

AMENDMENTS TO LB873

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 8-205, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 8-205 (1) No corporation, except a bank authorized by the Director
6 of Banking and Finance to operate a trust department, shall be authorized
7 to transact business as a trust company under the Nebraska Trust Company
8 Act on or after August 1, 2000, unless it has capital stock of at least
9 five hundred thousand dollars, all of which shall be fully paid up in
10 cash before the corporation is authorized to commence business.

11 (2)(a) Corporations, except a bank authorized to operate a trust
12 department, authorized to transact business as a trust company under the
13 act before August 1, 2000, shall, on or after such date, maintain a
14 capital stock of at least two hundred thousand dollars in cities of one
15 hundred thousand inhabitants or more, one hundred thousand dollars in
16 cities of fifty thousand and less than one hundred thousand inhabitants,
17 fifty thousand dollars in cities of more than ten thousand and less than
18 fifty thousand inhabitants, and twenty-five thousand dollars in cities
19 and villages having ten thousand inhabitants or less. The population of a
20 city for purposes of this subsection shall be the population as
21 determined by the most recent federal decennial census or the most recent
22 revised certified count by the United States Bureau of the Census.

23 (b) A corporation, except a bank authorized to operate a trust
24 department, authorized to transact business as a trust company under the
25 act before August 1, 2000, subject to the capital stock requirement of
26 subdivision (2)(a) of this section, which complies with the capital stock
27 requirement of subsection (1) of this section, shall be subject to the

1 capital stock requirement of subsection (1) of this section and shall
2 maintain a capital stock of at least the minimum amount required by
3 subsection (1) of this section.

4 (c) A corporation, except a bank authorized to operate a trust
5 department, authorized to transact business as a trust company under the
6 act before August 1, 2000, subject to the capital stock requirement of
7 subdivision (2)(a) of this section, which complies with the capital stock
8 requirement of a corporation located in a larger city pursuant to
9 subdivision (2)(a) of this section, shall be subject to the capital stock
10 requirement of such a corporation located in a larger city pursuant to
11 subdivision (2)(a) of this section and shall maintain a capital stock of
12 at least the minimum amount required for such a corporation located in a
13 larger city pursuant to subdivision (2)(a) of this section.

14 (d) A capital stock requirement once attained by a corporation
15 pursuant to either this subsection or subsection (1) of this section
16 shall not be reduced.

17 (3) If at any time the department determines that the capital stock
18 of a trust company is impaired, it may require the shareholders of the
19 trust company to make up the capital stock impairment.

20 Sec. 2. Section 13-1302, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 13-1302 For purposes of sections 13-1301 to 13-1312, unless the
23 context otherwise requires:

24 (1) Bonds means bonds issued by the commission pursuant to such
25 sections;

26 (2) City means a city of the metropolitan class as defined in
27 section 14-101 or a city of the primary class as defined in section
28 15-101, the population of which according to the most recent federal
29 census or the most recent revised certified count by the United States
30 Bureau of the Census was more than one-half in number of the total
31 population, according to such census or revised count, of the county in

1 which such city is located;

2 (3) Commission means a public building commission created by and
3 activated pursuant to sections 13-1301 to 13-1312;

4 (4) County means a county in which a city of the metropolitan class
5 or primary class is located;

6 (5) Governing body means the city council in the case of the city
7 and the county board of county commissioners in the case of the county;

8 (6) Other governmental units means a city, other than a city as
9 defined in this section, village, district, authority, public agency,
10 board, commission, or other public corporation, political subdivision, or
11 public instrumentality located in whole or in part in the county; and

12 (7) Project means any building, structure, or facility for public
13 purposes to be used jointly by the city and the county, including the
14 site thereof, all machinery, equipment, and apparatus of or pertaining
15 thereto, including fixtures and furnishings if agreed to by the city and
16 the county, and all other real or personal property necessary or
17 incidental thereto.

18 Sec. 3. Section 13-2705, Revised Statutes Supplement, 2017, is
19 amended to read:

20 13-2705 The department may conditionally approve grants of
21 assistance from the fund to eligible and competitive applicants within
22 the following limits:

23 (1) Except as provided in subdivision (2) of this section, a grant
24 request shall be in an amount meeting the following requirements:

25 (a) For a grant of assistance under section 13-2704.01, at least ten
26 thousand dollars but no more than:

27 (i) For a city of the primary class, one million five hundred
28 thousand dollars;

29 (ii) For a city with a population of at least ~~more than~~ forty
30 thousand but less than one hundred thousand inhabitants as determined by
31 the most recent federal decennial census or the most recent revised

1 certified count by the United States Bureau of the Census, seven hundred
2 fifty thousand dollars;

3 (iii) For a city with a population of at least ~~more than~~ twenty
4 thousand but less than forty thousand inhabitants as determined by the
5 most recent federal decennial census or the most recent revised certified
6 count by the United States Bureau of the Census, five hundred thousand
7 dollars;

8 (iv) For a city with a population of at least ~~more than~~ ten thousand
9 but less than twenty thousand inhabitants as determined by the most
10 recent federal decennial census or the most recent revised certified
11 count by the United States Bureau of the Census, four hundred thousand
12 dollars; and

13 (v) For a municipality with a population of less than ten thousand
14 inhabitants as determined by the most recent federal decennial census or
15 the most recent revised certified count by the United States Bureau of
16 the Census, two hundred fifty thousand dollars; and

17 (b) For a grant of assistance under section 13-2704.02, at least two
18 thousand dollars but no more than ten thousand dollars;

19 (2) Upon the balance of the fund reaching two million five hundred
20 thousand dollars, and until the balance of the fund falls below one
21 million dollars, a grant request shall be in an amount meeting the
22 following requirements:

23 (a) For a grant of assistance under section 13-2704.01, at least ten
24 thousand dollars but no more than:

25 (i) For a city of the primary class, two million two hundred fifty
26 thousand dollars;

27 (ii) For a city with a population of at least ~~more than~~ forty
28 thousand but less than one hundred thousand inhabitants as determined by
29 the most recent federal decennial census or the most recent revised
30 certified count by the United States Bureau of the Census, one million
31 one hundred twenty-five thousand dollars;

1 (iii) For a city with a population of at least ~~more than~~ twenty
2 thousand but less than forty thousand inhabitants as determined by the
3 most recent federal decennial census or the most recent revised certified
4 count by the United States Bureau of the Census, seven hundred fifty
5 thousand dollars;

6 (iv) For a city with a population of at least ~~more than~~ ten thousand
7 but less than twenty thousand inhabitants as determined by the most
8 recent federal decennial census or the most recent revised certified
9 count by the United States Bureau of the Census, six hundred thousand
10 dollars; and

11 (v) For a municipality with a population of less than ten thousand
12 inhabitants as determined by the most recent federal decennial census or
13 the most recent revised certified count by the United States Bureau of
14 the Census, three hundred seventy-five thousand dollars; and

15 (b) For a grant of assistance under section 13-2704.02, at least two
16 thousand dollars but no more than ten thousand dollars;

17 (3) Assistance from the fund shall not amount to more than fifty
18 percent of the cost of the project for which a grant is requested; and

19 (4) A municipality shall not be awarded more than one grant of
20 assistance under section 13-2704.01 and one grant of assistance under
21 section 13-2704.02 in any five-year period.

22 Sec. 4. Section 14-403.01, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-403.01 (1) When a city of the metropolitan class adopts a new
25 comprehensive plan or a full update to an existing comprehensive plan on
26 or after July 15, 2010, but not later than January 1, 2015, such plan or
27 update shall include, but not be limited to, an energy element which:
28 Assesses energy infrastructure and energy use by sector, including
29 residential, commercial, and industrial sectors; evaluates utilization of
30 renewable energy sources; and promotes energy conservation measures that
31 benefit the community.

1 (2) When a city of the metropolitan class adopts a new comprehensive
2 plan or a full update to an existing comprehensive plan on or after the
3 effective date of this act, but not later than January 1, 2022, such plan
4 or update shall include, but not be limited to, an early childhood
5 element which evaluates the supply of quality licensed early childhood
6 education programs for children under six years of age, evaluates the
7 availability and utilization of licensed child care capacity and quality
8 for children under age six years of age, and promotes early childhood
9 health and education measures that benefit the community. To meet the
10 requirements of this subsection, the city may (a) acquire publicly
11 available data and information from the State Department of Education,
12 the Department of Health and Human Services, the United States Bureau of
13 the Census, other federal, state, or local agencies, or any other
14 organization, (b) use a definition of quality found in existing programs,
15 including, but not limited to, the Step Up to Quality Child Care Act, the
16 Sixpence Early Learning Fund, the federal Head Start program or Early
17 Head Start program, or other early childhood education programs at a
18 school district, and (c) determine whether an early childhood education
19 program is accredited by a national association recognized by the
20 Department of Health and Human Services.

21 Sec. 5. Section 15-1102, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 15-1102 The general plan for the improvement and development of the
24 city of the primary class shall be known as the comprehensive plan. This
25 plan for governmental policies and action shall include the pattern and
26 intensity of land use, the provision of public facilities including
27 transportation and other governmental services, the effective development
28 and utilization of human and natural resources, the identification and
29 evaluation of area needs including housing, employment, education, and
30 health and the formulation of programs to meet such needs, surveys of
31 structures and sites determined to be of historic, cultural,

1 archaeological, or architectural significance or value, long-range
2 physical and fiscal plans for governmental policies and action, and
3 coordination of all related plans and activities of the state and local
4 governments and agencies concerned. The comprehensive plan, with the
5 accompanying maps, plats, charts, and descriptive and explanatory
6 materials, shall show the recommendations concerning the physical
7 development pattern of such city and of any land outside its boundaries
8 related thereto, taking into account the availability of and need for
9 conserving land and other irreplaceable natural resources, the
10 preservation of sites of historic, cultural, archaeological, and
11 architectural significance or value, the projected changes in size,
12 movement, and composition of population, the necessity for expanding
13 housing and employment opportunities, and the need for methods of
14 achieving modernization, simplification, and improvements in governmental
15 structures, systems, and procedures related to growth objectives. The
16 comprehensive plan shall, among other things, show:

17 (1) The general location, character, and extent of existing and
18 proposed streets and highways and railroad, air, and other transportation
19 routes and terminals;

20 (2) Existing and proposed public ways, parks, grounds, and open
21 spaces;

22 (3) The general location, character, and extent of schools, school
23 grounds, and other educational facilities and properties;

24 (4) The general location and extent of existing and proposed public
25 utility installations;

26 (5) The general location and extent of community development and
27 housing activities;

28 (6) The general location of existing and proposed public buildings,
29 structures, and facilities;~~and~~

30 (7) When a new comprehensive plan or a full update to an existing
31 comprehensive plan is developed on or after July 15, 2010, but not later

1 than January 1, 2015, an energy element which: Assesses energy
2 infrastructure and energy use by sector, including residential,
3 commercial, and industrial sectors; evaluates utilization of renewable
4 energy sources; and promotes energy conservation measures that benefit
5 the community; and -

6 (8) When a new comprehensive plan or a full update to an existing
7 comprehensive plan is developed on or after the effective date of this
8 act, but not later than January 1, 2022, such plan or update shall
9 include, but not be limited to, an early childhood element which
10 evaluates the supply of quality licensed early childhood education
11 programs for children under six years of age, evaluates the availability
12 and utilization of licensed child care capacity and quality for children
13 under age six years of age, and promotes early childhood health and
14 education measures that benefit the community. To meet the requirements
15 of this subdivision, the city may (a) acquire publicly available data and
16 information from the State Department of Education, the Department of
17 Health and Human Services, the United States Bureau of the Census, other
18 federal, state, or local agencies, or any other organization, (b) use a
19 definition of quality found in existing programs, including, but not
20 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
21 Learning Fund, the federal Head Start program or Early Head Start
22 program, or other early childhood education programs at a school
23 district, and (c) determine whether an early childhood education program
24 is accredited by a national association recognized by the Department of
25 Health and Human Services.

26 The comprehensive plan shall include a land-use plan showing the
27 proposed general distribution and general location of business and
28 industry, residential areas, utilities, and recreational, educational,
29 and other categories of public and private land uses. The land-use plan
30 shall also show the recommended standards of population density based
31 upon population estimates and providing for activities for which space

1 should be supplied within the area covered by the plan. The comprehensive
2 plan shall include and show proposals for acquisition, extension,
3 widening, narrowing, removal, vacation, abandonment, sale, and other
4 actions affecting public improvements.

5 Sec. 6. Section 16-115, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-115 The corporate name of each city of the first class shall be
8 the City of, and all process whatever affecting
9 any such city shall be served in the manner provided for service of a
10 summons in a civil action. The city shall procure and keep a seal with
11 such emblem and device as it may think proper. Such seal may be either an
12 engraved or ink stamp seal. It shall have included thereon the City
13 of, together with date of incorporation, which shall be
14 the seal of the city, and no other seal shall be used by the city. The
15 impression or representation of the seal by stamp shall be sufficient
16 sealing in all cases where sealing is required. An impression or
17 representation of such seal shall be filed in the office of the Secretary
18 of State, together with a resolution of the city council that the same
19 has been duly adopted and is the seal of such ~~said~~ city.

20 Sec. 7. Section 16-118, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-118 For purposes of sections 16-117 and 16-130, lands ~~lands~~,
23 lots, tracts, streets, or highways shall be deemed contiguous although a
24 stream, embankment, strip, or parcel of land not more than two hundred
25 feet wide lies between the same and the corporate limits.

26 Sec. 8. Section 16-119, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-119 Any extraterritorial zoning regulations, property use
29 regulations, or other laws, codes, rules, or regulations imposed upon any
30 annexed lands by a the city of the first class ~~the city of the first class~~ before such annexation
31 shall continue in full force and effect until otherwise changed.

1 Sec. 9. Section 16-238, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-238 A city of the first class may make regulations to prevent the
4 introduction and spread of contagious, infectious, or malignant diseases
5 into the city. In cities with a commission form of government as provided
6 in the Municipal Commission Plan of Government Act Chapter 19, article 4,
7 and cities with a city manager plan of government as provided in Chapter
8 19, article 6, a board of health shall be created consisting of five
9 members: The mayor, who shall be chairperson, a physician, who shall be
10 medical adviser, the chief of police, who shall be secretary and
11 quarantine officer, and two other members. In all other cities, a board
12 of health shall be created consisting of five members: The mayor, who
13 shall be chairperson, a physician, who shall be medical adviser, the
14 chief of police, who shall be secretary and quarantine officer, the
15 president of the city council, and one other member. A majority of such
16 board shall constitute a quorum and shall enact rules and regulations,
17 having the force and effect of law, to safeguard the health of the people
18 of such city and prevent nuisances and unsanitary conditions, enforce the
19 same, and provide fines and punishments for the violation of such rules
20 and regulations.

21 Sec. 10. Section 16-304, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-304 Each city council member of a city of the first class, before
24 entering upon the duties of his or her office, shall be required to give
25 bond or evidence of equivalent insurance to the city. The bond shall be
26 with two or more good and sufficient sureties or some responsible surety
27 company. If by two sureties, they shall each justify that he or she is
28 worth at least two thousand dollars over and above all debts and
29 exemptions. Such bonds or evidence of equivalent insurance shall be in
30 the sum of one thousand dollars, shall be conditioned for the faithful
31 discharge of the duties of the city council member giving such bond or

1 insurance, and shall be further conditioned that if the city council
2 member shall vote for any expenditure or appropriation of money or
3 creation of any liability in excess of the amount allowed by law, such
4 city council member, and the sureties signing such bond, shall be liable
5 thereon. The bond shall be filed with the city clerk and approved by the
6 mayor, and upon the approval, the city may pay the premium for such bond.
7 Any liability sought to be incurred, or debt created in excess of the
8 amount limited or authorized by law, shall be taken and held by every
9 court of the state as the joint and several liability and obligation of
10 the city council member voting for and the mayor approving such
11 liability, obligation, or debt, and not the debt, liability, or
12 obligation of the city. Voting for or approving of such liability,
13 obligation, or debt shall be conclusive evidence of malfeasance in office
14 for which such city council member or mayor may be removed from office.

