16-337, no police officer shall be entitled during any period of disability to receive in full both his or her pension or salary, as provided in sections 16-329 to 16-337, and in addition benefits under the Nebraska Workmen's Compensation Act. All Nebraska Workmen's Compensation Act benefits shall be payable in full to such police officer or his or her dependents as provided in such act, but all amounts paid by the city or its insurer under said act to any disabled police officer entitled to receive a salary or pension during such disability, or to the widow surviving spouse or children of any deceased police officer, shall be considered as payments on account of such salary or pension and shall be credited thereon. The remaining balance of such pension or salary, if any, shall be payable as otherwise provided in sections 16-329 to 16-337.

Sec. 37. That section 19-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-404. If the proposition is adopted, then at the next regular or general city election provided by law in any such city there shall be elected, not by or from

wards or districts, but at large, the following officers and no others: In metropolitan cities, seven councilmen council members; in primary cities, five councilmen council members; and in cities containing two thousand or more but not more than forty thousand population, three councilmen council members; Provided, in primary cities, in addition to the five councilmen council members to be elected, there shall be elected three excisemen excise members; and provided further, if the proposition is not adopted at any such special election at least sixty days prior to the date of holding the next statewide primary election, or as provided in this act, then such city shall continue to be governed under its existing laws; and councilmen council members hereinbefore provided for shall be elected at the next such election thereafter occurring in any such city.

Sec. 38. That section 19-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-405. Candidates for the office of councilmen council members provided for in section 19-404 shall be nominated at large at a primary election, and no other names shall be placed upon the official ballot to be used at the regular or general city election except those selected at such primary in the manner hereinafter prescribed. Notwithstanding any more general law respecting the time or manner of holding primary elections, the primary election for such nominations shall be held in all cities containing over twenty-five thousand population, on the fourth Tuesday, and in all cities containing two thousand and not more than twenty-five thousand population, on the third Tuesday preceding the date of the general or regular city election provided by law in any such city; provided, the council, by ordinance, may waive the requirement for a primary election in any year after 1970. Any person desiring to become a candidate for councilman council member shall, at least ten days prior to the date of holding such primary, file with the city clerk a statement of such candidacy in substantially the following form:

State of Nebraska County, ss.
I, being first duly sworn, say that I
reside at No. street in the city of
....., county of and State of
Nebraska; that I am a qualified voter of said city; that
I am a candidate for nomination for the office of
..... (specifying one of the
positions named in section 19-415) to be voted upon at
the primary election to be held on the day of

....., 19...., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for said office.
(Signed)

Subscribed and sworn to before me by the said this day of, 19....
(Signed)

Sec. 39. That section 19-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-406. Such person shall at the same time file with such statement a petition requesting such candidacy, signed by at least twenty-five qualified voters in all cities containing two thousand and not more than twenty-five thousand population, and in all cities containing over twenty-five thousand population, signed by at least one hundred qualified voters; and he shall pay to the city treasurer a filing fee, to aid in the expense of holding such primary, of ten dollars, and obtain a receipt from the treasurer therefor which shall be produced to and filed with said city clerk before filing such petition. The petition shall be substantially in the following form:

The undersigned, duly qualified electors of the city of and residing at the places set opposite our respective names hereto attached, do hereby request that the name of be placed on the official ballot as a candidate for nomination for the office of (specifying one of the positions named in section 19-415) at the primary election to be held in the said city on the day of, 19.... We further state that we know him such person to be a qualified elector of said city and a man person of good moral character and well qualified, in our judgment, for the duties of such office.

Sec. 40. That section 19-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-407. Candidates for office of exciseman excise member provided for in section 19-404 shall be nominated at large in the same general manner and method as hereinbefore provided for the nomination of candidates for the office of councilmen council members.

Sec. 41. That section 19-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

19-409. The two candidates receiving the highest number of votes at such primary election for each of the positions named in section 19-415 shall be the candidates and the only candidates whose names shall be placed upon the official ballot for such position at such regular or general city election. In cities where excisemen excise members are to be elected, the six candidates receiving the highest number of votes for excisemen excise members at such primary, or all candidates, if there are less than six on the primary ballot, shall be the candidates and the only candidates, whose names shall be placed upon the official ballot for excisemen excise members at such regular or general city election in any such city.

Sec. 42. That section 19-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-410. At the regular or general city election at which such candidates so nominated are to be elected, the ballot shall be prepared in substantially the same general form and the names rotated as hereinbefore provided for their nomination at the primary election; and the person receiving the highest number of votes for each position to be filled shall be the person elected; and in any city where excisemen excise members are to be elected, the three persons receiving the highest number of votes for such office shall be the excisemen excise members elected. In all other respects the general laws in force in any city respecting the holding, conducting, and declaring the result of any such regular or general city election shall apply, so far as the same are applicable and not inconsistent with the provisions of sections 19-401 to 19-433.

Sec. 43. That section 19-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-411. The councilmen council members and excisemen excise members shall qualify and give bond in the manner and amount provided by the existing laws governing the city wherein they are elected. If any vacancy occurs in the office of councilman council member, the remaining members of the council shall appoint a person to fill such vacancy for the remainder of the term. If any vacancy occurs in the office of excisemen excise members, the remaining members of the excise board shall appoint a person to fill such vacancy for the remainder of the term. The terms and office of the mayor and councilmen council members and excisemen

excise members in any such city who are in office at the beginning of the term of office of the councilmen council members first elected under the provisions of section 19-404 shall then cease. The terms of office of all other elective or appointive officers in force within or for any such city, except as herein otherwise provided, shall cease as soon as the council herein provided for shall select or appoint their successors, and such successors qualify and give bond as by law provided, or as soon as such council shall by resolution declare the terms of any such elective or appointive officers at an end, or abolish or discontinue the office.

Sec. 44. That section 19-412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-412. In all metropolitan cities, the annual salary of each of such councilmen council members shall be four thousand five hundred dollars. In all primary cities, the annual salary of each of such councilmen council members shall be three thousand dollars, and of each exciseman excise member three hundred dollars. In all cities containing ten thousand and less than forty thousand population according to such census, the annual salary of each of such councilmen council members shall be fixed by ordinance not to exceed, however, the sum of two thousand five hundred dollars, and in all cities having a population of two thousand or more and less than ten thousand, the annual salary shall not exceed twenty-one hundred dollars; provided, the mayor in any of such cities, selected, and appointed in the manner hereinafter provided, shall receive five hundred dollars annually in addition to the above specified salary as councilman council member except in cities containing ten thousand and less than forty thousand population according to such census, the mayor shall receive the additional annual sum of three hundred dollars. Such salaries and additional amounts to the mayor shall be paid in equal monthly installments in any of such cities. The salary or compensation of all other officers or employees of any such cities shall be determined when they are appointed or elected by the council and shall be payable at such times or for such periods as the council shall determine.

Sec. 45. That section 19-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-415. In metropolitan cities the council shall consist of the mayor who shall be superintendent of the department of public affairs, one councilman council

member to be superintendent of the department of accounts and finances; one to be superintendent of the department of police, sanitation, and public safety; one to be superintendent of the department of fire protection and water supply; one to be superintendent of the department of street cleaning and maintenance; one to be superintendent of the department of public improvements; and one to be superintendent of parks and public property. In cities containing forty thousand population and less than two hundred thousand population, the council shall consist of the mayor who shall be superintendent of the department of public affairs, one ~~councilman~~ council member to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety; one to be superintendent of the department of streets and public improvements; and one to be superintendent of the department of parks and public property. In cities containing two thousand population and less than forty thousand population, the council shall consist of the mayor who shall be superintendent of the department of public affairs and public safety, one ~~councilman~~ council member to be superintendent of the department of streets, public improvements, and public property; and one ~~councilman~~ council member to be superintendent of public accounts and finances. In all of said cities the superintendent of the department of accounts and finances shall be vice president of the city council, and in the absence or inability of the mayor to serve shall perform the duties of the mayor of the city; and in case of vacancy in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

Sec. 46. That section 19-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-413. The regular meetings of the council in metropolitan cities shall be held at least once in each week and upon such day and hour as the council may designate. In all other cities having a population of two thousand or more, the regular meetings of the council shall be held at such intervals and upon such day and hour as the council may by ordinance or resolution designate; and special meetings of the council in any of such cities may be called, from time to time, by the mayor or two ~~councilmen~~ council members, giving notice in such manner as may be fixed or defined by law or ordinance in any of such cities or as shall be fixed by

ordinance or resolution by such council. A majority of such council shall constitute a quorum for the transaction of any business, but it shall require a majority vote of the whole council in any such city to pass any measure or transact any business.