15 Sec. 11. Section 16-305, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-305 All officers and employees of ~~a the city~~ of the first class
18 shall receive such compensation as the mayor and city council may fix at
19 the time of their appointment or employment, subject to the limitations
20 set forth in this section. The city council may at its discretion by
21 ordinance combine and merge any elective or appointive office or
22 employment or any combination of duties of any such offices or
23 employments, except mayor and city council member, with any other
24 elective or appointive office or employment so that one or more of such
25 offices or employments or any combination of duties of any such offices
26 or employments may be held by the same officer or employee at the same
27 time. The city manager in a city under the city manager plan of
28 government as provided in the City Manager Plan of Government Act Chapter
29 ~~19, article 6~~, may in his or her discretion combine and merge any
30 elective or appointive office or employment or any combination of duties
31 of any such offices or employments, except mayor and city council member,

1 with any other elective or appointive office or employment so that one or
2 more of such offices or employments or any combination of duties of any
3 such offices or employments may be held by the same officer or employee
4 at the same time. The offices or employments so merged and combined shall
5 always be construed to be separate, and the effect of the combination or
6 merger shall be limited to a consolidation of official duties only. The
7 salary or compensation of the officer or employee holding the merged and
8 combined offices or employments or offices and employments shall not be
9 in excess of the maximum amount provided by law for the salary or
10 compensation of the office, offices, employment, or employments so merged
11 and combined.

12 Sec. 12. Section 16-308, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-308 Each city of the first class shall have such departments and
15 appointed officers as shall be established by ordinance passed by the
16 city council, which shall include a city clerk, treasurer, engineer, and
17 attorney, and such officers as may otherwise be required by law. Except
18 as provided in the City Manager Plan of Government Act Chapter 19,
19 ~~article 6~~, the mayor may, with the approval of the city council, appoint
20 the necessary officers, as well as an administrator, who shall perform
21 such duties as prescribed by ordinance. Except as provided in the City
22 Manager Plan of Government Act Chapter 19, ~~article 6~~, the appointed
23 officers may be removed at any time by the mayor with approval of a
24 majority of the city council. The office of administrator may not be held
25 by the mayor. The appointed administrator may concurrently hold any other
26 appointive office provided for in this section and section 16-325.

27 Sec. 13. Section 16-309, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 16-309 All officers of a city of the first class appointed by the
30 mayor and confirmed by the city council shall hold the office to which
31 they may be appointed until the end of the mayor's term of office and

1 until their successors are appointed and qualified, unless sooner removed
2 or the ordinance creating the office is repealed, or as otherwise
3 provided by law.

4 Sec. 14. Section 16-312, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-312 The mayor of a city of the first class shall preside at all
7 the meetings of the city council and shall have the right to vote when
8 his or her vote will provide the additional vote required to create a
9 number of votes equal to a majority of the number of members elected to
10 the city council. He or she shall have the superintending control of all
11 the officers and affairs of the city and shall take care that the
12 ordinances of the city and the provisions of law relating to cities of
13 the first class are complied with. He or she may administer oaths and
14 shall sign the commissions and appointments of all the officers appointed
15 in the city.

16 Sec. 15. Section 16-313, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 16-313 The mayor of a city of the first class shall have the power
19 to approve or veto any ordinance passed by the city council and to
20 approve or veto any order, bylaw, resolution, award of or vote to enter
21 into any contract, or the allowance of any claim. If the mayor approves
22 the ordinance, order, bylaw, resolution, contract, or claim, he or she
23 shall sign it, and it shall become effective. If the mayor vetoes the
24 ordinance, order, bylaw, resolution, contract, or any item or items of
25 appropriations or claims, he or she shall return it to the city council
26 stating that the measure is vetoed. The mayor may issue the veto at the
27 meeting at which the measure passed or within seven calendar days after
28 the meeting. If the mayor issues the veto after the meeting, the mayor
29 shall notify the city clerk of the veto in writing. The city clerk shall
30 notify the city council in writing of the mayor's veto. Any ordinance,
31 order, bylaw, resolution, award of or vote to enter into any contract, or

1 the allowance of any claim vetoed by the mayor, may be passed over his or
2 her veto by a vote of two-thirds of all the members elected to the city
3 council, notwithstanding his or her veto. If the mayor neglects or
4 refuses to sign any ordinance, order, bylaw, resolution, award of or vote
5 to enter into any contract, or the allowance of any claim, but fails to
6 veto the measure within the time required by this section, the measure
7 shall become effective without his or her signature. The mayor may veto
8 any item or items of any appropriation bill or any claims bill, and
9 approve the remainder thereof, and the item or items so vetoed may be
10 passed by the city council over the veto as in other cases.

11 Sec. 16. Section 16-314, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-314 The mayor of a city of the first class shall, from time to
14 time, communicate to the city council such information and recommend such
15 measures as in his or her opinion may tend to the improvement of the
16 finances of the city, the police, health, comfort, and general prosperity
17 of the city, and may have such jurisdiction as may be invested in him or
18 her by ordinance over all places within the extraterritorial zoning
19 jurisdiction of the city, for the enforcement of health or quarantine
20 ordinances and the regulation thereof.

21 Sec. 17. Section 16-316, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-316 The mayor of a city of the first class shall have power after
24 conviction to remit fines and forfeitures, and to grant reprieves and
25 pardons for all offenses arising under the ordinances of the city.

26 Sec. 18. Section 16-317, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-317 The city clerk of a city of the first class shall have the
29 custody of all laws and ordinances and shall keep a correct journal of
30 the proceedings of the city council. After the period of time specified
31 by the State Records Administrator pursuant to the Records Management

1 Act, the city clerk may transfer such journal of the proceedings of the
2 city council to the State Archives of the Nebraska State Historical
3 Society for permanent preservation. He or she shall also perform such
4 other duties as may be required by the ordinances of the city.

5 Sec. 19. Section 16-318, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-318 (1) The city treasurer of a city of the first class shall be
8 required to give bond or evidence of equivalent insurance of not less
9 than twenty-five thousand dollars, or he or she may be required to give
10 bond in double the sum of money estimated by the city council at any time
11 to be in his or her hands belonging to the city. The city treasurer shall
12 be the custodian of all money belonging to the city. The city council
13 shall pay the actual premium of the bond or insurance coverage of such
14 treasurer.

15 (2) The city treasurer of a city of the first class shall keep a
16 separate account of each fund or appropriation and the debts and credits
17 belonging thereto. He or she shall give every person paying money into
18 the treasury a receipt therefor, specifying date of payment and on what
19 account paid. He or she shall also file copies of such receipts, except
20 tax receipts, with his or her monthly reports, and he or she shall at the
21 end of every month, and as often as may be requested, render an account
22 to the city council, under oath, showing the state of the treasury at the
23 date of such account, the amount of money remaining in each fund and the
24 amount paid therefrom, and the balance of money in the treasury. The city
25 treasurer shall also accompany such account with a statement of all
26 receipts and disbursements, together with all warrants redeemed and paid
27 by him or her, which warrants, with all vouchers held by him or her,
28 shall be filed with his or her account in the city clerk's office. He or
29 she shall produce and show all funds shown by such report to be on hand,
30 or satisfy the city council or its committee that he or she has such
31 funds in his or her custody or under his or her control. If the city

1 treasurer fails to render his or her account within twenty days after the
2 end of the month, or by a later date established by the city council, the
3 mayor with the consent of the city council may consider this failure as
4 cause to remove the city treasurer from office.

5 (3) The city treasurer of a city of the first class shall keep a
6 record of all outstanding bonds against the city, showing the number and
7 amount of each bond, for and to whom the bonds were issued, and the date
8 upon which any bond is purchased, paid, or canceled. He or she shall
9 accompany the annual statement submitted pursuant to section 19-1101 with
10 a description of the bonds issued and sold in that year and the terms of
11 sale, with every item of expense thereof.

12 (4) The city treasurer of a city of the first class may employ and
13 appoint a delinquent tax collector, who shall be allowed a percentage
14 upon his or her collections to be fixed by the city council, not to
15 exceed the fees allowed by law to the county treasurer for like services.
16 Upon taxes collected by such delinquent tax collector, the city treasurer
17 shall receive no fees.

18 (5) The city treasurer of a city of the first class shall prepare
19 all special assessment lists and shall collect all special assessments.

20 Sec. 20. Section 16-319, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-319 The city attorney of a city of the first class shall be the
23 legal advisor of the city council and other city officers. The city
24 attorney shall commence, prosecute, and defend all suits and actions
25 necessary to be commenced, prosecuted, or defended on behalf of the city,
26 or that may be ordered by the city council. He or she shall attend
27 meetings of the city council and give them his or her opinion upon any
28 matters submitted to him or her, either orally or in writing as may be
29 required. The mayor and city council shall have the right to pay the city
30 attorney additional compensation for legal services performed by him or
31 her for the city or to employ additional legal assistance and to pay for

1 such legal assistance out of the funds of the city. Whenever the mayor
2 and city council have by ordinance so authorized, the board of public
3 works shall have the right to pay the city attorney additional
4 compensation for legal services performed by him or her for it or to
5 employ additional legal assistance other than the city attorney and pay
6 such legal assistance out of funds disbursed under the orders of the
7 board of public works.

8 Sec. 21. Section 16-320, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-320 The city engineer of a city of the first class shall make a
11 record of the minutes of his or her surveys and of all work done for the
12 city, including sewers, extension of water systems and heating systems,
13 electric light and sewerage systems, and power plants, and accurately
14 make such plats, sections, profiles, and maps as may be necessary in the
15 prosecution of any public work, which shall be public records and belong
16 to the city and be turned over to his or her successor.

17 Sec. 22. Section 16-321, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-321 (1) The city engineer of a city of the first class shall,
20 when requested by the mayor or city council, make estimates of the cost
21 of labor and material which may be done or furnished by contract with the
22 city and make all surveys, estimates, and calculations necessary to be
23 made for the establishment of grades, the building of culverts, sewers,
24 electric light systems, waterworks, power plants, public heating systems,
25 bridges, curbing, and gutters, the improvement of streets, and the
26 erection and repair of buildings and shall perform such other duties as
27 the city council may require. When the city has appointed a board of
28 public works, and the mayor and city council have by ordinance so
29 authorized, such board may utilize its own engineering staff and may hire
30 consulting engineers for the design and installation of extensions and
31 improvements of the works under the jurisdiction of the board of public

1 works. Whenever the mayor and city council have authorized the same, the
2 board of public works may purchase material and employ labor for the
3 enlargement or improvement of the systems and works under the
4 jurisdiction of the board.

5 (2) Except as provided in section 18-412.01, no contract for
6 enlargement or general improvements, such as water extensions, sewers,
7 public heating systems, bridges, work on streets, or any other work or
8 improvement when the cost of such improvement is assessed to the
9 property, costing over thirty thousand dollars shall be made unless it is
10 first approved by the city council.

11 (3) Except as provided in section 18-412.01, before the city council
12 makes any contract in excess of thirty thousand dollars for enlargement
13 or general improvements, such as water extensions, sewers, public heating
14 systems, bridges, work on streets, or any other work or improvement when
15 the cost of such enlargement or improvement is assessed to the property,
16 an estimate of the cost shall be made by the city engineer and submitted
17 to the city council. In advertising for bids as provided in subsections
18 (4) and (6) of this section, the city council may publish the amount of
19 the estimate.

20 (4) Advertisements for bids shall be required for any contract
21 costing over thirty thousand dollars entered into (a) for enlargement or
22 general improvements, such as water extensions, sewers, public heating
23 systems, bridges, work on streets, or any other work or improvement when
24 the cost of such enlargement or improvement is assessed to the property,
25 or (b) for the purchase of equipment used in the construction of such
26 enlargement or general improvements.

27 (5) A municipal electric utility may enter into a contract for the
28 enlargement or improvement of the electric system or for the purchase of
29 equipment used for such enlargement or improvement without advertising
30 for bids if the price is: (a) Thirty thousand dollars or less; (b) sixty
31 thousand dollars or less and the municipal electric utility has gross

1 annual revenue from retail sales in excess of one million dollars; (c)
2 ninety thousand dollars or less and the municipal electric utility has
3 gross annual revenue from retail sales in excess of five million dollars;
4 or (d) one hundred twenty thousand dollars or less and the municipal
5 electric utility has gross annual revenue from retail sales in excess of
6 ten million dollars.

7 (6) The advertisement provided for in subsections (3) and (4) of
8 this section shall be published at least seven days prior to the bid
9 closing in a legal newspaper in or of general circulation in the city. In
10 case of a public emergency resulting from infectious or contagious
11 diseases, destructive windstorms, floods, snow, war, or an exigency or
12 pressing necessity or unforeseen need calling for immediate action or
13 remedy to prevent a serious loss of, or serious injury or damage to,
14 life, health, or property, estimates of costs and advertising for bids
15 may be waived in the emergency ordinance authorized by section 16-405
16 when adopted by a three-fourths vote of the city council and entered of
17 record.

18 (7) If, after advertising for bids as provided in subsections (3),
19 (4), and (6) of this section, the city council receives fewer than two
20 bids on a contract or if the bids received by the city council contain a
21 price which exceeds the estimated cost, the mayor and the city council
22 may negotiate a contract in an attempt to complete the proposed
23 enlargement or general improvements at a cost commensurate with the
24 estimate given.

25 (8) If the materials are of such a nature that, in the opinion of
26 the manufacturer and with the concurrence of the city council or board of
27 public works, no cost can be estimated until the materials have been
28 manufactured or assembled to the specific qualifications of the city, the
29 city council or board of public works may authorize the manufacture and
30 assemblage of such materials and may thereafter approve the estimated
31 cost expenditure when it is provided by the manufacturer.

1 Sec. 23. Section 16-321.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-321.01 Any municipal bidding procedure may be waived by the city
4 council or board of public works of a city of the first class (1) when
5 materials or equipment are purchased at the same price and from the same
6 seller as materials or equipment which have formerly been obtained
7 pursuant to the state bidding procedure in sections 81-145 to 81-162, (2)
8 when the contract is negotiated directly with a sheltered workshop
9 pursuant to section 48-1503, or (3) when required to comply with any
10 federal grant, loan, or program.

11 Sec. 24. Section 16-322, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-322 The mayor and city council of a city of the first class may,
14 whenever they deem it expedient, employ a special engineer to make or
15 assist in making any particular estimate or survey, and any estimate or
16 survey made by such special engineer shall have the same validity and
17 serve in all respects as though the same had been made by the city
18 engineer.

19 Sec. 25. Section 16-323, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 16-323 The chief of police of a city of the first class shall have
22 the immediate superintendence of the police. He or she and the police
23 officers shall have the power and the duty to arrest all offenders
24 against the laws of the state or of the city, by day or by night, in the
25 same manner as a county sheriff and to keep such offenders in the city
26 prison or other place to prevent their escape until a trial or
27 examination may be had before the proper officer. The chief of police and
28 police officers shall have the same power as the county sheriff in
29 relation to all criminal matters arising out of a violation of a city
30 ordinance and all process issued by the county court in connection with a
31 violation of a city ordinance.

1 Sec. 26. Section 16-324, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-324 The street commissioner of a city of the first class shall be
4 subject to the orders of the mayor and city council by resolution, have
5 general charge, direction, and control of all work in the streets,
6 sidewalks, culverts, and bridges of the city, except matters in charge of
7 the board of public works, and shall perform such other duties as the
8 city council may require.

9 Sec. 27. Section 16-326, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-326 The salary of any elective officer of a city of the first
12 class shall not be increased or diminished during the term for which he
13 or she was elected, except that when there are officers elected to the
14 city council, or to a board or commission having more than one member and
15 the terms of one or more members commence and end at different times, the
16 compensation of all members of such city council, board, or commission
17 may be increased or diminished at the beginning of the full term of any
18 member thereof. No person who shall have resigned or vacated any office
19 shall be eligible to the same during the time for which he or she was
20 elected when, during the same time, the salary has been increased.

21 Sec. 28. Section 16-327, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-327 The mayor or city council of a city of the first class shall
24 have power, when he, she, or it deems it necessary, to require any
25 officer of the city to exhibit his or her accounts or other papers and
26 make reports to the city council, in writing, touching any subject or
27 matter it may require pertaining to the office.

28 Sec. 29. Section 16-401, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 16-401 Regular meetings of the city council of a city of the first
31 class shall be held at such times as may be fixed by ordinance and

1 special meetings whenever called by the mayor or any four city council
2 members. A majority of all the members elected to the city council shall
3 constitute a quorum for the transaction of any business, except as
4 otherwise required by law, but a less number may adjourn, from time to
5 time, and compel the attendance of absent members. An affirmative vote of
6 not less than one-half of the elected members shall be required for the
7 transaction of any business.

8 Sec. 30. Section 16-402, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-402 The city council of a city of the first class shall elect one
11 of the city council members as president of the city council, and he or
12 she shall preside at all meetings of the city council in the absence of
13 the mayor. In the absence of the president, the city council members
14 shall elect one of their own body to occupy the place temporarily, who
15 shall be styled acting president of the city council. The president and
16 acting president, when occupying the place of mayor, shall have the same
17 privileges as other members of the city council, and all acts of the
18 president or acting president while so acting shall be as binding upon
19 the city council and upon the city as if done by the mayor.

20 Sec. 31. Section 16-403, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-403 All ordinances of a city of the first class shall be passed
23 pursuant to such rules and regulations as the city council may provide,
24 and all such ordinances may be proved by the certificate of the city
25 clerk under the seal of the city. When printed or published in book or
26 pamphlet form and purporting to be published by authority of the city,
27 such ordinances shall be read and received in evidence in all courts and
28 places without further proof. The passage, approval, and publication or
29 posting of such ordinance shall be sufficiently proved by a certificate
30 under the seal of the city from the city clerk showing that such
31 ordinance was passed and approved, and when and in what paper the same

1 was published, and when and by whom and where the same was posted. When
2 ordinances are published in book or pamphlet form, purporting to be
3 published by authority of the city council, the same need not be
4 otherwise published and such book or pamphlet shall be received as
5 evidence of the passage and legal publication of such ordinances, as of
6 the dates mentioned in such book or pamphlet, in all courts without
7 further proof.

8 Sec. 32. Section 16-404, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

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

18 (2) Ordinances of a general or permanent nature in a city of the
19 first class shall be read by title on three different days unless three-
20 fourths of the city council members vote to suspend this requirement,
21 except that in a city having a commission form of government such
22 requirement may be suspended by a three-fifths majority vote. Regardless
23 of the form of government, such requirement shall not be suspended for
24 any ordinance for the annexation of territory. In case such requirement
25 is suspended, the ordinances shall be read by title or number and then
26 moved for final passage. Three-fourths of the city council members may
27 require a reading of any such ordinance in full before enactment under
28 either procedure set out in this section, except that in a city having a
29 commission form of government, such reading may be required by a three-
30 fifths majority vote.

31 (3) Ordinances in a city of the first class shall contain no subject

1 which is not clearly expressed in the title, and, except as provided in
2 section 19-915, no ordinance or section thereof shall be revised or
3 amended unless the new ordinance contains the entire ordinance or section
4 as revised or amended and the ordinance or section so amended is
5 repealed, except that:

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

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

23 Sec. 33. Section 16-405, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 16-405 The style of ordinances of a city of the first class shall
26 be: "Be it ordained by the mayor and city council of the city
27 of, " and all ordinances of a general nature shall,
28 within fifteen days after they are passed, be published in a legal
29 newspaper in or of general circulation within the city, or in pamphlet
30 form, to be distributed or sold, as may be provided by ordinance. Every
31 ordinance fixing a penalty or forfeiture for its violation shall, before

1 the ordinance takes effect, be published for at least one week in the
2 manner prescribed in this section. In cases of riots, infectious
3 diseases, or other impending danger, or any other emergency requiring its
4 immediate operation, such ordinance shall take effect upon the
5 proclamation of the mayor immediately upon its first publication as
6 provided in this section.

7 Sec. 34. Section 16-406, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 16-406 The city council of a city of the first class or any
10 committee of the members thereof shall have power to compel the
11 attendance of witnesses for the investigation of matters that may come
12 before them. The president or acting president of the city council, or
13 chairperson of such committee for the time being, may administer such
14 requisite oaths. Such city council or committee shall have the same
15 authority to compel the giving of testimony as is conferred on courts of
16 justice.

17 Sec. 35. Section 16-501, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-501 No contract shall be made by the city council in a city of
20 the first class or any committee or member thereof and no expense shall
21 be incurred by any of the officers or departments of the city, whether
22 the object of the expenditure shall have been ordered by the city council
23 or not, unless an appropriation shall have been previously made
24 concerning such expense, except as otherwise expressly provided by law.

25 Sec. 36. Section 16-502, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 16-502 No officer shall receive any pay or perquisites from a the
28 city of the first class other than his or her salary, as provided by
29 ordinance and the law relating to cities of the first class, and the city
30 council shall not pay or appropriate any money or any valuable thing to
31 any person not an officer for the performance of any act, service, or

1 duty, the doing or performance of which shall come within the proper
2 scope of the duties of any officer of such city, unless the money or
3 valuable thing is specifically appropriated and ordered by a vote of
4 three-fourths of all the members elected to the city council.

5 Sec. 37. Section 16-503, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-503 On the passage or adoption of every resolution or order to
8 enter into a contract, or accepting of work done under contract, by the
9 mayor or city council of a city of the first class, the yeas and nays
10 shall be called and entered upon the record. To pass or adopt any bylaw
11 or ordinance or any such resolution or order, a concurrence of a majority
12 of the whole number of the members elected to the city council shall be
13 required. The mayor may vote on any such matter when his or her vote will
14 provide the additional vote required to create a number of votes equal to
15 a majority of the number of members elected to the city council, and the
16 mayor shall, for the purpose of such vote, be deemed to be a member of
17 the city council. The requirements of a roll call or viva voce vote shall
18 be satisfied by a city which utilizes an electronic voting device which
19 allows the yeas and nays of each city council member to be readily seen
20 by the public.

21 Sec. 38. Section 16-606, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-606 The city council of a city of the first class may assess and
24 levy the whole expense and damage incurred in the creation of any street,
25 avenue, or alley upon the real property fronting upon the same and other
26 property nearby that may be benefited thereby in proportions according to
27 benefits. Such assessments and levy shall be made by resolution, at a
28 regular meeting of the city council, and notice of the time of such
29 meeting and that such assessments will be made thereat shall be published
30 in a legal newspaper in or of general circulation within the city ten
31 days before such meeting. Such special taxes shall be due and payable to

1 the city treasurer in thirty days after the assessment and levy. At the
2 time of the next certification to the county clerk for general revenue
3 purposes, such special assessment and levy, so far as not then paid,
4 shall be certified to the county clerk and be put upon the tax list and
5 be collected as other real estate taxes are collected, and paid over to
6 the city treasurer to reimburse the city. Such special taxes shall be a
7 lien on the property upon which assessed and levied from the assessment,
8 and shall bear interest at a rate not to exceed the rate of interest
9 specified in section 45-104.01, as such rate may from time to time be
10 adjusted by the Legislature, from the time due until paid. The
11 proceedings for widening streets shall be the same as ~~herein~~ provided for
12 creating new streets, and shall apply to the widening of streets, alleys,
13 and avenues.

14 Sec. 39. Section 16-609, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-609 The city council of a city of the first class shall have
17 power to open, control, name, rename, extend, widen, narrow, vacate,
18 grade, curb, gutter, park, and pave or otherwise to improve and control
19 and keep in good repair and condition, in any manner it may deem proper,
20 any street, avenue, or alley, or public park or square, or part of
21 either, within the limits of the city or within its extraterritorial
22 zoning jurisdiction, and it may grade partially or to the established
23 grade, or park or otherwise improve any width or part of any such street,
24 avenue, or alley. When the city vacates all or any portion of a street,
25 avenue, or alley, or public park or square, or part of either, the city
26 shall, within thirty days after the effective date of the vacation, file
27 a certified copy of the vacating ordinance with the register of deeds for
28 the county in which the vacated property is located to be indexed against
29 all affected lots.

30 Sec. 40. Section 16-610, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-610 The mayor and city council of a city of the first class shall
2 have the care, supervision, and control of all public highways, bridges,
3 streets, alleys, public squares, and commons, and shall cause the same to
4 be kept open and in repair and free from nuisances.

5 Sec. 41. Section 16-611, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-611 (1) Upon the vacation of any street or alley by a the city of
8 the first class, the title to such property shall vest in the owners of
9 the abutting property and become a part of such property, one-half on
10 each side thereof, unless the city reserves title in the ordinance
11 vacating such street or alley. If title is retained by the city, such
12 property may be sold, conveyed, exchanged, or leased upon such terms and
13 conditions as shall be deemed in the best interests of the city.

14 (2) When a portion of a street or alley is vacated only on one side
15 of the center thereof, the title to such property shall vest in the owner
16 of the abutting property and become part of such property unless the city
17 reserves title in the ordinance vacating a portion of such street or
18 alley. If title is retained by the city, such property may be sold,
19 conveyed, exchanged, or leased upon such terms and conditions as shall be
20 deemed in the best interests of the city.

21 (3) When the city vacates all or any portion of a street or alley,
22 the city shall, within thirty days after the effective date of the
23 vacation, file a certified copy of the vacating ordinance with the
24 register of deeds for the county in which the vacated property is located
25 to be indexed against all affected lots.

26 (4) The title to property vacated pursuant to this section shall be
27 subject to the following:

28 (a) There is reserved to the city the right to maintain, operate,
29 repair, and renew public utilities existing at the time title to the
30 property is vacated there; and

31 (b) There is reserved to the city, any public utilities, and any

1 cable television systems the right to maintain, repair, renew, and
2 operate water mains, gas mains, pole lines, conduits, electrical
3 transmission lines, sound and signal transmission lines, and other
4 similar services and equipment and appurtenances, including lateral
5 connections or branch lines, above, on, or below the surface of the
6 ground that are existing as valid easements at the time title to the
7 property is vacated for the purposes of serving the general public or the
8 abutting properties and to enter upon the premises to accomplish such
9 purposes at any and all reasonable times.

10 Sec. 42. Section 16-614, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-614 The mayor and city council of a city of the first class may
13 provide for regulating and requiring the numbering of houses along public
14 streets or avenues.

15 Sec. 43. Section 16-615, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-615 (1) The mayor and city council of a city of the first class
18 may establish the grade of any street, avenue, or alley in the city or
19 within a county industrial area as defined in section 13-1111 contiguous
20 to such city. When the grade of any street, avenue, or alley has been
21 established, the grade of all or any part shall not be changed unless the
22 city clerk has sent notice of the proposed change in grade to the owners
23 of the lots or land abutting upon the street, avenue, or alley or part of
24 a street, avenue, or alley where such change of grade is to be made. The
25 notice shall be sent to the addresses of the owners as they appear in the
26 office of the register of deeds upon the date of the mailing of the
27 notice. The notice shall be sent by regular United States mail, postage
28 prepaid, postmarked at least twenty-one days before the date upon which
29 the city council takes final action on approval of the ordinance
30 authorizing the change in grade. The notice shall inform the owner of the
31 nature of the proposed change, that final action by the city council is

1 pending, and of the location where additional information on the project
2 may be obtained. Following the adoption of an ordinance changing the
3 grade of all or any part of a street, avenue, or alley, no change in
4 grade shall be made until the damages to property owners which may be
5 caused by such change of grade are determined as provided in sections
6 76-704 to 76-724.

7 (2) For the purpose of paying the damages, if any, so awarded, the
8 mayor and city council may borrow money from any available fund in the
9 amount necessary, which amount, upon the collection of such amount by
10 special assessment, shall be transferred from such special fund to the
11 fund from which it has been borrowed. No street, avenue, or alley shall
12 be worked to such grade or change of grade until the damages so assessed
13 shall be tendered to such property owners or their agents. Before the
14 mayor and city council enter into any contract to grade any such street,
15 avenue, or alley, the damages, if any, sustained by the property owners,
16 shall be ascertained by condemnation proceedings. For the purpose of
17 paying the damages awarded and the costs of the condemnation proceedings,
18 the mayor and city council may levy a special assessment upon the lots
19 and lands abutting upon such street, avenue, or alley, or part thereof,
20 so graded, as adjudged by the mayor and city council to be especially
21 benefited in proportion to such benefits. Such assessment shall be
22 collected as other special assessments.

23 Sec. 44. Section 16-618, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 16-618 Any improvement district created pursuant to section 16-617
26 shall include only portions of different streets, or portions of alleys,
27 or portions of each, which abut or adjoin so that such district, when
28 created, makes up one continuous or extended street or more, except that
29 the district may include a cul de sac, any street, alley, or portion
30 thereof which is closed at one end or which connects with only one other
31 existing street, alley, or portion thereof. Any improvement district may

1 include portions of different streets, or portions of different alleys,
2 or portions of each, if they abut or connect with each other, or if the
3 several portions abut on pavement or gravel already laid, or any other of
4 improvements already laid.

5 Sec. 45. Section 16-621, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-621 In advertising for bids for paving, repaving, graveling, or
8 macadamizing, the mayor and city council of a city of the first class may
9 provide for bids on different materials and types of construction, and
10 shall in addition provide for asking bids on any material or materials
11 that may be suggested by petition of owners of the record title
12 representing twenty-five percent of the abutting property owners in an
13 improvement district, if such petition is filed with the city clerk
14 before advertisement for bids is ordered. On opening of bids for paving
15 or repaving in any such district, the mayor and city council shall
16 postpone action thereon for a period of not less than ten days. During
17 such period of postponement, the owners of the record title representing
18 a majority of the abutting property owners in a district may file with
19 the city clerk a petition for the use of a particular material for paving
20 for which a bid has been received, in which event a bid on that material
21 shall be accepted and the work shall be done with that material. The
22 regulations as to advertising for bids and opening of bids and postponing
23 of action thereon and the right of selection of materials shall not apply
24 in case of graveling. In case such owners fail to designate the material
25 they desire used in such paving or repaving, or macadamizing, in the
26 manner and within the time provided in this section, the mayor and city
27 council shall determine the material to be used. The mayor and city
28 council may reject all bids and readvertise if, in their judgment, the
29 public interest requires.

30 Sec. 46. Section 16-624, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-624 Whenever the owners of lots or lands abutting upon any
2 street, avenue, or alley within a the city of the first class,
3 representing three-fourths of the front footage thereon, so that an
4 improvement district when created will make up one continuous or extended
5 thoroughfare or more, shall petition the mayor and city council to make
6 improvement of such street, avenue, or alley without cost to the city,
7 and to assess the entire cost of any such improvements in any such
8 street, avenue, or alley, including intersections of streets or avenues
9 and spaces opposite alleys, against the private property within such
10 improvement district or districts, it shall be the duty of the mayor and
11 city council to create the proper improvement district or districts,
12 which shall be consecutively numbered, and to improve the same and to
13 proceed in the same manner and form as provided for in other improvement
14 districts. The mayor and city council shall have power to levy the entire
15 cost of such improvements of any such street, avenue, or alley, including
16 intersections of streets or avenues and spaces opposite alleys, against
17 the private property within such district, and to issue Street
18 Improvement Bonds of District No. to pay for such improvements in
19 the same manner and form as provided for in other improvement bonds. Such
20 bonds shall be issued to cover the entire cost of so improving such
21 streets or avenues, intersections of the same, and spaces opposite
22 alleys. If the assessments provided for, or any part thereof, shall fail,
23 or for any reason shall be invalid, the mayor and city council may make
24 other and further assessments upon such lots or lands as may be required
25 to collect from the same the cost of any improvements properly chargeable
26 thereto, as provided in this section. The mayor and city council shall
27 have the discretion to deny the formation of the proposed district when
28 the area to be improved has not previously been improved with a water
29 system, sewer system, and grading of streets. If the mayor and city
30 council should deny a requested improvement district formation, they
31 shall state their grounds for such denial in a written letter to

1 interested parties.