Sec. 47. That section 19-419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-419. The mayor and ~~councilmen~~ council members shall maintain offices at the city hall; and the mayor shall, in a general way, constantly investigate all public affairs concerning the interest of the city and investigate and ascertain, in a general way, the efficiency and manner in which all departments of the city government are being conducted; and ~~he~~ the mayor shall recommend to the city council all such matters as in his or her judgment should receive the investigation, consideration, or action of that body.

Sec. 48. That section 19-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-424. Any of such ~~councilmen~~ council members may be removed at any time from office by the qualified electors of any such city. The procedure to accomplish the removal of any incumbent of such office shall be as follows: A petition signed by such electors equal in number to at least thirty per cent of the highest vote cast for and against any candidate for office or proposition voted for at the last preceding general city election, demanding an election of a successor to the person sought to be removed, and naming the candidate or candidates proposed for election to succeed ~~him~~ such person, shall be filed with the city clerk, which petition shall contain a general statement of the grounds upon which the removal is sought. Within ten days from the date of filing such petition, the city clerk shall examine it, and from the voters' register, if the petition is filed in any city where registration laws are in force, or if not, then from such source as may be available to such clerk, ascertain whether said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow such clerk extra help for that purpose. The clerk shall attach to said petition ~~his~~ a certificate showing the result of such examination, and if the clerk's certificate to such petition shows that it is insufficient in point of numbers signed, it may be amended within ten days from the date of such clerk's certificate by the filing of a supplemental petition signed and sworn to as in the case

of the original petition, and the clerk shall, within ten days after such supplemental petition is filed, make a like examination of the supplemental petition, and if the certificate shall show the supplemental petition, together with the original petition, contains the requisite number of signatures, the clerk shall submit such original petition and supplement together with his or her certificates, without delay, to the council, and the council shall order and fix, without delay, a date for holding an election, which date shall not be less than thirty nor more than sixty days from the date of the clerk's certificate to the council showing the petition sufficient.

Sec. 49. That section 19-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-425. Candidates other than those mentioned in the recall petition provided for in section 19-424 shall be nominated as provided in sections 19-405 to 19-407, except that where but one ~~councilman~~ council member is to be voted upon, only the person receiving the largest number of votes of electors shall be deemed nominated and placed upon the ballot, and where two ~~councilmen~~ council members are to be voted upon, only the two candidates receiving the largest number of votes shall be deemed nominated, and so on. Such primary shall be held upon the second Tuesday prior to the election. The council shall make, or cause to be made, publication of notice of the time of holding such election and all arrangements for holding such election, and the method and manner of conducting the same and canvassing the vote cast thereat and declaring the results thereof shall be the same in all respects as at the general or regular city elections in any such city, except that the ballot used at such election shall be the paper ballot authorized by the Australian Ballot Law and the ticket shall be printed in the same manner as provided in section 19-408 for the holding of elections at the general city election in such city and the names thereon so arranged, and aid to voters restricted as provided in said section.

Sec. 50. That section 19-426, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-426. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor; and any ~~councilman~~ council member sought to be removed may become a candidate to succeed himself or herself, and, unless he such person requests otherwise in writing, the clerk shall place his or her name on the

official ballot with the other names mentioned in such petitions. In any such removal election the candidate receiving the highest number of votes shall be declared elected, and at such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his or her successor, and, if the party who receives the highest number of votes should fail to qualify and give bond, as by law provided, within ten days after receiving notice of his the election, the office shall be deemed vacant and shall be filled by the remaining members of the council as any other vacancy is filled in such office. If the incumbent receives the highest number of votes cast at such election, he the incumbent shall continue in office. The foregoing method of removal shall be cumulative and additional to the methods otherwise provided by law for removing such officers.

Sec. 51. That section 19-431, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-431. No ordinance passed by any such council, unless otherwise required by the general laws of the state, or by the provisions of sections 19-401 to 19-433, except ordinances appropriating money to pay the salaries of officers and employees of the city, urgency ordinances for the immediate preservation of the public peace, health, or safety, and which contain a statement of such urgency, shall go into effect before fifteen days from the time of its final passage. If during said fifteen days a petition, signed and verified, as hereinbefore provided, by electors of the city equal in number to at least fifteen per cent of the highest number of votes cast for any of such ~~councilmen~~ council members at the last preceding general city election, protesting against the passage of such ordinance, is presented to such council, then such ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance. If the same be not entirely repealed by such council, then the council shall proceed to submit to the voters such ordinance at a special election to be called for that purpose or at the general city election; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Such petition shall be in all respects in accordance with the provisions of section 19-421 relating to signatures, verification, inspection, and certification.

Sec. 52. That section 19-432, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-432. Any city which shall have operated for more than four years under the provisions of sections 19-401 to 19-433 may abandon organization thereunder, and accept the provisions of the general law of the state then applicable to cities of its population, by proceeding as follows: Upon a petition, signed by such number of the qualified electors of any such city as equals at least twenty-five per cent of the highest vote cast for any of the ~~councilmen~~ council members elected at the last preceding general or regular election in any such city, being filed with and found sufficient by the city clerk or clerk of such council, a special election shall be called in any such city, at which special election the following proposition only shall be submitted: Shall the city of (name of city) abandon its organization under article 4, Chapter 19, and become a city under the general laws of the state governing cities of like population? If a majority of the votes cast at any such special election are in favor of such proposition, the officers elected at the next succeeding general city election in any such city shall be those then prescribed by the general laws of the state for cities of like population, and upon the qualification of such officers, according to the terms of such general state law, such city shall become a city governed by and under such general state law: Provided, if such special election is not held and the result thereof declared at least sixty days before the election date in any such city, then such city shall continue to be governed under the provisions of said sections until the second general city election occurring after the date of such special election, and at such general city election the officers provided by such general state law for the government of any such city shall be elected, and, upon their qualification, the terms of office of the ~~councilmen~~ council members elected under the provisions of this article shall cease and terminate.

Sec. 53. That section 19-433, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-433. The sufficiency of the petition asking for such special election shall be ascertained by the city clerk in the same manner as is heretofore provided as to petitions making for the removal of any such ~~councilman~~ council member, and such petition may be supplemented, and the sufficiency thereof ascertained and the date of holding such special election and the form of

ballot shall be determined in the manner provided for such removal. The qualification of the electors and the classes of voters who may be aided in casting their ballots at such special election shall be the same as hereinbefore pointed out for the election of councilmen council members under the provisions of sections 19-401 to 19-433; Provided, nothing in said sections shall in anywise be construed to interfere with or prevent any city at any time from framing and adopting a charter for its own government as provided by the Constitution of the State of Nebraska; and in exercising the right to frame its own charter in accordance with such provision of the Constitution, it shall not be obligatory upon any city to adopt or retain any of the provisions of said sections.