2 Sec. 47. Section 16-626, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-626 In a city of the first class, for ~~For~~ all improvements of
5 the intersections and areas formed by the crossing of streets, avenues,
6 or alleys, and one-half of the streets adjacent to real estate owned by
7 the United States, the State of Nebraska, or the city, the assessment
8 shall be made upon all the taxable property of the city, and for the
9 payment of such improvements, the mayor and city council are hereby
10 authorized to issue improvement bonds of the city in such denominations
11 as they deem proper, to be called Intersection Improvement Bonds, payable
12 in not to exceed twenty years from date of the bonds and to bear interest
13 payable annually or semiannually. Such bonds shall not be issued in
14 excess of the cost of such improvements. For the purpose of making
15 partial payments as the work progresses in making the improvements of
16 streets, avenues, alleys, or intersections and areas formed by the
17 crossing of streets, avenues, or alleys, or one-half of the streets
18 adjacent to real estate owned by the United States, the State of
19 Nebraska, or the city, warrants may be issued by the mayor and city
20 council upon certificates of the engineer in charge showing the amount of
21 the work completed and materials necessarily purchased and delivered for
22 the orderly and proper continuation of the project, in a sum not
23 exceeding ninety-five percent of the cost thereof, and upon completion
24 and acceptance of the work issue a final warrant for the balance of the
25 amount due the contractor, which warrants shall be redeemed and paid upon
26 the sale of bonds authorized by law. The city shall pay to the contractor
27 interest at the rate of eight percent per annum on the amounts due on
28 partial and final payments beginning forty-five days after the
29 certification of the amounts due by the engineer in charge and approval
30 by the city council, and running until the date that the warrant is
31 tendered to the contractor. Nothing in this section shall be construed as

1 authorizing the mayor and city council to make improvements of any
2 intersections or areas formed by the crossing of streets, avenues, or
3 alleys, unless in connection with one or more blocks of any of aforesaid
4 kinds or forms of street improvement of which the improvement of such
5 intersection or areas shall form a part.

6 Sec. 48. Section 16-627, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 16-627 The cost and expense of improving, constructing, or repairing
9 streets, avenues, alleys, and sidewalks, at their intersections as
10 provided in section 16-626, may be included in the special tax levied for
11 the construction or improvement of any one street, avenue, alley, or
12 sidewalk, as may be deemed best by the city council.

13 Sec. 49. Section 16-629, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-629 In a city of the first class, curbing ~~Curbing~~ and guttering
16 shall not be required or ordered to be laid on any street, avenue, or
17 alley not ordered to be paved, repaved, graveled, or macadamized, except
18 on a petition of the owners of two-thirds of the front footage of
19 property abutting along the line of that portion of the street, avenue,
20 or alley which is to be curbed or guttered.

21 When such petition is presented, a curbing and guttering district
22 shall be formed, which district shall be governed by the provisions of
23 section 16-630. Any bonds issued on account of such district shall be
24 known as Bonds of Curbing and Guttering District No.

25 Sec. 50. Section 16-630, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 16-630 If curbing, or curbing and guttering, is done upon any
28 street, avenue, or alley in any improvement district in a city of the
29 first class in which paving or other such improvement has been ordered,
30 and the mayor and city council shall deem it expedient to do so, the
31 mayor and city council may, for the purpose of paying the cost of such

1 curbing, or curbing and guttering, cause to be issued bonds of the city,
2 to be called Curbing and Guttering Bonds of Improvement District
3 No., payable in not exceeding ten years from date, bearing
4 interest, payable annually or semiannually, with interest coupons
5 attached. In all cases the mayor and city council shall assess at one
6 time as a special assessment the total cost of such curbing, or curbing
7 and guttering, upon the property abutting or adjacent to the portion of
8 the street, avenue, or alley so improved, according to the special
9 benefits. Such special assessments shall become delinquent the same as
10 the special assessments for paving, repaving, graveling, or macadamizing
11 purposes, draw the same rate of interest, be subject to the same
12 penalties, and may be paid in the same manner, as special assessments for
13 such purpose. The special assessment shall constitute a sinking fund for
14 the payment of such bonds and interest, and the bonds shall not be sold
15 for less than their par value.

16 Sec. 51. Section 16-631, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 16-631 If an improvement district has been established in a city of
19 the first class, an improvement thereon constructed, and curbing, or
20 curbing and guttering, is therewith constructed and it becomes necessary
21 to issue and sell street improvement bonds to pay for the cost of
22 construction of the improvement and the curbing, or curbing and
23 guttering, the mayor and city council may, at their discretion, include
24 the cost of curbing, or curbing and guttering, with the cost of other
25 improvements in the improvement district, and issue bonds for the
26 combined cost of the improvement and curbing, or curbing and guttering,
27 in any of the districts, naming the bonds Street Improvement Bonds of
28 District No. The amount of money necessary for the payment of
29 such bonds shall be levied upon and collected from abutting and adjacent
30 property and property specially benefited as a special assessment.

31 Sec. 52. Section 16-632, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 16-632 In order to defray the costs and expenses of improvements in
3 any improvement district in a city of the first class, the mayor and city
4 council shall have power and authority to levy and collect special taxes
5 and assessments upon the lots and pieces of ground adjacent to or
6 abutting upon the street, avenue, alley, or sidewalk, thus in whole or in
7 part improved or repaired or which may be specially benefited by such
8 improvements. The provisions in this section shall not apply to ordinary
9 repairs of streets or alleys, and the cost of such repairs shall be paid
10 out of the road fund. The mayor and city council are authorized to draw
11 warrants against such fund not to exceed eighty-five percent of the
12 amount levied as soon as levy shall be made by the county board.

13 Sec. 53. Section 16-637, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 16-637 Any party feeling aggrieved by any special tax or assessment,
16 or proceeding for improvements in a city of the first class, may pay such
17 special taxes assessed and levied upon his, her, or its property, or such
18 installments thereof as may be due at any time before the special tax or
19 assessment shall become delinquent, under protest, and with notice in
20 writing to the city treasurer that he, she, or it intends to sue to
21 recover the special tax or assessment, which notice shall particularly
22 state the alleged grievance and the ground for the grievance. Such party
23 shall have the right to bring a civil action within sixty days to recover
24 so much of the special tax or assessment paid as he, she, or it shows to
25 be illegal, inequitable, and unjust, the costs to follow the judgment or
26 to be apportioned by the court, as may seem proper, which remedy shall be
27 exclusive. The city treasurer shall promptly report all such notices to
28 the city council for such action as may be proper. No court shall
29 entertain any complaint that the party was authorized to make and did not
30 make to the city council, sitting as a board of equalization, nor any
31 complaint not specified in such notice fully enough to advise the city of

1 the exact nature thereof, nor any complaint that does not go to the
2 groundwork, equity, and justness of such tax. The burden of proof to show
3 such tax or part thereof invalid, inequitable, and unjust shall rest upon
4 the party who brings the suit.

5 Sec. 54. Section 16-645, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-645 In a city of the first class, all cases of damages arising
8 from the creation or widening of new streets, avenues, or alleys, from
9 the appropriation of property for sewers, parks, parkways, public
10 squares, public heating plants, power plants, gas works, electric light
11 plants, waterworks, or market places, and from change of grade in
12 streets, avenues, or alleys, the damages sustained shall be ascertained
13 and determined as provided in sections 76-704 to 76-724, except as to
14 property specifically excluded by section 76-703 and as to which sections
15 19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is
16 applicable.

17 Sec. 55. Section 16-646, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-646 In every case of the levy of special taxes by a city of the
20 first class, the special taxes shall be a lien on the property on which
21 levied from date of levy and shall be due and payable to the city
22 treasurer thirty days after such levy when not otherwise provided. At the
23 time of the next certification for general revenue purposes to the county
24 clerk, if not previously paid, the special taxes, except paving,
25 repaving, graveling, macadamizing, and curbing or curbing and guttering
26 shall be certified to the county clerk, placed upon the tax list,
27 collected as other real estate taxes are collected, and paid over to the
28 city treasurer. Paving, repaving, graveling, macadamizing, and curbing,
29 or curbing and guttering taxes may be so certified and collected by the
30 county treasurer at the option of such city.

31 Sec. 56. Section 16-647, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 16-647 In every case of the levy of special taxes by a city of the
3 first class, it ~~It~~ shall be sufficient in any case to describe the lot or
4 piece of ground as it is platted and recorded although the lot or piece
5 of ground belongs to several persons. If any lot or piece of ground
6 belongs to different persons, the owner of any part thereof may pay his
7 or her portion of the tax on such lot or piece of ground, and his or her
8 proper share may be determined by the city treasurer.

9 Sec. 57. Section 16-648, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-648 All money received from special assessments by a city of the
12 first class may be applied to pay for the improvement for which assessed,
13 or applied to reimburse the fund of the city from which the cost of the
14 improvement may have been made.

15 Sec. 58. Section 16-649, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 16-649 All improvements of any streets, avenues, or alleys in a the
18 city of the first class for which, or any part thereof, a special tax
19 shall be levied, shall be done by contract with the lowest responsible
20 bidder to be determined by the city council.

21 Sec. 59. Section 16-650, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-650 When any improvement in a city of the first class is
24 completed according to contract, it shall be the duty of the city
25 engineer to carefully inspect the improvement and if the improvement is
26 found to be properly done, such engineer shall accept the improvement and
27 report his or her acceptance to the board of public works or mayor, who
28 shall report the same to the city council with recommendation that the
29 same be approved or disapproved. The city council may confirm or reject
30 such acceptance. When the ordinance levying the tax makes the same due as
31 the improvement is completed in front of or along any block or piece of

1 ground, the city engineer may accept the same in sections from time to
2 time, if found to be done according to the contract, reporting his or her
3 acceptance as in other cases.

4 Sec. 60. Section 16-651, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-651 Whenever the owners of lots and lands abutting upon any
7 street or alley, or part thereof, within a the city of the first class,
8 representing two-thirds of the feet front abutting upon such part of
9 street or alley desired to be graded, shall petition the city council to
10 grade such street or alley, or part thereof, without cost to the city,
11 the mayor and city council shall order the grading done and assess the
12 costs thereof against the property abutting upon such street or alley or
13 such part thereof so graded. For this purpose the mayor and city council
14 shall create suitable grading districts, which shall be consecutively
15 numbered.

16 Sec. 61. Section 16-652, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 16-652 The cost of grading the streets and alleys within a any
19 grading district in a city of the first class shall be assessed upon the
20 lots and lands specially benefited thereby in such district in proportion
21 to such benefits, to be determined by the mayor and city council under
22 section 16-615, as a special assessment. The special assessment for
23 grading purposes shall be levied at one time and shall become delinquent
24 as follows: One-fifth of the total amount shall become delinquent in
25 fifty days after such levy; one-fifth in one year; one-fifth in two
26 years; one-fifth in three years; and one-fifth in four years. Each of the
27 installments, except the first, shall draw interest at a rate not to
28 exceed the rate of interest specified in section 45-104.01, as such rate
29 may from time to time be adjusted by the Legislature, from the time of
30 the levy until the installment becomes delinquent. If the installment
31 becomes delinquent, interest at the rate specified in section 45-104.01,

1 as such rate may from time to time be adjusted by the Legislature, shall
2 be paid thereon, as in the case of other special assessments. The cost of
3 grading the intersections of streets and spaces opposite alleys in any
4 such district shall be paid by the city out of the general fund of such
5 city.

6 Sec. 62. Section 16-653, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 16-653 For the purpose of paying the costs of grading the streets
9 and alleys in a grading district in a city of the first class, exclusive
10 of the intersection of streets and spaces opposite alleys therein, the
11 mayor and city council shall have power, and may, by ordinance, cause to
12 be issued bonds of the city, to be called District Grading Bonds of
13 District No., payable in not exceeding five years from date and to
14 bear interest, payable annually or semiannually, with interest coupons
15 attached, and that as nearly as possible an equal amount of the bonds
16 shall be made to mature each year, and in such case shall also provide
17 that such special taxes and assessments shall constitute a sinking fund
18 for the payment of such bonds and interest. The entire cost of grading
19 any such street or alley properly chargeable to any lots or lands within
20 any such grading district, according to feet front thereof, may be paid
21 by the owner of such lots or lands within fifty days from the levy of
22 such special taxes or assessments. Upon payment, such lot or land shall
23 be exempt from any lien or charge therefor.

24 Sec. 63. Section 16-654, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 16-654 Whenever the owner of lots and lands abutting upon any street
27 or avenue, alley, or lane, or part thereof in a city of the first class,
28 representing three-fourths of the feet front abutting upon any such
29 street, avenue, alley, or lane, or part thereof, shall petition the mayor
30 and city council to grade the street, avenue, alley, or lane, including
31 the intersections of streets, avenues, or lanes and spaces opposite

1 alleys and lanes, without cost to the city, and to assess the entire cost
2 of grading such street, avenue, alley, or lane or part thereof, including
3 the intersections of streets, avenues, or lanes and spaces opposite
4 alleys or lanes, against the lots and lands abutting upon such street,
5 avenue, alley, or lane, or part thereof, so graded, thereupon the mayor
6 and city council shall create grading districts, make assessments, issue
7 bonds, and proceed in the same manner as in cases of grading provided in
8 sections 16-651 and 16-653. Bonds shall be issued to cover the entire
9 cost of grading both the streets, avenues, or alleys, and the
10 intersections of streets or avenues and spaces opposite alleys.

11 Sec. 64. Section 16-661, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-661 The mayor and city council of a city of the first class may
14 construct and repair, or cause and compel the construction and repair, of
15 sidewalks in such city of such material and in such manner as they may
16 deem necessary.

17 Sec. 65. Section 16-662, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 16-662 In case the owner or owners of any lot, lots, or lands
20 abutting on any street or avenue, or part thereof in a city of the first
21 class, shall fail to construct or repair any sidewalk in front of his,
22 her, or their lot, lots, or lands within the time and in the manner as
23 directed and requested by the mayor and city council, after having
24 received due notice to do so, they shall be liable for all damages or
25 injury occasioned by reason of the defective or dangerous condition of
26 any sidewalk, and the mayor and city council shall have power to cause
27 such sidewalk to be constructed or repaired and assess the cost thereof
28 against such property.

29 Sec. 66. Section 16-663, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 16-663 The mayor and city council of a city of the first class shall

1 have power to provide for keeping the sidewalks clean and free from
2 obstructions and accumulations of snow, ice, mud, and slush, and may
3 provide for the assessment and collection of taxes on real estate and for
4 the sale and conveyance thereof to pay expenses of keeping the sidewalks
5 adjacent to such real estate clean and free from obstructions and
6 accumulations of snow, ice, mud, and slush, and the mayor and city
7 council shall also have power to provide that the violation of the
8 ordinance relative thereto shall give rise to a cause of action for
9 damages in favor of any person who is injured by the failure or neglect
10 of the owner and occupant of the real estate to comply with the ordinance
11 in question.

12 Sec. 67. Section 16-664, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-664 The mayor and city council of a city of the first class may
15 provide for the laying of permanent sidewalks. Upon the petition of any
16 property owner who desires to build such a permanent sidewalk, the mayor
17 and city council may order the sidewalk to be built, the cost of the
18 sidewalk until paid shall be a perpetual lien upon the real estate along
19 which the property owner desires such sidewalk to be constructed, and the
20 city council may assess and levy the costs of the sidewalk against such
21 real estate as a special assessment. The total cost of the building of
22 the permanent sidewalk shall be levied at one time upon the property
23 along which such permanent sidewalk is to be built, and become delinquent
24 as follows: One-seventh of the total cost shall become delinquent in ten
25 days after such levy; one-seventh in one year; one-seventh in two years;
26 one-seventh in three years; one-seventh in four years; one-seventh in
27 five years; and one-seventh in six years. Each of such installments,
28 except the first, shall draw interest at a rate of not exceeding the rate
29 of interest specified in section 45-104.01, as such rate may from time to
30 time be adjusted by the Legislature, from the time of the levy, until the
31 installment becomes delinquent. If the installment becomes delinquent,

1 interest at the rate specified in section 45-104.01, as such rate may
2 from time to time be adjusted by the Legislature, shall be paid thereon
3 as in the case of other special assessments. The city council shall pay
4 for the building of such permanent sidewalk out of the general fund. The
5 mayor and city council may pass an ordinance to carry into effect this
6 section.

7 Sec. 68. Section 16-665, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 16-665 The mayor and city council of a city of the first class may
10 provide for the laying of permanent sidewalks and of temporary plank
11 sidewalks upon the natural surface of the ground without regard to the
12 grade, on streets not permanently improved, and provide for the
13 assessment of the cost therein on the property in front of which such
14 sidewalks shall be laid.

15 Sec. 69. Section 16-671.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-671.01 For the purpose of making partial payments as the work
18 progresses, warrants may be issued by the mayor and city council of a
19 city of the first class upon certificates of the engineer in charge
20 showing the amount of work completed and materials necessarily purchased
21 and delivered for the orderly and proper continuation of the project in a
22 total amount not to exceed ninety-five percent of the cost thereof and
23 upon the completion and acceptance of the work issue a final warrant for
24 the balance of the amount due the contractor. The city shall pay to the
25 contractor interest at the rate of eight percent per annum on the amounts
26 due on partial and final payments beginning forty-five days after the
27 certification of the amounts due by the engineer in charge and approval
28 of the governing body, and running until the date that the warrant is
29 tendered to the contractor. The warrants shall be redeemed and paid out
30 of the proceeds received from the special assessments levied under the
31 provisions of section 16-669, or out of the proceeds of the bonds or

1 warrants issued under the provisions of sections 16-670 and 16-671. The
2 warrants shall draw such interest as shall be provided in the warrants
3 from the date of registration until paid.

4 Sec. 70. Section 16-672, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-672 Special assessments may be levied by the mayor and city
7 council of a city of the first class for the purpose of paying the cost
8 of constructing sewers, drainage, or water systems or mains within the
9 city. Such assessment shall be levied on the real estate lying and being
10 within the sewerage, drainage, or water service district in which such
11 improvements may be situated to the extent of benefits to such property
12 by reason of such improvement. The benefits to such property shall be
13 determined by the city council sitting as a board of equalization, after
14 notice to property owners is provided as in other cases of special
15 assessment. If the city council, sitting as such board of equalization,
16 shall find such benefits to be equal and uniform, such levy may be
17 according to the front foot of the lots or real estate within such
18 sewerage district, according to such other rule as the city council
19 sitting as such board of equalization may adopt for the distribution or
20 adjustment of such cost upon the lots or real estate in such district
21 benefited by such improvement. All assessments made for sewerage,
22 drainage, or water purposes shall be collected as special assessments and
23 shall be subject to the same penalty as other special assessments. If
24 sewers, drainage, or water systems or mains are constructed and any
25 assessments to cover the costs thereof shall be declared void, or doubts
26 exist as to the validity of such assessment, the mayor and city council,
27 for the purpose of paying the cost of such improvement, may make a
28 reassessment of such costs on lots and real estate lying and being within
29 the district in which such improvements may be situated, to the extent of
30 the benefits to such property by reason of such improvements. Such
31 reassessment shall be made substantially in the manner provided for

1 making original special assessments as provided in this section. Any sums
2 which may have been paid toward such improvement upon any lots or real
3 estate included in such assessment shall be applied under the direction
4 of the city council to the credit of the persons and property on account
5 of which the sums were paid. If the credits exceed the sum reassessed
6 against such persons and property, the city council shall cause such
7 excess, with lawful interest, to be refunded to the party who made
8 payment thereof. The sums so reassessed and not paid under a prior
9 special assessment shall be collected and enforced in the same manner and
10 be subject to the same penalty as other special assessments.

11 Sec. 71. Section 16-672.07, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 16-672.07 The hearing on the proposed assessments as provided in
14 section 16-672.06 shall be held by the mayor and city council sitting as
15 a board of adjustment and equalization, at the time and place specified
16 in such notice which shall not be less than twenty days nor more than
17 thirty days after the date of the first publication, unless adjourned.
18 Such session may be adjourned, with provisions for proper notice of such
19 adjournment. At such meeting, the proposed assessment shall be adjusted
20 and equalized with reference to benefits resulting from the improvement
21 and shall not exceed such benefits. If any special assessment is payable
22 in installments, each installment shall draw interest payable annually or
23 semiannually from the date of levy until due. Any delinquent installments
24 shall draw interest at the rate specified in section 45-104.01, as such
25 rate may from time to time be adjusted by the Legislature, from the date
26 of delinquency until paid.

27 Sec. 72. Section 16-674, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-674 The mayor and city council of a city of the first class shall
30 have power to purchase or provide for, establish, construct, extend,
31 enlarge, maintain, operate, and regulate for the city any such

1 waterworks, gas works, power plant, including an electrical distribution
2 facility, electric or other light works, or heating plant, or to condemn
3 and appropriate, for the use of the city, waterworks, gas works, power
4 plant, including an electrical distribution facility, electric or other
5 light works, or heating plant. The procedure to condemn property shall be
6 exercised in the manner set forth in sections 76-704 to 76-724, except as
7 to property specifically excluded by section 76-703 and as to which
8 sections 19-701 to 19-707 or the Municipal Natural Gas System
9 Condemnation Act is applicable. For purposes of this section, an
10 electrical distribution facility shall be located within the retail
11 service area of such city as approved by and on file with the Nebraska
12 Power Review Board, pursuant to Chapter 70, article 10.

13 Sec. 73. Section 16-675, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-675 The mayor and city council of a city of the first class may
16 levy a tax, not exceeding seven cents on each one hundred dollars upon
17 the taxable value of all the taxable property in such city, for the
18 purpose of paying the cost of lighting the streets, lanes, alleys, and
19 other public places or property of the city, for the purpose of
20 furnishing water, heat, or power for the city, or for the purpose of
21 buying, establishing, extending, or maintaining such waterworks, gas,
22 electric, or other light works, or heating or power plant, not exceeding
23 three and five-tenths cents on each one hundred dollars upon the taxable
24 value of all the taxable property in such city for any one of the
25 respective purposes.

26 Sec. 74. Section 16-679, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-679 The mayor and city council of a city of the first class shall
29 have power (1) to require every individual or private corporation
30 operating such works or plants, subject to reasonable rules and
31 regulations, to furnish any person applying therefor, along the line of

1 its pipes, mains, wires, or other conduits, with gas, water, power,
2 light, or heat, and to supply such city with water for fire protection,
3 and with gas, water, power, light, or heat, for other necessary public or
4 private purposes, (2) to regulate and fix the rents or rates of water,
5 power, gas, electric light, or heat, and (3) to regulate and fix the
6 charges for water meters, power meters, gas meters, electric light, or
7 heat meters, or other device or means necessary for determining the
8 consumption of water, power, gas, electric light, or heat. These powers
9 shall not be abridged by ordinance, resolution, or contract.

10 Sec. 75. Section 16-680, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-680 The mayor and city council of a city of the first class shall
13 have power to borrow money and pledge the property and credit of the city
14 upon its negotiable bonds or otherwise in an amount not exceeding in the
15 aggregate four hundred thousand dollars for the purpose of constructing
16 or aiding in the construction of a system of sewerage. The city may
17 borrow money and pledge the property and credit of the city upon its
18 negotiable bonds or otherwise in any amount, not exceeding in the
19 aggregate seven hundred fifty thousand dollars, for the purpose of
20 constructing culverts and drains for the purpose of deepening, widening,
21 straightening, walling, filling, covering, altering, or changing the
22 channel of any watercourse or any natural or artificial surface waterway
23 or any creek, branch, ravine, ditch, draw, basin, or part thereof flowing
24 or extending through or being within the limits of the city and for the
25 purpose of constructing artificial channels or covered drains sufficient
26 to carry the water theretofore flowing in such watercourse and divert it
27 from the natural channel and conduct the water through such artificial
28 channel or covered drain and fill the old channel. The city may borrow
29 money and pledge the property and credit of the city upon its negotiable
30 bonds or otherwise in an amount not exceeding in the aggregate two
31 hundred fifty thousand dollars for the purpose of constructing,

1 maintaining, and operating a system of waterworks for the city. No such
2 bonds shall be issued by the city council until the question of issuing
3 the bonds has been submitted to the electors of the city at an election
4 called and held for that purpose, notice of which shall be given by
5 publication in a legal newspaper in or of general circulation in the city
6 at least thirty days before the date of the election, and a majority of
7 the electors voting upon the proposition have voted in favor of issuing
8 such bonds. When any such bonds have been issued by the city, the city
9 may levy annually upon all taxable property of the city such tax as may
10 be necessary for a sinking fund for the payment of the accruing interest
11 upon the bonds and the principal thereof at maturity. The city may
12 provide for the office of sewer commissioner or water commissioner and
13 prescribe the duties and powers of such offices.

14 Sec. 76. Section 16-691, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-691 The mayor and city council of a city of the first class may
17 by ordinance confer upon the board of public works the active direction
18 and supervision of the city's system of waterworks, power plant, or
19 sewerage, heating, or lighting plant and the erection and construction of
20 such system or plant. The board may provide that such duties be performed
21 by such employee or employees as it may direct. The city council shall
22 approve the budget of each proprietary function as provided in the
23 Municipal Proprietary Function Act. The board shall make reports to the
24 mayor and city council as often as the mayor and city council may
25 require. In like manner the mayor and city council may confer upon such
26 board the active direction and supervision of the system of streets and
27 alleys.

28 The mayor and city council may, by ordinance, authorize and empower
29 the board of public works to employ necessary laborers and clerks, to
30 purchase material for the operation and maintenance of the systems, and
31 to draw its orders on the several funds in the hands of the city

1 treasurer to the credit of the various systems in payment of salaries,
2 labor, and material. The mayor and city council shall establish the
3 dollar amount for all extensions and projects above which the board of
4 public works must obtain the approval of the mayor and city council
5 before expending funds. The mayor and city council may, by ordinance,
6 authorize and empower the board of public works to cooperate and
7 participate in a plan of insurance designed and intended for the benefit
8 of the employees of any public utility operated by the city. For that
9 purpose the board of public works may make contributions to pay premiums
10 or dues under such plan, authorize deductions from salaries of employees,
11 and take such other steps as may be necessary to effectuate such plan of
12 insurance. All orders for the disbursement of funds shall be signed by
13 the chairperson and secretary of the board or by any two members of the
14 board who have previously been designated for that purpose by a
15 resolution duly adopted by such board and shall be paid by the city
16 treasurer, except that payroll checks only may be signed by any one
17 member of the board who has previously been designated for that purpose
18 by a resolution duly adopted by the board. Facsimile signatures of board
19 members may be used to sign such orders and checks.

20 Sec. 77. Section 16-691.01, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-691.01 Any surplus funds remaining in the hands of the city
23 treasurer of a city of the first class, to the credit of such various
24 funds, may be invested by the board of public works, with the approval of
25 the mayor and city council, in accordance with the provisions of sections
26 16-712, 16-713, and 16-715, in interest-bearing securities of the State
27 of Nebraska or any political subdivision thereof, in certificates of
28 deposit of banks which are members of the Federal Deposit Insurance
29 Corporation, or in interest-bearing securities of the United States upon
30 an order for that purpose drawn by the board of public works upon the
31 city treasurer. Such securities may be purchased, sold, or hypothecated

1 by the board of public works with the approval of the mayor and city
2 council, at their fair market value, and the interest earned by such
3 securities shall be credited to the account of the utility from which the
4 funds paid for the securities were originally drawn. In cities which have
5 not conferred upon any board of public works the active direction and
6 supervision of the city's system of waterworks, power plant, sewerage,
7 and heating or lighting plant, the powers and duties conferred upon the
8 board of public works as to the purchase, sale, and hypothecation of such
9 securities shall be exercised by the city treasurer. Securities so
10 purchased shall be held by the city treasurer who shall provide adequate
11 bond for their safekeeping. When sold, the treasurer shall deliver such
12 securities to the purchaser and collect the sale price.

13 Sec. 78. Section 16-692, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 16-692 No member of the city council or the mayor of a city of the
16 first class shall be eligible to the office of water commissioner during
17 the term for which he or she shall be elected.

18 Sec. 79. Section 16-693, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 16-693 When any bonds shall have been issued by ~~a~~ the city of the
21 first class for the purpose of constructing or aiding in the construction
22 of a system of waterworks, power plant, sewerage, heating, lighting, or
23 drainage, there shall thereafter be levied annually upon all taxable
24 property of such city a tax not exceeding seven cents on each one hundred
25 dollars for every twenty thousand dollars of bonds so issued, which shall
26 be known as the waterworks tax, power tax, sewerage tax, heat tax, light
27 tax, or drainage tax, as the case may be, and shall be payable only in
28 money. The proceeds of such tax, together with all income received by the
29 city from the payment and collection of water, power, heat, or light,
30 rent, taxes, and rates of assessments, shall first be applied to the
31 payment of the current expenses of waterworks, power plant, heating, or

1 lighting, to improvements, extensions, and additions thereto, and
2 interest on money borrowed and bonds issued for their construction. The
3 surplus, if any, shall be retained for a sinking fund for the payment of
4 such loan or bonds at maturity.

5 Sec. 80. Section 16-697, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-697 (1) For the purpose of (a) providing funds for amusements and
8 recreation, (b) providing funds for laying out, purchasing, improving,
9 and beautifying parks and public grounds, and (c) providing for the
10 payment of the salaries and wages of employees of the board of park
11 commissioners or the board of park and recreation commissioners, the
12 mayor and city council of a city of the first class shall, each year at
13 the time of making the levy for general city purposes, make a levy upon
14 the taxable value of all the taxable property in such city. Such levy
15 shall be collected and paid into the city treasury and shall constitute
16 the park fund or park and recreation fund as the case may be.

17 (2) All accounts against the park fund or park and recreation fund
18 of such city, provided for by subsection (1) of this section, for
19 salaries and wages of the employees and all other expenses of such parks
20 or recreational facilities shall be audited and allowed by the park or
21 park and recreation commissioners. All warrants thereon shall be drawn
22 only by the chairperson of the commissioners. Warrants so drawn shall be
23 paid by the city treasurer out of such fund.

24 (3) The park or park and recreation commissioners of such city, as
25 the case may be, shall enter into any contracts of any nature involving
26 an expenditure in accordance with the policies of the city council.

27 (4) The chairperson of the board of park or park and recreation
28 commissioners shall, on January 1 and July 1 of each year, file with the
29 city clerk an itemized statement of all the expenditures of the board.

30 Sec. 81. Section 16-699, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 16-699 No charge or assessment of any kind shall be made or levied
2 on any vehicle or on the owner of any vehicle bringing produce or
3 provisions to any market place in a the city of the first class, or
4 standing in or occupying a place in any of the market places of the city,
5 or in the street contiguous to such market places on market days. The
6 mayor and city council shall have full power to prescribe the kind and
7 description of articles which may be sold and the stand or place to be
8 occupied by the vendors and may authorize the immediate seizure and
9 arrest and removal from the markets of any person violating the
10 regulations as established by ordinance, together with any article of
11 produce in his or her possession, and the immediate seizure and
12 destruction of tainted or unsound meat, provisions, or other articles of
13 food.

14 Sec. 82. Section 16-6,100, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 16-6,100 The mayor and city council of a city of the first class
17 shall have the power to borrow money and pledge the property and credit
18 of the city upon its negotiable bonds or otherwise for the purpose of
19 acquiring, by purchasing or constructing, including site acquisition, or
20 aiding in the acquiring of a city hall, jail, auditorium, buildings for
21 the fire department, and other public buildings, including the
22 acquisition of buildings authorized to be acquired by Chapter 72, article
23 14, and including acquisition of buildings to be leased in whole or in
24 part by the city to any other political or governmental subdivision of
25 the State of Nebraska authorized by law to lease such buildings. No such
26 bonds shall be issued until after the same have been authorized by a
27 majority vote of the electors of the city voting on the proposition of
28 their issuance at an election called for the submission of such
29 proposition and of which election notice of the time and place thereof
30 shall have been given by publication in a legal newspaper in or of
31 general circulation in the city three successive weeks prior thereto. If

1 the building to be acquired is to be used by the State of Nebraska or its
2 agency or agencies under a lease authorized by Chapter 72, article 14, or
3 the building is to be leased by any other political or governmental
4 subdivision of the State of Nebraska or other governmental agencies and
5 if the combined area of the building to be leased by the state or its
6 agency or agencies and the political or governmental subdivision of the
7 State of Nebraska is more than fifty percent of the area of the building
8 and if the cost of acquisition does not exceed two million dollars, no
9 such vote of the electors will be required.

10 Sec. 83. Section 16-702, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-702 (1) Subject to the limits in section 77-3442, the mayor and
13 city council of a city of the first class shall have power to levy and
14 collect taxes for all municipal purposes on the taxable property within
15 the corporate limits of the city. All city taxes, except special
16 assessments otherwise provided for, shall become due on the first day of
17 December of each year.

18 (2) At the time provided for by law, the city council shall cause to
19 be certified to the county clerk the amount of tax to be levied for
20 purposes of the adopted budget statement on the taxable property within
21 the city for the year then ensuing, as shown by the assessment roll for
22 such year, including all special assessments and taxes assessed as
23 provided by law. The county clerk shall place the same on the proper tax
24 list to be collected in the manner provided by law for the collection of
25 county taxes in the county where such city is situated.