Sec. 54. That section 19-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-612. (1) The number of councilmen council members shall be determined by the class and population of the city as follows: In all cities having not more than forty thousand inhabitants, five; in cities having more than forty thousand inhabitants, seven; Provided, that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven councilmen council members. Councilmen Council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its councilmen council members by wards, the number and boundaries of which are provided for in section 16-104. Councilmen Council members shall serve for a term of four years and until their successors are elected and have qualified, except at the first election hereunder or the first election under an ordinance changing the number of councilmen council members or their manner of election. Such first election shall take place at the next regular city election and shall be for all councilmen council members irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those councilmen council members in office whose terms have not otherwise expired. If all councilmen council members shall be elected at large at the first election hereunder, the bare majority of councilmen council members receiving the highest number of votes shall serve for four years and the others for only two years. At the first election under an ordinance changing the number of councilmen council members or their manner of election, one half or the bare majority of councilmen council members elected at large, as the case may be, receiving the highest number of votes, shall serve for four years and the other or others

for only two years. At such first election, one half or the bare majority of ~~councilmen~~ council members, as the case may be, elected by wards, shall serve for four years and the others for only two years, as provided in the ordinance. If only one ~~councilman~~ council member is to be elected at large at such first election ~~he~~ such member shall serve for four years. If a vacancy occurs in the office of ward ~~councilman~~ council member, a successor ~~councilman~~ council member shall be elected in the ward at the next regular city election to serve for the remainder of the term; Provided, a majority of the remaining members of the council shall appoint a resident and qualified elector of the ward to serve as ~~councilman~~ council member until the successor is so elected and has qualified.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a board that would expire prior to the first regular board meeting in December, 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December, 1976, and prior to the first regular board meeting in December, 1978, is hereby extended to the first regular board meeting in December, 1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the city manager form of government, the first election of officers shall be as provided in subsection (1) of this section.

(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a ~~councilman~~ council member, such person shall not be entitled to a certificate of nomination at a statewide primary election, nor have his or her name placed on the general election ballot unless ~~he~~ such person shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in

the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his the election commissioner's office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(8) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of such board in December following their election.

Sec. 55. That section 19-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613. Members of the council shall be residents and qualified electors of the city. Except as provided in section 70-524.04, they shall not hold any other elective public office or any other office or employment of the city and, except as provided in section 18-301, shall not be interested in the profits or emoluments of any contract, job, work, or service for the city; and any such contract in which any member is or may become interested may be declared void by the council.

Any ~~councilman~~ council member who shall cease to possess any of the qualifications herein required, or who shall have been convicted of a crime while in office, shall forthwith forfeit his such office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.

Sec. 56. That section 19-613.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613.01. Any ~~councilman~~ council member to be elected for a ward, or his an appointed successor in the event of a vacancy, shall be a resident and a qualified elector of such ward. He ~~The council member~~ shall be nominated and elected in the same manner as provided for at-large candidates, except that only residents and registered electors of the ward may participate in the signing of nomination petitions. All nominating petitions and ballots shall clearly identify the ward from which he such person shall be a candidate. The ballots within a ward shall not contain the names of ward candidates from other wards. The printed ballots for each ward shall list the candidates in the order of filing affidavits of nomination or petitions by date and hour with the county clerk or election commissioner. The recall procedure shall apply to a ward ~~councilman~~ council member except that only registered electors of his such member's ward may sign a recall petition or vote at the recall election which shall be held within the ward only. The total number of votes cast within his such member's ward at the last preceding statewide general election shall be used to determine the number of signatures required for a recall election.

Sec. 57. That section 19-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-615. On the first Tuesday in December following the general election in every even-numbered year, the council shall meet in the usual place for holding meetings and the newly elected ~~councilmen~~ council members shall assume the duties of their office. Thereafter the council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class. The mayor, any two ~~councilmen~~ council members or the city manager may call special meetings of the council upon at least six hours' written notice. The meetings of the council and sessions of committees of the council shall be public. A majority of the members shall constitute a quorum, but a majority vote of all the members elected

shall be required to pass any measure or elect to any office.

Sec. 58. That section 19-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-616. The annual compensation of the mayor and ~~councilman~~ a council member in cities adopting this act shall be payable quarterly in equal installments, and shall be fixed by the council. The emoluments of any appointive or elective officer shall not be increased or diminished during the term for which he such officer was elected or appointed, except that when there are officers elected or appointed to the council, or a board or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of such council, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he such person was elected or appointed when, during the same time, the emoluments have been increased. For each absence from regular meetings of the council, unless authorized by a two-thirds vote of all members thereof, there shall be deducted a sum equal to two per cent of such annual salary. Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by the council by resolution setting forth such excuse and entered upon the journal.

Sec. 59. That section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

19-623. Any elector of the city shall be considered nominated for the office of ~~councilman~~ council member if a petition as hereinafter prescribed or statement of candidacy is filed in his the elector's behalf with the election commissioner at least sixty days prior to the statewide primary election. Such petition shall be signed by not less than fifty nor more than one hundred qualified electors in cities of not more than forty thousand inhabitants, and by not less than two hundred or more than four hundred qualified electors in cities of more than forty thousand inhabitants. No elector shall sign the petition of more candidates than the number of ~~councilman~~ council members to be elected, and should he an elector do so, his the elector's signature shall be void as to the petition or petitions

last filed.

Sec. 60. That section 19-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-624. The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers thereto and that each person signed in his the circulator's presence and that the signature is that of the person whose name it purports to be. Each petition paper shall be of uniform size to be determined by the city clerk and shall contain the name of only one candidate. Each signer shall write his or her name and place of residence by street and number in ink or indelible pencil.

Petition papers shall be in substantially the following form:

We, the undersigned, electors of the city of hereby present whose residence is, Nebraska, as a candidate for nomination to the office of ~~councilman~~ council member to be voted upon at the primary election, to be held on the day of, 19.... (if a primary election is necessary as prescribed by section 19-621, Reissue Revised Statutes of Nebraska, 1943); and we individually certify that we are qualified to vote for the above office and that we have not signed similar petitions greater in number than the number of ~~councilmen~~ council members to be chosen at the next general municipal election.

Names Street and number
(Space for Signatures).
State of Nebraska)
) ss.
County of)

....., being duly sworn, deposes and says that he or she is the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.
(Signed)

Subscribed and sworn to before me this day of, 19....
.....
Notary Public.

Sec. 61. That section 19-628, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-628. Any or all of the ~~councilmen~~ council members provided for in section 19-612 may be removed from office by the electors of the city as herein provided. A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed with the clerk of the council. Such petition for the recall of any or all of the ~~councilmen~~ council members shall be signed by electors equal in number to at least twenty-five per cent of the total number of votes cast at the last preceding regular municipal election. The signatures to such petitions need not be appended to any one paper.

Sec. 62. That section 19-636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-636. No recall petition shall be filed against a ~~councilman~~ council member within six months after he such member takes his office, nor within six months after a recall election has failed to remove ~~him~~ such member.

Sec. 63. That section 19-1824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1824. The officers and ~~men~~ members of the police and paid fire departments of cities of the metropolitan and primary classes and of cities of the first class having a population of more than ten thousand inhabitants shall each receive a salary of not less than three hundred fifty dollars per month. The city council may, by ordinance, at any time, change, fix or revise the salaries of the officers or ~~men~~ members of the police and fire departments of such cities, but in no instance shall the minimum salary of any officer or ~~man~~ member be less than three hundred fifty dollars per month.

Sec. 64. That section 20-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-107. Except as exempted by section 20-110, it shall be unlawful to:

(1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, or

to refuse to show, or to refuse to receive and transmit an offer for, a dwelling to any person because of race, color, religion, or national origin, or sex;

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin, or sex;

(3) Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or sex, or an intention to make any such preference, limitation, or discrimination;

(4) Represent to any person because of race, color, religion, or national origin, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) Cause to be made any written or oral inquiry or record concerning the race, color, religion, or national origin, or sex of a person seeking to purchase, rent, or lease any housing;

(6) Include in any transfer, sale, rental, or lease of housing any restrictive covenants, or to honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;

(7) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's or agent's obedience to the provisions of sections 20-105 to 20-125, 48-1102, and 48-1116; and

(8) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin, or sex.

Sec. 65. That section 20-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-108. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of

commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him the applicant in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion, ~~or~~ national origin, or sex of such person or of any person associated with him the applicant in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in section 20-110.