26 (3) In all sales for delinquent taxes for municipal purposes, if
27 there are other delinquent taxes due from the same person or lien on the
28 same property, the sales shall be for all the delinquent taxes. Such
29 sales and all sales made under and by virtue of this section or the
30 provisions of law referred to in this section shall be of the same
31 validity and, in all respects, shall be deemed and treated as though such

1 sale had been made for the delinquent county taxes exclusively.

2 (4) The maximum amount of tax which may be certified, assessed, and
3 collected for purposes of the adopted budget statement shall not require
4 a tax levy in excess of eighty-seven and five-tenths cents on each one
5 hundred dollars upon the taxable value of the taxable property within
6 such city. Any special assessments, special taxes, amounts assessed as
7 taxes, and such sums as may be authorized by law to be levied for the
8 payment of outstanding bonds and debts may be made by the city council in
9 addition to the levy of eighty-seven and five-tenths cents on each one
10 hundred dollars upon the taxable value of the taxable property within
11 such city. The city council may certify a further amount of tax to be
12 levied which shall not require a tax levy in excess of seven cents on
13 each one hundred dollars upon the taxable value of the taxable property
14 within such city for the purpose of establishing the sinking fund or
15 sinking funds authorized by sections 19-1301 to 19-1304, and in addition
16 thereto, when required by section 18-501, a further levy of ten and five-
17 tenths cents on each one hundred dollars upon the taxable value of the
18 taxable property within such city may be imposed.

19 (5) Nothing in this section shall be construed to authorize an
20 increase in the amounts of levies for any specific municipal purpose or
21 purposes elsewhere limited by law, whether limited in specific sums or by
22 tax levies.

23 Sec. 84. Section 16-706, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 16-706 The mayor and city council of a city of the first class shall
26 not have power to appropriate, issue, or draw any order or warrant on the
27 city treasurer for money, unless the order or warrant has been
28 appropriated or ordered by ordinance or the claim for the payment of
29 which such order or warrant is issued has been allowed according to
30 sections 16-726 to 16-729, and a fund has been provided in the adopted
31 budget statement out of which such claim is payable. Any transfer or

1 diversion of the money or credits from any of the funds to another fund
2 or to a purpose other and different from that for which proposed, except
3 as provided in section 16-721, shall render any city council member
4 voting therefor or any officer of the city participating therein guilty
5 of a misdemeanor, and any person shall, upon conviction thereof, be fined
6 twenty-five dollars for each offense, together with costs of prosecution.
7 Should any judgment be obtained against the city, the mayor and finance
8 committee, with the sanction of the city council, may borrow a sufficient
9 amount to pay the judgments, for a period of time not to extend beyond
10 the close of the next fiscal year, which sum and interest thereon shall,
11 in like manner, be added to the amount authorized to be raised in the
12 general tax levy of the next year and embraced therein.

13 Sec. 85. Section 16-707, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 16-707 The mayor and city council of a city of the first class shall
16 meet as a board of equalization each year at such times as they shall
17 determine to be necessary, giving notice of any such sitting at least ten
18 days prior thereto by publication in a legal newspaper in or of general
19 circulation in the city. When so assembled they shall have power to
20 equalize all special assessments, not ~~herein~~ otherwise provided for, and
21 to supply any omissions in the assessments and at such meeting the
22 assessments shall be finally levied by them. A majority of all the
23 members elected to the city council shall constitute a quorum for the
24 transaction of any business properly brought before them, but a less
25 number may adjourn from time to time and compel the attendance of absent
26 members. When sitting as a board of equalization on special taxes, the
27 city council may adopt such reasonable rules as to the manner of
28 presenting complaints and applying for remedies and relief as shall seem
29 just. It shall not invalidate or prejudice the proceedings of the board
30 that a majority of the members thereof do not, after organization by a
31 majority, continue present during the advertised hours of sitting so long

1 as the city clerk or some member of the board shall be present to receive
2 complaints and applications and give information. No final action shall
3 be taken by the board except by a majority of all the members elected to
4 the city council comprising the same, and in open session. All the
5 special taxes ~~herein~~ authorized shall be levied and assessed on all lots,
6 parts of lots, lands, and real estate to the extent of the special
7 benefit to such lots, parts of lots, lands, and real estate, by reason of
8 such improvement, such benefits to be determined by the city council
9 sitting as a board of equalization, or as otherwise ~~herein~~ provided,
10 after publication and notice to property owners herein provided. In cases
11 where the city council sitting as a board of equalization shall find such
12 benefits to be equal and uniform, such assessments may be according to
13 the feet frontage and may be prorated and scaled back from the line of
14 such improvement according to such rules as the board of equalization may
15 consider fair and equitable and all such assessments and findings of
16 benefits shall not be subject to review in any equitable or legal action
17 except for fraud, injustice, or mistake.

18 Sec. 86. Section 16-712, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 16-712 The city treasurer of a city of the first class shall
21 deposit, and at all times keep on deposit, for safekeeping, in banks,
22 capital stock financial institutions, or qualifying mutual financial
23 institutions of approved and responsible standing, all money collected,
24 received, or held by him or her as city treasurer. Such deposits shall be
25 subject to all regulations imposed by law or adopted by the city council
26 for the receiving and holding thereof. The fact that a stockholder,
27 director, or other officer of such bank, capital stock financial
28 institution, or qualifying mutual financial institution shall also be
29 serving as mayor, as a member of the city council, as a member of a board
30 of public works, or as any other officer of such city shall not
31 disqualify such bank, capital stock financial institution, or qualifying

1 mutual financial institution from acting as a depository for such city
2 funds. Section 77-2366 shall apply to deposits in capital stock financial
3 institutions. Section 77-2365.01 shall apply to deposits in qualifying
4 mutual financial institutions.

5 Sec. 87. Section 16-713, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 16-713 The city treasurer of a city of the first class may, upon
8 resolution of the mayor and city council authorizing the action, purchase
9 certificates of deposit from and make time deposits in banks, capital
10 stock financial institutions, or qualifying mutual financial institutions
11 selected as depositories of city funds under the provisions of sections
12 16-712, 16-714, and 16-715. The certificates of deposit purchased and
13 time deposits made shall bear interest and shall be secured as set forth
14 in sections 16-714 and 16-715, except that the penal sum of such bond or
15 the sum of such security shall be reduced in the amount of the time
16 deposit or certificate of deposit insured or guaranteed by the Federal
17 Deposit Insurance Corporation. Section 77-2366 shall apply to deposits in
18 capital stock financial institutions. Section 77-2365.01 shall apply to
19 deposits in qualifying mutual financial institutions.

20 Sec. 88. Section 16-714, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 16-714 For the security of the fund so deposited, the city treasurer
23 of a city of the first class shall require each depository to give bond
24 for the safekeeping and payment of such deposits and the accretions
25 thereof, which bond shall run to the city and be approved by the mayor.
26 Such bond shall be conditioned that such a depository shall, at the end
27 of every quarter, render to the city treasurer a statement in duplicate,
28 showing the several daily balances, the amount of money of the city held
29 by it during the quarter, the amount of the accretion thereto, and how
30 credited. The bond shall also be conditioned that the depository shall
31 generally do and perform whatever may be required by the provisions of

1 sections 16-712 to 16-715 and faithfully discharge the trust reposed in
2 such depository. Such bond shall be as nearly as practicable in the form
3 provided in section 77-2304. No person in any way connected with any
4 depository as an officer or stockholder shall be accepted as a surety on
5 any bond given by the depository of which he or she is an officer or
6 stockholder. Such bond shall be deposited with the city clerk. Section
7 77-2366 shall apply to deposits in capital stock financial institutions.
8 Section 77-2365.01 shall apply to deposits in qualifying mutual financial
9 institutions.

10 Sec. 89. Section 16-716, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-716 The city treasurer of a city of the first class shall not
13 have on deposit in any bank, capital stock financial institution, or
14 qualifying mutual financial institution at any time more than the amount
15 insured or guaranteed by the Federal Deposit Insurance Corporation plus
16 the maximum amount of the bond given by the bank, capital stock financial
17 institution, or qualifying mutual financial institution if the bank,
18 capital stock financial institution, or qualifying mutual financial
19 institution gives a surety bond, nor in any bank, capital stock financial
20 institution, or qualifying mutual financial institution giving a personal
21 bond, more than the amount insured or guaranteed by the Federal Deposit
22 Insurance Corporation plus one-half of the amount of the bond of such
23 bank, capital stock financial institution, or qualifying mutual financial
24 institution, and the amount so on deposit any time with any such bank,
25 capital stock financial institution, or qualifying mutual financial
26 institution shall not in either case exceed the amount insured or
27 guaranteed by the Federal Deposit Insurance Corporation plus the paid-up
28 capital stock and surplus of such bank, capital stock financial
29 institution, or qualifying mutual financial institution.

30 The city treasurer shall not be liable for any loss sustained by
31 reason of the failure of any such bonded depository whose bond has been

1 duly approved by the mayor as provided in section 16-714 or which has, in
2 lieu of a surety bond, given security as provided in section 16-715.

3 Sec. 90. Section 16-717, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 16-717 The city treasurer of a city of the first class shall receive
6 all money belonging to the city, and the city clerk and city treasurer
7 shall keep their books and accounts in such a manner as the mayor and
8 city council shall prescribe. The city treasurer shall keep a daily cash
9 book, which shall be footed and balanced daily, and such books and
10 accounts shall always be subject to inspection of the mayor, members of
11 the city council, and such other persons as they may designate.

12 Sec. 91. Section 16-718, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-718 Upon allowance of a claim by the city council of a city of
15 the first class, the order for the payment thereof shall specify the
16 particular fund out of which it is payable as specified in the adopted
17 budget statement, and no order or warrant shall be drawn in excess of
18 eighty-five percent of the current levy for the purpose for which it is
19 drawn unless there shall be sufficient money in the treasury to the
20 credit of the proper fund for its payment, and no claim shall be audited
21 or allowed except an order or warrant for the payment thereof may legally
22 be drawn. All warrants drawn upon the treasury must be signed by the
23 mayor and countersigned by the city clerk and shall state the particular
24 fund to which the same is chargeable, the person to whom payable, and for
25 what particular object. No money shall be otherwise paid than upon such
26 warrant so drawn. Such warrants may be delivered immediately when so
27 drawn.

28 Sec. 92. Section 16-719, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 16-719 The city treasurer of a city of the first class shall keep
31 all money in his or her hands belonging to the city separate and distinct

1 from his or her own money. He or she is expressly prohibited from using,
2 either directly or indirectly, the city money or warrants in his or her
3 custody and keeping for his or her own use and benefit or that of any
4 other person. Any violation of this section shall subject him or her to
5 immediate removal from office by the city council, and the council may
6 declare such office vacant. The mayor shall appoint a successor, who
7 shall be confirmed by the city council, to hold office for the remainder
8 of the term.

9 Sec. 93. Section 16-720, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-720 The city treasurer of a city of the first class shall report
12 to the mayor and city council annually, and more often if required, at
13 such times as may be prescribed by ordinance, giving a full and detailed
14 account of the receipts and expenditures during the preceding fiscal
15 year, and the state of the treasury. He or she shall also keep a register
16 of all warrants redeemed and paid during the year, describing such
17 warrants, their date, amount, number, time of payment, the fund from
18 which paid, and the person to whom paid. All such warrants shall be
19 examined by the finance committee at the time of making such annual
20 report.

21 Sec. 94. Section 16-722, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-722 The mayor and city council of a city of the first class shall
24 cause to be published semiannually a statement of the receipts of the
25 city and an itemized account of the expenditures of the city.

26 Sec. 95. Section 16-723, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-723 All taxes levied for the purpose of raising money to pay the
29 interest or to create a sinking fund for the payment of the principal of
30 any funded or bonded debt of a the city of the first class shall be
31 payable in money only. Except as otherwise expressly provided, no money

1 so obtained shall be used for any other purpose than the payment of the
2 interest or debt for the payment of which it shall have been raised. Such
3 sinking fund may, under the direction of the mayor and city council, be
4 invested in any of the unmatured bonds issued by the city, if provided
5 they can be procured by the city treasurer at such rate or premium as
6 shall be prescribed by ordinance. Any due or overdue bond or coupon shall
7 be a sufficient warrant or order for the payment of the same by the city
8 treasurer out of any fund especially created for that purpose without any
9 further order or allowance by the mayor or city council.

10 Sec. 96. Section 16-727, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 16-727 When the claim of any person against a the city of the first
13 class, except a tort claim as defined in section 13-903, is disallowed in
14 whole or in part by the city council, such person may appeal from the
15 decision of the city council to the district court of the same county by
16 causing a written notice to be served on the city clerk within twenty
17 days after making such decision and executing a bond to such city, with
18 good and sufficient sureties to be approved by the city clerk,
19 conditioned for the faithful prosecution of such appeal and the payment
20 of all costs that may be adjudged against the appellant.

21 Sec. 97. Section 16-728, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 16-728 Any taxpayer may appeal from the allowance of any claim
24 against a the city of the first class, except a tort claim as defined in
25 section 13-903, by serving a written notice upon the city clerk within
26 ten days from such allowance and giving bond as provided in section
27 16-727. When the city council, by ordinance, provides for the publication
28 of the list of the claims allowed, giving the amounts allowed and the
29 names of the persons to whom allowed, in a legal newspaper in or of
30 general circulation in such city, such appeal may be taken by a taxpayer
31 by serving a notice thereof within such time after such publication as

1 may be fixed by such ordinance, and giving bond for such appeal within
2 ten days after such allowance.

3 Sec. 98. Section 16-808, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-808 Property now used or hereafter acquired for offstreet motor
6 vehicle parking by a private operator within a city of the first class
7 shall not be subject to condemnation.

8 Sec. 99. Section 17-108.02, Revised Statutes Supplement, 2017, is
9 amended to read:

10 17-108.02 (1) All officers and employees of a city of the second
11 class shall receive such compensation as the mayor and city council may
12 fix at the time of their appointment or employment subject to the
13 limitations set forth in this section.

14 (2) The city council may at its discretion by ordinance combine and
15 merge any elective or appointive office or employment or any combination
16 of duties of any such offices or employments, except mayor and city
17 council member, with any other elective or appointive office or
18 employment so that one or more of such offices or employments or any
19 combination of duties of any such offices or employments may be held by
20 the same officer or employee at the same time.

21 (3) The city manager in a city of the second class under the city
22 manager plan of government as provided in the City Manager Plan of
23 Government Act Chapter 19, article 6, may in his or her discretion
24 combine and merge any elective or appointive office or employment or any
25 combination of duties of any such offices or employments, except mayor
26 and city council member, with any other elective or appointive office or
27 employment so that one or more of such offices or employments or any
28 combination of duties of any such offices or employments may be held by
29 the same officer or employee at the same time.

30 (4) The offices or employments merged and combined under subsection
31 (2) or (3) of this section shall always be construed to be separate, and

1 the effect of the combination or merger shall be limited to a
2 consolidation of official duties only. The salary or compensation of the
3 officer or employee holding the merged and combined offices or
4 employments or offices and employments shall not be in excess of the
5 maximum amount provided by law for the salary or compensation of the
6 office, offices, employment, or employments so merged and combined.

7 (5) For purposes of this section, volunteer firefighters and
8 ambulance drivers shall not be considered officers.

9 Sec. 100. Section 17-121, Revised Statutes Supplement, 2017, is
10 amended to read:

11 17-121 (1) A city of the second class shall have the power to make
12 regulations to prevent the introduction and spread of contagious,
13 infectious, or malignant diseases into the city, to make quarantine laws
14 for that purpose, and to enforce such regulations.

15 (2) In cities of the second class with a commission form of
16 government as provided in the Municipal Commission Plan of Government Act
17 ~~Chapter 19, article 4~~, and cities of the second class with a city manager
18 plan of government as provided in the City Manager Plan of Government Act
19 ~~Chapter 19, article 6~~, a board of health shall be created consisting of
20 five members: The mayor, who shall be chairperson, and four other
21 members. One member shall be a physician or health care provider, if one
22 can be found who is willing to serve. Such physician or health care
23 provider, if appointed, shall be the board's medical advisor. If the city
24 manager has appointed a chief of police, the chief of police shall serve
25 on the board as secretary and quarantine officer.