Sec. 66. That section 20-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-109. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to participate or discriminate against him such person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, ~~or~~ national origin, or sex.

Sec. 67. That section 20-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-110. (1) Nothing in sections 20-105 to 20-125, 48-1102, and 48-1116 shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, ~~or~~ national origin, or sex. Nor shall anything in sections 20-105 to 20-125, 48-1102, and 48-1116 prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the

rental or occupancy of such lodging to its members or from giving preference to its members.

(2) Nothing in sections 20-105 to 20-125, 48-1102, and 48-1116 shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason, or for no reason, or to change his tenants in his or her own home as often as he--may--desire desired; Provided, that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her own home.

Sec. 68. That section 23-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-408. The county board may provide work for the prisoners in the workhouse, and it may establish any form of enterprise or industry for the employment of said prisoners. The county board and the county surveyor and highway commissioner may use the laborers from the workhouse in performing labor for the county whenever it is practicable and safe so to do, and it is hereby made the duty of the sheriff to furnish, under sufficient guard, to the county board and the surveyor and highway commissioner, such ~~men~~ laborers from the workhouse as can be used in said work for the county.

Sec. 69. That section 23-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1801. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. When he the coroner has notice of the presence in the county of the body of a person supposed to have died by unlawful means, he the coroner may, at his or her discretion, issue his a warrant to a constable of his the county requiring him the constable to summon forthwith six ~~lawful--men~~ residents of the county to appear before the coroner at a time and place named in the warrant. Each juror shall receive for each day employed in the discharge of his or her duty the sum of two dollars to be paid by certificate drawn by the coroner on the general funds of the county.

Sec. 70. That section 23-1802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1802. The warrant may be in substance as follows: The State of Nebraska, County. To any constable of said county:

In the name of the people of the State of Nebraska, you are hereby required to summon forthwith six ~~lawful men~~ residents of your county to appear before me at, on the day of, 19, then and there to hold an inquest upon the dead body of, there lying, and by what means he such person died. Witness my hand this day of, A. D. 19 Coroner.

Sec. 71. That section 23-1804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1804. If any juror fails to appear, the coroner shall cause the proper number to be summoned or returned from the bystanders immediately, and proceed to empanel them and administer the following oath in substance: You do solemnly swear that you will diligently inquire and true presentment make, when, how, and by what means the person whose body lies here dead came to his or her death, according to your knowledge and the evidence given you, so help you God.

Sec. 72. That section 23-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1806. The coroner may issue subpoenas within his the county for witnesses, returnable forthwith, or at such time and place as he the coroner shall therein direct.

Sec. 73. That section 23-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1808. If the evidence of any witness shall implicate any person as the unlawful slayer of the person over whom the said inquisition shall be held, the coroner shall recognize such witness, in such sum as he the coroner may think proper, to be and appear at the next term of the district court for the said county, there to give evidence of the matter in question and not depart without leave. Such recognizance shall be in the same form, as nearly as practicable, and have the same effect as recognizances taken in county court in cases of felony.

Sec. 74. That section 23-1809, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1809. The jurors, having inspected the body, heard the testimony and made all needful inquiries, shall return to the coroner their inquisition in writing, under their hands, in substance as follows, and stating the matter in the following form, as nearly as practicable:

State of Nebraska, County. At an inquisition held at, in County, on the day of, A.D. 19...., before me,, coroner of said county, upon the body of, lying dead, by the jurors whose names are hereto subscribed, the said jurors upon their oath do say (Here state when, how, or by what person, means, weapon, or accident he the person came to his or her death, and whether feloniously). In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid. Attest:, Coroner.

Sec. 75. That section 23-1811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1811. If the person charged be present, the coroner may order his or her arrest by an officer or any other person present, and shall then make a warrant requiring the officer or other person to take him or her before the county court for examination, or if the person charged be not present and the coroner believes he the person can be taken, he the coroner may issue a warrant to the sheriff or constable requiring him or her to arrest the person and take him the person charged before the county court for examination.

Sec. 76. That section 23-1812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1812. The warrant of a coroner in the above stated cases shall be of equal authority with that of the county court; and when the person charged is brought before the court, he the person charged shall be dealt with as a person held under a complaint in the usual form.

Sec. 77. That section 23-1815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1815. When any valuable personal property, money or papers are found upon or near the body upon which an inquest is held, the coroner shall take charge of the same and deliver the same to those entitled to its care or possession. If not claimed, or, if the same shall be necessary to defray expenses of the burial, the coroner shall, after giving ten days' notice of the time and place of sale, sell such property. After deducting funeral expenses, he the coroner shall deposit the proceeds thereof, and the money and papers so found, with the county treasurer, taking his receipt therefor, there to remain subject to the order of the legal representatives of the deceased, if claimed within five years thereafter, or if not claimed within that time, to vest in the school fund of the county.

Sec. 78. That section 23-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1816. The coroner shall cause the body of each deceased person which he the coroner is caused to view, to be delivered to the friends of the deceased, if there be any, but if there be none, he the coroner shall cause the body to be decently buried and the expenses shall be paid from any property belonging to the deceased, or if there be none, from the county treasury, by warrant drawn thereon.

Sec. 79. That section 23-1817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1817. When there is no coroner, and in case of his the coroner's absence or inability to act, the sheriff of the county is authorized to discharge the duties of coroner in relation to dead bodies.

Sec. 90. That section 23-1819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1819. The coroner is hereby authorized and required, on a request of a majority of the coroner's jury, to issue his a warrant for any person suspected of having committed the crime of murder, and hold such person on said warrant until the inquest over the body is closed.

Sec. 81. That section 23-1820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1820. In each county there is hereby created the office of coroner's physician, who shall be appointed by the coroner of said county and be removable by him the coroner, at a salary or schedule of fees or both to be set by the county board and to be paid by the county. Such physician shall certify the cause of death in every case of death in such county not certified by an attending physician and shall perform or cause to be performed an autopsy when requested by the coroner. He Such physician shall perform such other services in aid of the coroner as shall be requested by him the coroner and shall make no claim for mileage for more than ten cents per mile for each mile actually and necessarily traveled by the most direct route, while in the performance of his such physician's duties.

Sec. 32. That section 24-315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-315. A judge or justice is disqualified from acting as such in the county, district or Supreme Court, except by mutual consent of the parties, in any case wherein he or she is a party or interested, or where he or she is related to either party by consanguinity or affinity within the fourth degree, or where any attorney in any cause pending in the county or district court is related in the degree of father,---son,---brother, brother-in-law,--father-in-law,--or--son-in-law parent, child, sibling, in-law, or is the copartner of an attorney related to the judge in the degree of father, son-or-brother parent, child, or sibling, or where he or she has been attorney for either party in the action or proceeding, and such mutual consent must be in writing and made a part of the record; or where said judge was in copartnership, at the time of his or her election, in the law business, with a practicing attorney in the district in which the said judge was elected, and which said copartnership continued in the practice of law in the district and occupied the same office or rooms which were occupied by the late copartnership, consisting of the presiding judge and his or her ex-copartner, at the time of his or her election, and where said judge or justice continues to occupy the same office or rooms with his or her said ex-copartner, the said judge or justice shall be prohibited and disqualified from acting as such, in any proceedings or litigation in which said ex-copartner of said judge is retained or in anywise interested, and the said judge or justice shall be disqualified, as aforesaid, in all proceedings or litigations in which the ex-copartner is retained or interested, so long as said judge or justice occupies the same room with his or her ex-copartner, which said partnership occupied prior to

said judge's election.

Sec. 33. That section 35-201, Revised Statutes Supplement, 1978, be amended to read as follows:

35-201. (1) All cities of the first class having a paid fire department shall pension all firemen fire fighters of the paid fire department who are serving as such on August 7, 1965 and who do not elect coverage under the provisions of sections 35-204 to 35-215, whenever such firemen fire fighters shall have first served in such fire department for the period of twenty-one years and shall elect to retire from active service and go upon the retired list; Provided, that after October 19, 1963, no person entering the employment of any such city as a member of its paid fire department, except those who, while employed in such department, entered military service in World War II, shall be entitled to retire, elect to retire or go upon the retired list until, after the completion of such twenty-one years of service, he or she shall be fifty-five years of age.

(2) Such pension shall be paid by the city in the same manner as firemen fire fighters upon the active list are paid. Such pension shall be at least fifty per cent of the amount of salary such retiring fireman fire fighter is receiving at the time he or she goes upon such pension list.

(3) Any fireman fire fighter who retires on or after age fifty-five with less than twenty-one years of service shall receive a pension of at least fifty per cent of the salary he or she was receiving at the time of his or her retirement multiplied by the ratio of the years of his service to twenty-one.

(4) At the death of any such retired fireman fire fighter, the same rate of pension, as is herein provided for, shall be paid to the widow surviving spouse of such deceased fireman fire fighter during such time as she the surviving spouse shall remain the widow of such deceased fireman unmarried and, in case there be no widow surviving spouse, then the minor children, if any, of such deceased fireman fire fighter, shall be paid such pension during their minority to the age of eighteen years; Provided, as soon as a child of such deceased fireman fire fighter shall become eighteen years of age, such pension as to such child shall cease.

(5) For the purposes of sections 35-201 to 35-216, salary shall mean the base rate of pay, excluding overtime, callback pay, clothing allowances, and other

such benefits.

Sec. 84. That section 35-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-202. In case of the death, while in the line of duty, of any fireman fire fighter in a paid fire department in any city of the first class, or in case death is caused by or is the result of injuries received while in the line of duty, then the same rate of pension, as is provided for in section 35-201, shall be paid to the widow widowed spouse or minor children of such deceased fireman fire fighter, as provided in such section.

Sec. 85. That section 35-203, Revised Statutes Supplement, 1978, be amended to read as follows:

35-203. In case any fireman fire fighter in a paid fire department in any city of the first class shall become permanently and totally disabled from accident or other cause, for the work he or she was doing at the time of such accident or other cause, while in the line of his duty, such fireman fire fighter shall forthwith be placed upon the roll of pensioned firemen fire fighters, at the rate provided for retired firemen fire fighters in section 35-201; Provided, the provisions of sections 35-201 to 35-205 shall apply to all paid firemen fire fighters now on the retired list, and to the widow surviving spouse and minor children of any deceased fireman fire fighter who was on the retired list, under the provisions of sections 35-201 to 35-205 at the time of his death, and such widow surviving spouse and minor children shall receive such pension as is provided for in sections 35-201 to 35-205; in case of partial disability of a fireman fire fighter received while in the line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; and provided further, if it shall be ascertained by the board of fire and police commissioners or other proper municipal authorities within twelve months that such disability has become permanent, then his or her salary shall cease and he or she shall be entitled to the benefits of the provisions with reference to pensions referred to in sections 35-201 to 35-205. Nothing in sections 35-201 to 35-205 shall in any manner affect the right of any person now receiving or entitled to receive the pension, provided for in sections 2439, 2440 and 2441, Compiled Statutes of Nebraska, 1922, nor the right of any fireman fire fighter now in the service of any city, included within the provisions of said sections, who is now eligible to elect

to retire and receive a pension as provided in said sections, or the widow surviving spouse or children of any such fireman fire fighter, to receive a pension in all respects the same as if said original sections remained in full force and effect.

Sec. 86. That section 35-203.01, Revised Statutes Supplement, 1978, be amended to read as follows:

35-203.01. After August 7, 1965, every fireman fire fighter subject to the provisions of sections 35-201 to 35-203, shall contribute to the city an amount equal to five per cent of his or her salary until he or she shall be entitled to retire or otherwise become eligible for a pension. No fireman fire fighter continuing in the employment of the city as a member of such department after becoming eligible to retire shall be required to make any further contribution. Any fireman fire fighter whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary as provided in this section shall, upon demand, be reimbursed by the city for the amount of such contributions plus interest at five per cent per annua.

Sec. 87. That section 35-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-204. Subject to the provisions of sections 35-205 to 35-214, every city of the first class shall be authorized to provide and establish pensions or a retirement system or systems for its municipal employees, including the members of its police and fire departments: Provided, a minimum requirement in favor of the members of such fire department shall consist of provisions identical with all of those contained in such sections, and no other or different provisions; except solely that, at the option of any such city, more liberal provisions for such firemen fire fighters may be contained, but it may not provide less in any respect. The state firemen's fire fighter's pension law, as set forth in sections 35-204 to 35-214, shall at all times continue in force in every city of the first class. In order to provide the necessary amounts to pay such pension or to fund such pension plan, the mayor and council may make a levy in addition to the multiple levies or the all purpose and exclusive annual levy which such city is authorized by law to make.

Sec. 88. That section 35-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

35-205. Every city of the first class which has a paid fire department, shall pension all firemen fire fighters of the paid fire department first entering service in such department after August 7, 1965 and those electing such coverage as provided in sections 35-205 to 35-214 and section 35-216.

Sec. 89. That section 35-206, Revised Statutes Supplement, 1978, be amended to read as follows:

35-206. Every such city shall pension all such firemen fire fighters whenever such firemen fire fighters shall have first served in the paid fire department for a period of twenty-one years, shall have obtained the age of fifty-five years, and shall elect to retire from active service and go upon the retired list. Such pension shall be paid by the city in the same manner as firemen fire fighters upon the active list are paid and such pension shall be at least fifty per cent of the amount of salary such retiring fireman fire fighter is receiving at the time he or she goes upon such pension list. Any fireman fire fighter who retires on or after age fifty-five with less than twenty-one years of service shall receive a pension of at least fifty per cent of the salary he or she was receiving at the time of his retirement multiplied by the ratio of the years of his service to twenty-one.

Sec. 90. That section 35-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-207. If, at the death of any such retired fireman fire fighter, he or she shall leave a surviving him-a-widow spouse to whom he or she was legally married prior to his retirement, the same rate of pension, as is herein provided for, shall be paid to such widow surviving spouse of such deceased fireman fire fighter during such time as she the surviving spouse shall remain the widow of such deceased fireman unmarried. In case there shall be no such-widow surviving spouse but such deceased fireman fire fighter shall leave surviving his children of a marriage occurring prior to his retirement who shall be less than eighteen years of age, then such children of such deceased fireman fire fighter shall be paid such pension to the age of eighteen years; Provided, however, as soon as a child of such deceased fireman fire fighter shall become eighteen years of age such pension as to such child shall cease.

Sec. 91. That section 35-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-208. When any such fireman fire fighter shall be eligible to retire, regardless of whether he or she may actually elect to do so, the pension provided in sections 35-206 and 35-207, shall in any event be payable upon his death from any cause or upon any other termination of his service as a member of said department whether by reason of resignation, discharge or otherwise.

Sec. 92. That section 35-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-209. If any such fireman fire fighter shall die other than in line of duty after becoming fifty years of age and before age fifty-five, and after serving in the paid fire department of such city for at least twenty-one years, then a pension of at least twenty-five per cent of the amount of salary such fireman fire fighter shall be receiving at the time of his death shall be paid to the widow surviving spouse or minor children of such deceased fireman fire fighter as provided in section 35-207.

Sec. 93. That section 35-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-210. In case of the death, while in the line of duty, of any such fireman fire fighter or in case death is caused by or is the result of injuries received while in line of duty, then the same pension, as provided in section 35-207, shall be paid to the widow surviving spouse or minor children of such deceased fireman fire fighter, as provided in such section, subject, however, to deduction of the amounts paid under the Workmen's Compensation Act on account of such death, as hereinafter provided.