26 (3) In all other cities of the second class, a board of health shall
27 be created consisting of four members: The mayor, who shall be
28 chairperson, the president of the city council, and two other members.
29 One member shall be a physician or health care provider, if one can be
30 found who is willing to serve. Such physician or health care provider, if
31 appointed, shall be the board's medical advisor. If the mayor has

1 appointed a chief of police, the chief of police shall serve on the board
2 as secretary and quarantine officer.

3 (4) A majority of the board of health shall constitute a quorum and
4 shall enact rules and regulations, which shall have the force and effect
5 of law, to safeguard the health of the people of such city, may enforce
6 them, and may provide fines and punishments for the violation of such
7 rules and regulations. The board of health shall have power to and shall
8 make all necessary rules and regulations relating to matters of
9 sanitation of such city, including the removal of dead animals, the
10 sanitary condition of the streets, alleys, vacant grounds, stockyards,
11 wells, cisterns, privies, waterclosets, cesspools, and all buildings and
12 places not specified where filth, nuisances, or offensive matter is kept
13 or is liable to or does accumulate. The board of health may regulate,
14 suppress, and prevent the occurrence of nuisances and enforce all laws of
15 the state and ordinances of the city relating to nuisances or to matters
16 of sanitation of such city. The board of health shall also have control
17 of hospitals, dispensaries, places for treatment of sick, and related
18 matters under such restrictions and provisions as may be provided by
19 ordinance of such city.

20 Sec. 101. Section 18-1720, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 18-1720 (1) All cities and villages in this state are hereby
23 granted power and authority by ordinance to define, regulate, suppress
24 and prevent nuisances, and to declare what shall constitute a nuisance,
25 and to abate and remove the same. Every city and village is authorized to
26 exercise such power and authority within its zoning jurisdiction.

27 (2) Any city or village may enter into an interlocal agreement
28 pursuant to the Interlocal Cooperation Act with a county in which the
29 extraterritorial zoning jurisdiction of the city or village is located to
30 provide for joint and cooperative action to abate, remove, or prevent
31 nuisances within such extraterritorial zoning jurisdiction. The governing

1 body of such city or village and the county board of such county shall
2 first approve such interlocal agreement by ordinance or resolution.

3 Sec. 102. Section 18-2705, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 18-2705 (1) Economic development program means any project or
6 program utilizing funds derived from local sources of revenue for the
7 purpose of providing direct or indirect financial assistance to a
8 qualifying business or the payment of related costs and expenses or both,
9 without regard to whether that business is identified at the time the
10 project or program is initiated or is to be determined by specified means
11 at some time in the future.

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

25 (3) For cities of the first class, cities of the ~~and~~ second class,
26 and villages, an economic development program may also include grants or
27 loans for the construction or rehabilitation for sale or lease of housing
28 for persons of low or moderate income.

29 (4) For cities of the first class, cities of the ~~and~~ second class,
30 and villages, an economic development program may also include grants,
31 loans, or funds for rural infrastructure development as defined in

1 section 66-2102.

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

6 (6) For cities of the first class, cities of the second class, and
7 villages, an economic development program may also include grants, loans,
8 or funds for early childhood infrastructure development. For purposes of
9 this subsection:

10 (a) Early childhood infrastructure development means planning,
11 financing, developing, acquiring, constructing, owning, operating,
12 evaluating, or maintaining an early childhood education program of
13 recognized quality or entering into any agreement with an existing early
14 childhood education program of known quality to address early childhood
15 education shortages that impair the ability of the city to attract new
16 businesses or that impair the ability of existing businesses to recruit
17 new employees; and

18 (b) Quality means meeting or exceeding a step three quality rating
19 based on quality rating criteria as provided under the Step Up to Quality
20 Child Care Act.

21 (7) ~~(6)~~ An economic development program may be conducted jointly by
22 two or more cities after the approval of the program by the voters of
23 each participating city.

24 Sec. 103. Section 18-2709, Revised Statutes Supplement, 2017, is
25 amended to read:

26 18-2709 (1) Qualifying business means any corporation, partnership,
27 limited liability company, or sole proprietorship which derives its
28 principal source of income from any of the following: The manufacture of
29 articles of commerce; the conduct of research and development; the
30 processing, storage, transport, or sale of goods or commodities which are
31 sold or traded in interstate commerce; the sale of services in interstate

1 commerce; headquarters facilities relating to eligible activities as
2 listed in this section; telecommunications activities, including services
3 providing advanced telecommunications capability; tourism-related
4 activities; or the production of films, including feature, independent,
5 and documentary films, commercials, and television programs.

6 (2) Qualifying business also means:

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

10 (b) In cities of the first class, cities of the second class, and
11 villages, a business that derives its principal source of income from
12 quality early childhood care and education programs. For purposes of this
13 subdivision, quality means meeting or exceeding a step three quality
14 rating based on quality rating criteria as provided under the Step Up to
15 Quality Child Care Act;

16 (c) (b) A business that derives its principal source of income from
17 retail trade, except that no more than forty percent of the total revenue
18 generated pursuant to the Local Option Municipal Economic Development Act
19 for an economic development program in any twelve-month period and no
20 more than twenty percent of the total revenue generated pursuant to the
21 act for an economic development program in any five-year period,
22 commencing from the date of municipal approval of an economic development
23 program, shall be used by the city for or devoted to the use of retail
24 trade businesses. For purposes of this subdivision, retail trade means a
25 business which is principally engaged in the sale of goods or commodities
26 to ultimate consumers for their own use or consumption and not for
27 resale; and

28 (d) (e) In cities with a population of two thousand five hundred
29 inhabitants or less as determined by the most recent federal decennial
30 census or the most recent revised certified count by the United States
31 Bureau of the Census, a business shall be a qualifying business even

1 though it derives its principal source of income from activities other
2 than those set out in this section.

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

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

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

20 Sec. 104. Section 19-201, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-201 The mayor and city council in any city of the metropolitan
23 class or city of the first class shall have power to license and regulate
24 the keeping of toll bridges within or terminating within the city, for
25 the passage of persons and property over any river passing wholly or in
26 part within or running by and adjoining the corporate limits of any such
27 city, to fix and determine the rates of toll over any such bridge, or
28 over the part thereof within the city, and to authorize the owner or
29 owners of any such bridge to charge and collect the rates of toll so
30 fixed and determined from all persons passing over or using the same.

31 Sec. 105. Section 19-401, Revised Statutes Supplement, 2017, is

1 amended to read:

2 19-401 Sections 19-401 to 19-433 shall be known and may be cited as
3 the Municipal Commission Plan of Government Act.

4 Any city in this state having not less than two thousand inhabitants
5 as determined by the most recent federal decennial census or the most
6 recent revised certified count by the United States Bureau of the Census
7 may adopt the commission plan ~~form~~ of government and be governed
8 thereunder ~~by proceeding~~ as provided in the act ~~sections 19-401 to~~
9 ~~19-433.~~

10 Sec. 106. Section 19-402, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-402 If a petition to adopt the commission plan of government is
13 filed with the city clerk of any city meeting the requirements of section
14 19-401, signed by registered voters equal in number to at least twenty-
15 five percent of the votes cast for all candidates for mayor at the last
16 preceding general city election, the mayor of the city shall, by
17 ~~appropriate proclamation and notice~~ within twenty days after such filing,
18 call and proclaim a special election to be held upon a date fixed in such
19 ~~proclamation and notice~~, which date shall not be less than fifteen nor
20 more than sixty days after the date and issuance of such proclamation.
21 After the filing of any petition provided for in this section, no signer
22 of such petition ~~thereon~~ shall be permitted to withdraw his or her name
23 from such petition ~~therefrom~~. At such special election the proposition of
24 adopting the commission plan of government ~~provisions of sections 19-401~~
25 ~~to 19-433~~ shall be submitted to the registered voters of the city, and
26 such proposition shall be stated as follows: Shall the city of (name of
27 city) adopt the ~~provisions of (naming the charter of the published law~~
28 ~~containing such sections)~~ called the commission plan of city government?
29 The special election shall be held and conducted, the vote canvassed, and
30 the result declared in the same manner as provided for the holding and
31 conducting of the general city election in any such city. All officers

1 charged with any duty respecting the calling, holding, and conducting of
2 such general city election shall perform such duties for and at such
3 special election.

4 Sec. 107. Section 19-403, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-403 If the proposition of adopting the commission plan of
7 government is not adopted at the any such special election under section
8 19-402 by a majority vote, the question of adopting it shall not be again
9 submitted in ~~any~~ such city within two years thereafter.

10 Sec. 108. Section 19-404, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-404 If the proposition under section 19-402 is adopted for the
13 commission plan of ~~city~~ government at least sixty days prior to the next
14 general city election in the city, then at the next general city election
15 provided by law in such city, city council members shall be elected as
16 provided in section 32-539. If the proposition is not adopted at least
17 sixty days prior to the date of holding the next general city election in
18 such city, then such city shall continue to be governed under its
19 existing laws until city council members are elected as provided in
20 section 32-539 at the next general city election thereafter occurring in
21 any such city.

22 Sec. 109. Section 19-405, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-405 (1) Any person desiring to become a candidate for the office
25 of city council member under the commission plan of government ~~provided~~
26 ~~for in section 19-404~~ shall file a candidate filing form as provided in
27 sections 32-606 and 32-607 and pay the filing fee as provided in section
28 32-608.

29 (2) Candidates for city council under the commission plan of
30 government shall be nominated at large either at the statewide primary
31 election or by filing a candidate filing form if there are not more than

1 two candidates who have filed for each position or if the city council
2 waives the requirement for a primary election.

3 (3) The city council may waive the requirement for a primary
4 election by adopting an ordinance prior to January 5 of the year in which
5 the primary election would have been held. If the city council waives the
6 requirement for a primary election, all candidates filing candidate
7 filing forms by August 1 prior to the date of the general election as
8 provided in subsection (2) of section 32-606 shall be declared nominated.
9 If the city council does not waive the requirement for a primary election
10 and if there are not more than two candidates filed for each position to
11 be filled, all candidates filing candidate filing forms by the deadline
12 prescribed in subsection (1) of section 32-606 shall be declared
13 nominated as provided in subsection (1) of section 32-811 and their names
14 shall not appear on the primary election ballot.

15 Sec. 110. Section 19-409, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-409 (1) In a city under the commission plan of government, the
18 ~~The~~ two candidates for city council member receiving the highest number
19 of votes at the primary election shall be placed upon the official ballot
20 for such position at the statewide general election. If no candidates
21 appeared on the primary election ballot or if the city council waived the
22 primary election under section 19-405, all persons filing pursuant to
23 section 19-405 shall be the only candidates whose names shall be placed
24 upon the official ballot for such position at the statewide general
25 election.

26 ~~(2) If excise members are to be elected, the six candidates~~
27 ~~receiving the highest number of votes for excise members at the primary~~
28 ~~election or all candidates, if there are less than six on the primary~~
29 ~~election ballot or if no primary election is held, shall be the only~~
30 ~~candidates whose names shall be placed upon the official ballot for~~
31 ~~excise members at the statewide general election in any such city.~~

1 (2) ~~(3)~~ Terms for city council members under the commission plan of
2 government shall begin on the date of the first regular meeting of the
3 city council in December following the statewide general election. The
4 ~~terms of council members holding office on August 28, 1999, shall be~~
5 ~~extended to the first regular meeting of the council in December~~
6 ~~following the statewide general election.~~ The changes made to this
7 section by Laws 1999, LB 250, shall not change the staggering of the
8 terms of city council members in cities that have adopted the commission
9 plan of government prior to January 1, 1999.

10 Sec. 111. Section 19-411, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-411 The city council members in a city under the commission plan
13 of government ~~and excise members~~ shall qualify and give bond in the
14 manner and amount provided by the existing laws governing the city in
15 which they are elected. If any vacancy occurs in the office of city
16 council member, the vacancy shall be filled as provided in section
17 32-568. ~~If any vacancy occurs in the office of excise members, the~~
18 ~~remaining members of the excise board shall appoint a person to fill such~~
19 ~~vacancy for the remainder of the term.~~ The terms of office of all other
20 elective or appointive officers in force within or for any such city
21 shall cease as soon as the city council selects or appoints their
22 successors and such successors qualify and give bond as by law provided
23 or as soon as such city council by resolution declares the terms of any
24 such elective or appointive officers at an end or abolishes or
25 discontinues any of such offices.

26 Sec. 112. Section 19-412, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-412 (1) The officers and employees of a the city under the
29 commission plan of government shall receive such compensation as the
30 mayor and city council shall fix by ordinance.

31 (2) The salary emoluments of any elective officer in a city under

1 the commission plan of government shall not be increased or diminished
2 during the term for which he or she was elected, except that when there
3 are officers elected to a city council, board, or commission having more
4 than one member and the terms of one or more members commence and end at
5 different times, the compensation of all members of such city council,
6 board, or commission may be increased or diminished at the beginning of
7 the full term of any member thereof. No person who has resigned or
8 vacated any office shall be eligible to be elected or appointed to such
9 office ~~the same~~ during the time for which he or she was elected when,
10 during the same time, the salary has ~~emoluments have~~ been increased.

11 (3) The salary or compensation of all other officers or employees of
12 a city under the commission plan of government ~~the city~~ shall be
13 determined when they are appointed or elected by the city council, board,
14 or commission and shall be payable at such times or for such periods as
15 the city council, board, or commission shall determine.

16 Sec. 113. Section 19-413, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-413 The city council in a city under the commission plan of
19 government ~~herein provided for, upon taking office,~~ shall have, possess,
20 and exercise, by itself or through such methods as it may provide, all
21 executive or legislative or judicial powers and duties previously
22 ~~theretofore~~ held, possessed, or exercised under the then existing laws
23 governing ~~any~~ such city, by the mayor, ~~or~~ mayor and city council, ~~or~~
24 water commissioners, ~~or~~ water board, ~~or~~ water and light commissioner, ~~or~~
25 board of fire and police commissioners, ~~or~~ park commissioners, or park
26 board. ~~The or excise board, or members thereof, or fire warden; and the~~
27 powers, duties, and office of ~~such fire warden and of~~ all such boards and
28 the members thereof shall ~~then and thereupon~~ cease and terminate, ~~;~~ and
29 the powers and duties and officers of all other boards created by statute
30 for the government of any such city shall also ~~thereupon~~ cease and
31 terminate. ~~Nothing ; Provided, however, nothing herein contained in this~~

1 ~~section~~ shall be so construed as to interfere with the powers, duties,
2 authority, and privileges that have been, are, or may be hereafter
3 conferred and imposed upon the water board in cities of the metropolitan
4 class cities as prescribed by law or ~~shall affect the power of city~~
5 ~~school or school district officers,~~ nor of any office or officer named in
6 the ~~state~~ Constitution of Nebraska exercising office, powers, or
7 functions within any such city. Such city council, upon taking office,
8 shall have and may exercise all executive or legislative or judicial
9 powers possessed or exercised by any other officer or board ~~theretofore~~
10 provided by law for or within any such city, except officers named in the
11 ~~state~~ Constitution of Nebraska ; ~~Provided, however, the excise board~~
12 ~~herein provided for, upon taking office, shall possess and exercise by~~
13 ~~itself all of the duties and powers theretofore possessed or exercised by~~
14 ~~the excise board under the existing laws governing any such city except~~
15 ~~the appointment, removal and control of the police force, which power~~
16 ~~shall be vested in the council.~~

17 Sec. 114. Section 19-415, Revised Statutes Supplement, 2017, is
18 amended to read:

19 19-415 In cities of the metropolitan class under the commission plan
20 of government, the city council shall consist of the mayor who shall be
21 superintendent of the department of public affairs, one city council
22 member to be superintendent of the department of accounts and finances,
23 one city council member to be superintendent of the department of police,
24 sanitation, and public safety, one city council member to be
25 superintendent of the department of fire protection and water supply, one
26 city council member to be superintendent of the department of street
27 cleaning and maintenance, one city council member to be superintendent of
28 the department of public improvements, and one city council member to be
29 superintendent of parks and public property.

30 In cities under the commission plan of government containing at
31 least forty thousand and less than three hundred thousand inhabitants as

1 determined by the most recent federal decennial census or the most recent
2 revised certified count by the United States Bureau of the Census, the
3 city council shall consist of the mayor who shall be superintendent of
4 the department of public affairs, one city council member to be
5 superintendent of the department of accounts and finances, one city
6 council member to be superintendent of the department of public safety,
7 one city council member to be superintendent of the department of streets
8 and public improvements, and one city council member to be superintendent
9 of the department of parks and public property.