Sec. 94. That section 35-211, Revised Statutes Supplement, 1978, be amended to read as follows:

35-211. In case any such fireman fire fighter shall become permanently and totally disabled from accident or other cause, for the work he or she was doing at the time of such accident or other cause, while in the line of his duty, such fireman fire fighter shall forthwith be placed upon the roll of pensioned fireman fire fighters, at the rate provided for retired fireman fire fighters in sections 35-206 and 35-207. In case of

temporary total disability of a fireman fire fighter received while in line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then his or her salary shall cease and he or she shall be entitled to the benefits of the foregoing provisions with reference to pensions in case of total and permanent disability. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Workmen's Compensation Act, as hereinafter provided.

Sec. 95. That section 35-212, Revised Statutes Supplement, 1978, be amended to read as follows:

35-212. Every such fireman fire fighter may be required by the city to contribute to the city an amount equal to not more than five per cent of his or her salary until such fireman fire fighter shall be entitled to retire or otherwise become eligible for a pension under the provisions of sections 35-205 to 35-214, which amount may be deducted from the salary of every such fireman fire fighter. No fireman fire fighter continuing in the employment of the city as a member of such department after becoming eligible to retire shall be required to make any further contribution. Any fireman fire fighter whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary as hereinbefore provided shall, upon demand, be reimbursed by the city for the amount of such contributions plus interest at five per cent per annum.

Sec. 96. That section 35-212.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-212.01. Sections 15-1007, 16-336, 35-203.01, 35-212, and 35-212.01 shall apply only to firemen fire fighters and policemen police officers whose employment is terminated after May 21, 1973.

Sec. 97. That section 35-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-213. Notwithstanding any prior provisions of sections 35-205 to 35-212, no fireman fire fighter shall be entitled during any period of disability to receive in

full both his or her pension or salary, as herein provided, and in addition benefits under the Workmen's Compensation Act. All Workmen's Compensation Act benefits shall be payable in full to such fireman fire fighter or his or her dependents as provided in said act, but all amounts paid by the city or its insurer under said act to any disabled fireman fire fighter entitled to receive a salary or pension during such disability, or to the widow surviving spouse or children of any deceased fireman fire fighter, shall be considered as payments on account of such salary or pension and shall be credited thereon. The remaining balance of such pension or salary, if any, shall be payable as otherwise provided in sections 35-205 to 35-214.

Sec. 98. That section 35-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-214. Sections 35-201 to 35-213 shall apply to officers of paid fire departments as well as to regularly employed firemen fire fighters.

Sec. 99. That section 35-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-215. The city may employ any recognized method of funding a pension plan in making provision for pensioning of its firemen fire fighters. If such plan is to be funded by a group insurance contract, the mayor and city council shall expend funds of the city in such amounts as are necessary for the payment of premiums for the group insurance contract.

Sec. 100. That section 35-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-216. Any firemen fire fighters serving in the paid fire department of a city of the first class on August 7, 1965 may elect whether to become subject to the provisions of sections 35-204 to 35-214 or to remain subject to the provisions of sections 35-201 to 35-203.01. Such election shall be made in writing not later than thirty days after August 7, 1965 and shall be irrevocable.

Sec. 101. That section 35-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-302. Firemen fire fighters employed in the fire departments of cities having paid fire departments shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of sixty hours per week. Each single duty shift shall consist of twenty-four consecutive hours and shall be followed by an off-duty period as necessary to assure compliance with the requirements of this section unless by voluntary agreement between the city and the fireman fire fighter, any fireman fire fighter may be permitted to work an additional period of consecutive time and may return to work after less than a twenty-four hour off-duty period. Any fireman fire fighter may be assigned to work less than a twenty-four hour shift, but in such event the fireman fire fighter shall not work in excess of forty hours per week. No fireman fire fighter shall be required to perform any work or service as such fireman fire fighter during any period in which he or she is off duty except in cases of extraordinary conflagration or emergencies or job-related court appearances.

Sec. 102. That section 35-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-518. Any rural or suburban fire protection district may enter into contracts on an annual or other basis with any rural fire protection district of an adjoining county or counties of another state having a general fire protection program or firefighting equipment under the control of the fire protection district for the fire protection services or fire protection cooperation. All such contracts shall be upon terms suitable to all concerned. The terms and conditions upon and in compliance with which each district is to cooperate in furnishing, maintaining, and operating fire equipment for outside aid, mutual aid, or making payment for such service shall be expressly stipulated. The secretary-treasurer of the fire protection district is authorized to pay over money to the treasurer or other proper officer of the fire protection district in an adjoining state authorized to receive the same in accordance with the terms of the contract and upon the order of the board of directors. Any fire protection district, department, company, or fireman fire fighters answering any fire alarm or performing fire prevention services or rescue, resuscitation, first aid, inspection, or any other official work outside its state and within a rural or suburban fire protection district organized under the provisions of Chapter 35, article 5, shall be considered an agent of the rural or suburban fire protection district located in the State of Nebraska, and

acting solely and alone in a governmental capacity, and such rural or suburban fire protection district located in another state shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing or performing any fire prevention work or rescue, resuscitation, first aid, inspection, or other official work.

Sec. 103. That section 40-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

40-115. The phrase head of a family, as used in sections 40-101 to 40-117, includes within its meanings: ~~(1) The husband, when the claimant is a married person, and~~ (2) Every every person who has residing on the premises with him or her, and under his or her care and maintenance: (a) (1) His or her minor child, or the minor child of his or her deceased wife or husband, (b) (2) a minor brother or sister, or the minor child of a deceased brother or sister, (c) (3) a father, mother, grandfather or grandmother, (d) (4) the father or mother, grandfather or grandmother of a deceased husband or wife, or (e) (5) an unmarried sister, brother, or any other of the relatives mentioned in this section who have attained the age of majority and are unable to take care of or support themselves.

Sec. 104. That section 42-7,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-7,101. (a) Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It shall have the same effect and shall be subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(b) Within twenty days after the mailing of notice of the registration the obligor may petition the court to vacate the registration or for other relief. If he the obligor does not so petition, the registered support order shall be confirmed.

(c) At the hearing to enforce the registered support order, the obligor may present only matters that would be available to him the obligor as defenses in an action to enforce a foreign money judgment. If he the obligor shows to the court that an appeal from the order is pending, or will be taken, or that a stay of execution

has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If ~~he~~ the obligor shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state.

Sec. 105. That section 48-512, Revised Statutes Supplement, 1978, be amended to read as follows:

48-512. No private employment agency shall knowingly send, or cause to be sent, any ~~female~~ help or servant to any place of bad repute, house of ill fame, or assignation house or to any house or place of amusement kept for immoral purposes. No such private employment agency shall publish or cause to be published any false information, make any false praise concerning or relating to work or employment to anyone who shall register for employment, and no private employment agency shall make any false entries in the register to be kept as herein provided. No private employment agency shall charge the applicant a service fee if any owner, manager, or employee of such private employment agency has an active interest in the business to which the applicant is being referred.

Sec. 106. That section 55-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-134. The Nebraska National Guard shall consist of the regularly enlisted ~~men~~ persons, between the ages of seventeen and sixty years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of eighteen and sixty-four years. The number of officers and enlisted ~~men~~ persons of the National Guard shall be determined from time to time and organized so as to at least meet the minimum requirements of the National Guard organizations allotted to this state. No discrimination shall be made in the enlistment of an individual, advancement in grade, or appointment of officers on account of race, color, ~~or~~ creed, or sex.

Sec. 107. That section 60-452.01, Revised Statutes Supplement, 1978, be amended to read as follows:

60-452.01. (1) Any patrolman officer qualified for an annuity, as provided in section 60-452 for reasons other than disability, shall be entitled to receive a monthly annuity for the remainder of his the officer's life. The amount of the annuity shall be a percentage of his the officer's final average monthly salary. For retirement on or after the fifty-fifth birthday of the member, the percentage shall be two and one half per cent multiplied by the number of years of service, as calculated in section 60-460; Provided, that the percentage shall never be greater than seventy-five per cent. For retirement on or after the fiftieth birthday of the member, but prior to the fifty-fifth birthday of the member, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one per cent for each month by which the early retirement date precedes age fifty-five; Provided, that any patrolman officer who has completed thirty years of service with the Nebraska State Patrol shall have his retirement benefits computed as if he the officer had reached the age of fifty-five. For purposes of this computation, final average monthly salary is defined to be the sum of the patrolman's officer's total salary during his the final three years of service as a patrolman an officer divided by thirty-six.

(2) Any patrolman officer qualified for an annuity, as provided in section 60-452 for reasons of disability, shall be entitled to receive a monthly annuity for the remainder of his the period of disablement, as provided in sections 60-455 to 60-457. The amount of the annuity shall be fifty per cent of the patrolman's officer's monthly salary at the date of disablement.

(3) Upon the death of a patrolman an officer after retirement for reasons other than disability, his widow the officer's surviving spouse, if married to the patrolman officer prior to the last four years of service of such patrolman officer prior to his retirement, shall continue to receive fifty per cent of the amount of such patrolman's officer's annuity for the remainder of her the surviving spouse's life or until she the surviving spouse remarries; Provided, that if the widow surviving spouse has a dependent child or children under age nineteen in his or her care, the benefit shall be seventy-five per cent of the amount of such patrolman's officer's annuity until such time as the youngest such dependent child attains the age of nineteen years after which time the benefit is reduced to fifty per cent of the amount of such a patrolman's an officer's annuity. If there is no widow surviving spouse living at the date of the patrolman's officer's death, his the officer's

child or children, if any, shall continue to receive fifty per cent of the amount of such patroiman's officer's annuity until such time as the youngest such child attains the age of nineteen years. If there should be more than one such child under the age of nineteen years at such time, the amount thereof shall be divided equally among such children under such age and, as they attain the age of nineteen years, only the other child or children under such age shall participate therein. Upon the death of a patroiman an officer after retirement for reasons of disability, benefits shall be provided as if the patroiman officer had retired for reasons other than disability, except that it shall not be required that his widow the surviving spouse have been married to him or her for the last four years in order to qualify for such benefits. Upon the death of a patroiman an officer before retirement, benefits shall be provided as if the patroiman officer had retired for reasons of disability on the date of such officer's his death as follows: (a) To his-widow the surviving spouse and dependent child or children under age nineteen in her such spouse's care, the benefit shall be one hundred per cent of the amount of such patroiman's officer's annuity until such time as the youngest dependent child attains the age of nineteen years after which time the benefit shall be reduced to seventy-five per cent of the patroiman's officer's annuity for the remainder of his or her life, or until he or she remarries; (b) if there is no widow spouse living at the date of the patroiman's officer's death, his or her child or children, if any, shall continue to receive seventy-five per cent of the amount of such patroiman's officer's annuity until such time as the youngest child attains the age of nineteen years; (c) if there should be more than one child under the age of nineteen years at the date of the patroiman's officer's death, the benefit shall be divided equally among such children and, as they attain the age of nineteen years, only the child or children under the age of nineteen shall participate therein; and (d) if there is no child or children under age nineteen living at the date of the patroiman's officer's death, his-widow the surviving spouse shall receive seventy-five per cent of the amount of such patroiman's officer's annuity for the remainder of his or her life, or until he or she remarries; Provided, that if no benefits are paid to a surviving widow spouse or dependent children, benefits will be paid as described in subsection (1) of section 60-458.

(4) Any benefits provided in subsections (1), (2), and (3) of this section shall apply only to retirements, disabilities, and deaths occurring on or after September 2, 1977. No benefits being paid under the system on September 2, 1977 shall be modified, in any

way, by the enactment of this act.

Sec. 108. That section 60-452.02, Revised Statutes Supplement, 1978, be amended to read as follows:

60-452.02. Each retired ~~patrolman~~ officer of the Nebraska State Patrol, or surviving beneficiary who is receiving a retirement benefit as of December 31, 1977, shall have such retirement benefits adjusted by the increase in the cost-of-living, as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from the date his or her retirement benefit commenced and January 1, 1978.

Sec. 109. That section 71-1536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1536. (1) In the operation or management of housing projects or other shelter, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need;

(b) There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin, or ancestry;

(c) The authority shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the authority determines, which determination shall be conclusive, to be necessary in order to enable such persons to secure safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living for themselves;

(d) An authority may rent or lease to a tenant a dwelling consisting of a number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding;

(e) An authority shall fix income limits for occupancy and rents after taking into consideration (i) the family size, composition, age, physical handicaps and other factors which might affect the rent-paying ability

of the person, and (ii) the economic factors which affect the financial stability and the solvency of the project;

(f) An authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as a tenant or tenants of the authority for more than a period of six months unless such persons also qualify as persons of low income or elderly or handicapped persons of low income;

(g) All persons of low income, elderly or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this act, and the authority may establish rules and regulations consistent with the purposes of this act concerning eligibility and occupancy of any housing project or other such shelter;

(h) Nothing in this act shall prohibit the right of an authority to inquire into the financial condition, family composition, medical, personal, and employment history of any tenant or prospective tenant; and

(i) The authority shall prohibit subletting by tenants.

(2) Nothing contained in subsection (1) of this section or section 71-1535 shall be construed as limiting the power of an authority with respect to the housing project to vest in an obligee the right in the event of default by the authority to take possession of a housing project or to cause the appointment of a receiver thereof, or to acquire title thereto, through foreclosure proceedings, free from all restrictions imposed by subsection (1) of this section or section 71-1535.

(3) Nothing contained in this act shall be construed as limiting the power of an authority of a city of the primary class to rent real property acquired from the federal government which is not, in the determination of such authority, by reason of its cost or the nature of its construction, suitable for low-income housing, to such tenants for such rentals as the authority shall determine reasonable, based upon the cost and the nature of the construction of the property, until such time as the property is adapted to low-income housing or disposed of by such authority.

Sec. 110. That section 77-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1201. A complete list of all personal tangible property subject to taxation held or owned on January 1 at 12:01 a.m. of the year in which the assessment is being made, except motor vehicles, grain, and seed, shall be made as follows:

(1) Every person of full age and sound mind, being a resident of this state, shall list all his or her tangible property, as defined in section 77-105, except motor vehicles, grain, and seed;

(2) He or she shall also list all tangible property, as defined in section 77-105, which property is invested, loaned, or otherwise controlled by him or her as agent or attorney, or on account of any other person, whether in or out of the county or state; Provided, that this section shall not apply to (a) goods, wares and merchandise moving in interstate commerce through this state or consigned from a point outside this state to a warehouse or storage facilities in this state for storage or assembly in transit to a final destination outside the state, or (b) goods, wares and merchandise stored in transit in the state in bonded and licensed warehouses or storage areas and which are intended for and which are shipped to final destinations outside this state upon leaving such warehouse or storage areas;

(3) The tangible property of a minor child shall be listed by the following: (a) His or her guardian; (b) if he or she has no guardian, by his or her parent, father, if living; and (c) ~~if his father is not living, by his mother, if living; and~~ (d) if neither his ~~father nor mother be~~ parent is living, by the person having such property in charge;

(4) The tangible property of any other person under guardianship, by his or her guardian or, if he or she has no guardian, by the person having charge of such property;

~~(5) The tangible property of a wife, by her husband, if he is of sound mind; if not, by herself;~~

~~(6)~~ (5) The tangible property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator;

~~(7)~~ (6) The tangible property of corporations whose assets are in the hands of a receiver or receivers, by such a receiver or receivers;

(8) (7) The tangible property of corporations, by the president or the proper agent or officer thereof;

(9) (3) The tangible property of a firm or company, by a partner or agent thereof;

(10) (9) The tangible property of manufacturers and others in the hands of an agent, by and in the name of such agent; and

(11) (10) All leased personal property shall be reported, by itemizing each article, by lessor as owner or lessee as agent.

Sec. 111. That section 77-1605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1605. The county boards of equalization of the several counties of this state shall levy a tax not exceeding three-tenths of one mill on the dollar upon the assessed value of all the taxable property in their respective counties, except intangible property, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for providing food, shelter, fuel, wearing apparel, medical or surgical aid, or in bearing funeral expenses for persons who served in the armed forces of the United States during a period of war, as defined in section 30-401.01, or during a period of actual hostilities in any war or conflict in which the United States government was engaged prior to April 6, 1917, and who are in need of such aid and have legal residence in the State of Nebraska for a period of not less than one year and in the county in which application is made for a period of not less than six months, and for husbands and wives, widows surviving spouse, and minor children under eighteen years of age of such veterans and in cases where an eligible veteran or widow surviving spouse passes away leaving no next of kin eligible to apply for payment of expenses of last illness and burial, this fund may be used by the county service committee in paying such expenses.

Sec. 112. That section 30-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-301. There shall be established and maintained by the State of Nebraska an institution to be known as the Nebraska Veterans' Home, the object of which shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed

forces of the United States during a period of war as defined in section 30-401.01; provided, that at the time of making his an application for admission to such home (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years; (b) the applicant has become disabled due to service, old age, or otherwise to an extent that it would prevent him such applicant from earning a livelihood; and (c) his the applicant's income from all sources is such that he such applicant would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution; (2) to the wife spouse of any such person admitted to such home, who has attained the age of fifty years and has been married to such member for at least two years before his or her entrance into the home; (3) to the widows, ~~mothers, and fathers widowers, and parents~~ of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the service of the United States, or who have since died of a service connected disability as determined by the Veterans Administration; and (4) to the widows and widowers of eligible servicemen or servicewomen, as defined in subdivision (1) of this section, who have since died; provided, such widows, ~~mothers, and fathers widowers, and parents~~ referred to in subdivision (3) or (4) of this section shall, at the time of applying, have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, be unable to earn a livelihood, and be dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution. No one admitted to the home under conditions herein enumerated shall have a vested right to a continued residence in such home if such person shall cease to meet any of the above eligibility requirements; provided, no woman person who has been regularly admitted shall be denied continued residence solely because of his or her marriage to a member of the home: provided further, that veterans, spouses, wives, widows, ~~mothers, and fathers widowers, and parents~~ admitted to the Nebraska Veterans' Home under the provisions of this section, who have an income in excess of forty dollars per month, including federal pension, compensation, social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review; and provided further, all money paid to the state by members of the Nebraska Veterans' Home in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Home. Any money in the Veterans' Home Building Fund or the Institutional Cash Fund for the Nebraska Veterans' Home available for

investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 113. That section 30-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-403. All money disbursed through the Director of Veterans' Affairs shall be expended by him or her in furnishing food, shelter, fuel, wearing apparel, medical or surgical aid, or in assisting with the funeral expenses of discharged veterans who come within one of the following classes: (1) All veterans as defined in section 30-401.01, their wives--or widows, widowers, spouses, and their children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen (a) who may be in need of the same, and (b) who shall have had five years of continuous residence in this state immediately preceding the date of application therefor; (2) all veterans as defined in section 30-401.01 (a) who were residents of this state at the time of their entry into such military service, (b) who are legal residents of this state on the date of such application, and (c) who may be in need of such aid; (3) the wives, widows, widowers, spouses, and children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen of all such veterans who may be in need of such aid and who were (a) residents of this state at the time their husband spouse or father parent, who was such a veteran, so entered such military service and from that time until the date of such application, (b) residents of Nebraska at the time of their birth and until the date of such application, or (c) married to such veterans, who were residents of this state when they entered such armed forces, and who then became residents of this state from that date, or shortly thereafter, and are such residents at the time of such application; and (4) in cases where an eligible veteran or widow or widower passes away leaving no next of kin eligible to apply for payment of expenses of last illness and burial, a recognized veterans' organization may apply, on behalf of the deceased, for assistance in paying such expenses. All such payments shall be made by the director. There may be expended, for purposes other than those set forth above, such sum or sums as may be specifically appropriated by the Legislature for such purposes.

Sec. 114. That section 30-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

30-411. All tuition shall be waived by the University of Nebraska, the state colleges, and the technical community colleges on behalf of any child, resident of this state, whose father parent was a member of the armed forces of the United States and who died of a service-connected disability in World War I as defined in section 80-401.01, or who died of a service-connected disability on December 7, 1941 or subsequently until such future date as the Legislature shall determine or who died subsequent to his discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability. Such tuition shall similarly be waived on behalf of any child whose mother or father is totally disabled as a result of military service during such periods, or whose mother or father: (1) While a member of the armed forces of the United States is classified as missing in action or as a prisoner of war during armed hostilities after August 4, 1964; and (2) either (a) was a resident of this state at the time he or she entered the armed forces; or (b) is a resident of, or is married to a resident of, this state at the time such person would attend such state educational institution under the provisions of this section. Application for such waiver shall be submitted through one of the recognized veterans' organizations or any county service officer on a form to be prescribed by the Director of Veterans' Affairs, which organization, or county service officer, shall thoroughly investigate to determine if the applicant is eligible for such waiver and transmit ~~its or his~~ a recommendation for action thereon to the Director of Veterans' Affairs. Residence requirements for such waiver shall be the same as provided in section 90-403. If the Director of Veterans' Affairs determines that the applicant is eligible for such waiver, he or she shall so certify to the institution in which the applicant desires to enroll. The decision of the Director of Veterans' Affairs shall, in the absence of fraud or misrepresentation on the part of the applicant, be final and shall be binding upon the applicant and upon the institutions specified in this section. Such waiver shall be valid only while the child is pursuing a course of study leading to a baccalaureate degree or a diploma from any technical community college. The Director of Veterans' Affairs shall adopt reasonable rules and regulations for the administration of the provisions of this section. Such waiver of tuition shall be equally available to a wife spouse, widow, or widower of a veteran who meets the requirements set forth in this section as to the mother or father of an entitled child. For the purposes of this section, a person shall be a child until he or she reaches age twenty-six, unless the

eligible person serves on duty with the armed forces after his or her eighteenth birthday but before his or her twenty-sixth birthday, in which case such period shall end five years after his or her first discharge or release from such duty with the armed forces, but in no event shall such period be extended beyond his the thirty-first birthday. Child shall also include legally adopted children and stepchildren.

Sec. 115. That section 83-482, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-482. A female person of fifteen years of age and upwards, convicted of a misdemeanor or felony, may be sentenced to the ~~Division of Corrections~~ Department of Correctional Services. ~~No such female shall be paroled while afflicted with venereal disease, if at the expiration of her commitment any female is still afflicted, in the opinion of the superintendent and physician of the facility of which she is an inmate, with a venereal disease; then such female shall be detained by the division under such rules and regulations relating thereto as shall be adopted by the Department of Health.~~

Sec. 116. That original sections 14-201, 14-203 to 14-209, 14-216, 14-217, 14-222, 14-223, 14-224, 14-230, 15-1003 to 15-1009, 16-304, 16-306, 16-307, 16-323, 16-327, 16-330 to 16-336, 16-336.01, 16-337, 19-404 to 19-407, 19-409 to 19-412, 19-415, 19-418, 19-419, 19-424 to 19-426, 19-431 to 19-433, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-624, 19-628, 19-636, 19-1824, 20-107 to 20-110, 23-408, 23-1801, 23-1802, 23-1804, 23-1806, 23-1808, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, 23-1820, 24-315, 35-202, 35-204, 35-205, 35-207 to 35-210, 35-212.01, 35-213 to 35-216, 35-302, 35-518, 40-115, 42-7, 101, 55-134, 71-1536, 77-1201, 77-1605, 80-301, 80-403, 80-411, and 83-482, Reissue Revised Statutes of Nebraska, 1943, sections 35-201, 35-203, 35-203.01, 35-206, 35-211, 35-212, 48-512, 60-452.01, and 60-452.02, Revised Statutes Supplement, 1978, section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, and section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, and also sections 23-123, 77-1604, and 83-301 to 83-304.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.