10 In cities under the commission plan of government containing at
11 least two thousand and less than forty thousand inhabitants as determined
12 by the most recent federal decennial census or the most recent revised
13 certified count by the United States Bureau of the Census, the city
14 council shall consist of the mayor who shall be commissioner of the
15 department of public affairs and public safety, one city council member
16 to be commissioner of the department of streets, public improvements and
17 public property, one city council member to be commissioner of the
18 department of public accounts and finances, one city council member to be
19 commissioner of the department of public works, and one city council
20 member to be commissioner of the department of parks and recreation.

21 In all of such cities, the commissioner of the department of
22 accounts and finances shall be vice president of the city council and
23 shall, in the absence or inability of the mayor to serve, perform the
24 duties of the mayor. In case of vacancy in the office of mayor by death
25 or otherwise, the vacancy shall be filled as provided in section 32-568.

26 Sec. 115. Section 19-416, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-416 The city council in a city under the commission plan of
29 government shall, at its first meeting, or as soon as possible
30 thereafter, elect as many of the city officers provided for by the laws
31 or ordinances governing any such city as may, in the judgment of the city

1 council, be essential and necessary to the economical but efficient and
2 proper conduct of the government of the city and shall at the same time
3 fix the salaries of the officers so elected either by providing that such
4 salaries shall remain the same as previously fixed by the laws or
5 ordinances for such officers or may then raise or lower the existing
6 salaries of any such officers. The city ~~;~~ ~~and the council~~ may modify the
7 powers or duties of any such officers, as provided by the laws or
8 ordinances, or may completely define and fix such powers or duties, anew.
9 Any such officers or any assistant or employee elected or appointed by
10 the city council may be removed by the city council at any time, except
11 that ~~;~~ ~~Provided, however,~~ in cities of the metropolitan class no member
12 or officer of the fire department ~~or department of fire protection and~~
13 ~~water supply~~ shall be discharged for political reasons, nor shall any a
14 person be employed in ~~or taken into either of such department~~ departments
15 for political reasons. Before any ~~such~~ officer or employee can be
16 discharged, charges must be filed against him or her before the city
17 council and a hearing had thereon, and an opportunity given such officer
18 or employee to defend against such charges. This ~~,~~ ~~but this~~ provision
19 shall not be construed to prevent peremptory suspension of such officer
20 or employee ~~member~~ by the city council in case of misconduct, ~~or~~ neglect
21 of duty, or disobedience of orders. Whenever any such suspension is made,
22 charges shall be at once filed by the city council with the officer
23 having charge of the records of the city council and a trial had thereon
24 at the second meeting of the city council after such charges are filed.
25 For the purpose of hearing such charges the city council shall have power
26 to enforce attendance of witnesses and ~~,~~ the production of books and
27 papers, ~~and to administer oaths to witnesses in the same manner and with~~
28 like effect and under the same penalty, as in the case of magistrates
29 exercising civil and criminal jurisdiction under the statutes of the
30 State of Nebraska.

31 Sec. 116. Section 19-417, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-417 The city council in a city under the commission plan of
3 government shall have power to discontinue any employment or abolish any
4 office at any time, when, in the judgment of the city council, such
5 employment or office is no longer necessary. The city council shall have
6 power, at any time and at any meeting, to create any office or board it
7 deems necessary, including the office of city manager, and fix salaries.
8 The city council ~~;~~ ~~and it~~ may create a board of three or more members
9 composed of other officers of the city, ~~and~~ confer upon such board any
10 power not required to be exercised by the city council itself. The city
11 council ~~It~~ may require such officers to serve upon any such board and
12 perform the services required of it with or without any additional pay
13 for such additional service.

14 Sec. 117. Section 19-418, Revised Statutes Supplement, 2017, is
15 amended to read:

16 19-418 In cities under the commission plan of government, the ~~The~~
17 regular meetings of the city council in cities of the metropolitan class
18 shall be held at least once in each week and upon such day and hour as
19 the city council may designate. In all other cities under the commission
20 plan of government having a population of two thousand or more as
21 determined by the most recent federal decennial census or the most recent
22 revised certified count by the United States Bureau of the Census, the
23 regular meetings of the city council shall be held at such intervals and
24 upon such day and hour as the city council may by ordinance or resolution
25 designate. Special ~~;~~ ~~and special~~ meetings of the city council in any of
26 such cities may be called, from time to time, by the mayor or two city
27 council members, giving notice in such manner as may be fixed or defined
28 by law or ordinance in any of such cities or as shall be fixed by
29 ordinance or resolution by such city council. A majority of such city
30 council shall constitute a quorum for the transaction of any business,
31 but it shall require a majority vote of the city council in any such city

1 to pass any measure or transact any business.

2 Sec. 118. Section 19-419, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-419 The mayor and city council members in a city under the
5 commission plan of government shall maintain offices at the city hall, ;
6 and the mayor shall regularly , ~~in a general way, constantly~~ investigate
7 all public affairs concerning the interest of the city and investigate
8 and ascertain, ~~in a general way,~~ the efficiency and manner in which all
9 departments of the city government are being conducted. The ; ~~and the~~
10 mayor shall recommend to the city council all such matters as in his or
11 her judgment should receive the investigation, consideration, or action
12 of the city council ~~that body~~.

13 Sec. 119. Section 19-421, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-421 All petitions provided for in the Municipal Commission Plan
16 of Government Act sections 19-401 to 19-433 shall be subject to and meet
17 the requirements of sections 32-628 to 32-630. Upon the filing of a
18 petition ~~or supplementary petition~~, a city, upon passage of a resolution
19 by the city council, and the county clerk or election commissioner of the
20 county in which such city is located may by mutual agreement provide that
21 the county clerk or election commissioner shall ascertain whether the
22 petition ~~or supplementary petition~~ is signed by the requisite number of
23 legal voters. The city shall reimburse the county for any costs incurred
24 by the county clerk or election commissioner.

25 Sec. 120. Section 19-422, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-422 All general state laws governing cities described in section
28 19-401 shall, according to the classification of such city class within
29 ~~which it is embraced~~, apply to and govern any city under the commission
30 plan of government adopting sections 19-401 to 19-433 ~~and electing~~
31 ~~officers thereunder so far, and only so far,~~ as such laws are applicable

1 and not inconsistent with the provisions, intents, and purposes of the
2 Municipal Commission Plan of Government Act ~~said sections.~~

3 Sec. 121. Section 19-423, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-423 If at the beginning of the term of office of the first city
6 council elected under sections 19-401 to 19-409 the appropriations or
7 distribution of the expenditures of the city government for the current
8 fiscal year have been made, the city council shall have power, by
9 ordinance, to revise, repeal, or change such distribution or to make
10 additional appropriation, within the limit of the total taxes levied for
11 such year.

12 Sec. 122. Section 19-432, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-432 Any city which shall have operated for more than four years
15 under the commission plan of government ~~provisions of sections 19-401 to~~
16 ~~19-433~~ may abandon organization thereunder, and accept the provisions of
17 the general law of the state then applicable to cities of its population,
18 by proceeding as follows: Upon a petition, signed by such number of the
19 qualified electors of ~~any~~ such city as equals at least twenty-five
20 percent of the highest vote cast for any of the city council members
21 elected at the last preceding general or regular election in ~~any~~ such
22 city, being filed with and found sufficient by the city clerk ~~or clerk of~~
23 ~~such council~~, a special election shall be called in ~~any~~ such city, at
24 which special election the following proposition only shall be submitted:
25 Shall the city of (name of city) abandon its organization under the
26 commission plan of government ~~Chapter 19, article 4,~~ and become a city
27 under the general laws of the state governing cities of like population?
28 If a majority of the votes cast at any such special election are in favor
29 of such proposition, the officers elected at the next succeeding general
30 city election in any such city shall be those then prescribed by the
31 general laws of the state for cities of like population, and upon the

1 qualification of such officers, according to the terms of such general
2 state law, such city shall become a city governed by and under such
3 general state law. ~~If ; Provided, if~~ such special election is not held
4 and the result thereof declared at least sixty days before the election
5 date in any such city, then such city shall continue to be governed under
6 the commission plan of government provisions of said sections until the
7 second general city election occurring after the date of such special
8 election, and at such general city election the officers provided by such
9 general state law for the government of any such city shall be elected,
10 and, upon their qualification, the terms of office of the city council
11 members elected under the commission plan of government provisions of
12 ~~this article~~ shall cease and terminate.

13 Sec. 123. Section 19-433, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-433 (1) Within ten days after the date of filing the petition
16 asking for a special election on the issue of discontinuing the
17 commission plan of government, the city clerk shall examine it and, with
18 the assistance of the election commissioner or county clerk, ascertain
19 whether the petition is signed by the requisite number of registered
20 voters. If necessary, the city council shall allow the city clerk extra
21 help for the purpose of examining the petition. No new signatures may be
22 added after the initial filing of the petition. If the petition contains
23 the requisite number of signatures, the city clerk shall promptly submit
24 the petition to the city council.

25 (2) Upon receipt of the petition, the city council shall promptly
26 order and fix a date for holding the special election, which date shall
27 not be less than thirty nor more than sixty days from the date of the
28 city clerk's certificate to the city council showing the petition
29 sufficient. The special election shall be conducted in the same manner as
30 provided for the election of city council members under the Municipal
31 Commission Plan of Government Act sections 19-401 to 19-433.

1 Sec. 124. Section 19-502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-502 The city clerk shall not begin the publication of any
4 proposed charter or amendments, as required by the Constitution of
5 Nebraska constitution, in less than thirty days from the time of the
6 completion of the work of the said charter convention, ~~÷~~ and the work of
7 the said charter convention shall be deemed completed whenever its
8 certified copy of charter or amendments shall be delivered to the city
9 clerk, together with twenty-five correct copies thereof. Such said copies
10 shall when filed be open to the inspection of any elector of such said
11 city.

12 Sec. 125. Section 19-503, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-503 Whenever any petition, as ~~above~~ provided in section 19-501,
15 shall be filed with the city clerk and shall contain the required number
16 of ~~bona fide electoral~~ signatures of qualified electors, asking for the
17 submission of additional or alternative articles or sections in the
18 complete form in which such articles or sections are to read as amended,
19 such articles or sections they shall be deemed to be proposed for
20 adoption by the qualified electors of the said city with the same force
21 and effect as if proposed by the charter said convention, and the article
22 or section which receives the majority of all the votes cast for and
23 against such said additional or alternative articles or sections shall be
24 declared adopted, and certified to the Secretary of State, a copy
25 deposited in the archives of the city, and shall become the charter or
26 part thereof, of such said city.

27 Sec. 126. Section 19-601, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-601 (1) Sections 19-601 to 19-648 shall be known and may be
30 cited as the City Manager Plan of Government Act.

31 (2) For purposes of the act, city means ~~The term city as used in~~

1 ~~sections 19-601 to 19-648~~ includes any city having a population of one
2 thousand or more and less than two hundred thousand.

3 Sec. 127. Section 19-602, Revised Statutes Supplement, 2017, is
4 amended to read:

5 19-602 For the purposes of the City Manager Plan of Government Act
6 ~~sections 19-601 to 19-648~~, the population of a city shall be the number
7 of inhabitants as determined by the most recent federal decennial census
8 or the most recent revised certified count by the United States Bureau of
9 the Census.

10 Sec. 128. Section 19-603, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-603 In any city which adopts the city manager plan of government
13 as provided in the City Manager Plan of Government Act, the ~~The~~ charter
14 and all general laws governing such any city shall continue in full force
15 and effect, except that if insofar as any provisions of such charter or
16 laws thereof are inconsistent with the act ~~sections 19-601 to 19-648~~, the
17 same shall be superseded ~~in any city upon the taking effect of sections~~
18 ~~19-601 to 19-648~~ therein.

19 Sec. 129. Section 19-604, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-604 All valid ordinances, resolutions, orders, or other
22 regulations of a city which adopts the city manager plan of government,
23 or any authorized body or official of such city ~~thereof~~, existing at the
24 time the city manager plan becomes ~~sections 19-601 to 19-648~~ become
25 applicable in ~~to~~ the city, and not inconsistent with the City Manager
26 Plan of Government Act ~~their provisions~~, shall continue in full force and
27 effect until amended, repealed, or otherwise superseded.

28 Sec. 130. Section 19-605, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-605 Whenever the electors of any city, equal in number to twenty
31 percent of those who voted at the last regular city election, shall file

1 a petition with the city clerk, asking that the question of organizing
2 the city under the city manager plan of government ~~provided in sections~~
3 ~~19-601 to 19-648~~ be submitted to the electors of such city, the city
4 ~~thereof,~~ said clerk shall within one week certify that fact to the city
5 ~~council of the city,~~ and the city council shall, within thirty days,
6 adopt a resolution to provide for submitting such question at a special
7 election to be held not less than thirty days after the adoption of the
8 resolution except as provided in this section. Any such election shall be
9 conducted in accordance with the Election Act ~~general election laws of~~
10 ~~the state~~ except as otherwise provided in the City Manager Plan of
11 Government Act ~~sections 19-601 to 19-648~~. If such petition is filed not
12 more than one hundred eighty days nor less than seventy days prior to the
13 regular municipal statewide primary or statewide general election, the
14 city council shall adopt a resolution to provide for submitting such
15 question at the next such election.

16 Sec. 131. Section 19-606, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-606 The proposition to adopt or to abandon the city manager plan
19 of government ~~provided in sections 19-601 to 19-648,~~ shall not be
20 submitted to the electors of any city later than sixty days before a
21 regular municipal election. If, in any city, a sufficient petition is
22 filed requiring that the question of adopting the commission plan of ~~city~~
23 government, or the question of choosing a convention to frame a city
24 charter, be submitted to the electors of such city ~~thereof,~~ or if an
25 ordinance providing for the election of ~~such~~ a charter convention is
26 passed by the city council, the proposition to adopt the city manager
27 plan of government ~~provided in sections 19-601 to 19-648~~ shall not be
28 submitted in such ~~that~~ city so long as the question of adopting the
29 commission ~~such~~ plan of government, or of choosing a charter ~~such~~
30 convention, or adopting a charter framed by such convention ~~it,~~ is
31 pending.

1 Sec. 132. Section 19-607, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-607 In submitting the question of adopting the city manager plan
4 of government, ~~provided in sections 19-601 to 19-648~~ the city council
5 shall cause to be printed on the ballots the following question: Shall
6 the city manager plan of government as provided in the City Manager Plan
7 of Government Act ~~(giving the legal designation of sections 19-601 to~~
8 ~~19-648 as published)~~ be adopted? Immediately following such question
9 there shall be printed on the ballots the following propositions in the
10 order here set forth: For the adoption of the city manager plan of
11 government and Against the adoption of the city manager plan of
12 government. Immediately to the left of each proposition shall be placed
13 an oval or a square in which the electors may vote by making a cross (X)
14 or other clear, intelligible mark.

15 Sec. 133. Section 19-608, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-608 If the city manager plan of government ~~provided in sections~~
18 ~~19-601 to 19-648~~ is approved by a majority of the electors voting
19 thereon, such plan ~~it~~ shall go into effect immediately, ~~insofar~~ as it
20 applies to the nomination and election of officers provided for in
21 sections 19-612 to 19-613.01 herein, and in all other respects such plan
22 ~~it~~ shall go into effect on the first Monday following the next regular
23 municipal election. If the proposition to adopt the city manager plan of
24 government ~~provisions of sections 19-601 to 19-648~~ is rejected by the
25 electors, it shall not again be submitted in such ~~that~~ city within two
26 years after the proposition is rejected thereafter.

27 Sec. 134. Section 19-609, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-609 Any city which has ~~shall have~~ operated ~~four years~~ under the
30 city manager plan of government for at least four years ~~provided in~~
31 ~~sections 19-601 to 19-648~~ may abandon such organization and either accept

1 the provisions of the general law applicable to such city, or adopt any
2 other optional plan or organization open to such city thereto. The
3 petition for abandonment shall designate the plan desired, and the
4 following proposition shall be submitted: Shall the city of
5 (.....) abandon the city manager plan of government and adopt the
6 (name of plan) as provided in (giving the legal designation of the law as
7 published)? If a majority of the votes cast thereon be in favor of such
8 proposition, the officers elected at the next regular municipal election
9 shall be those prescribed by the laws designated in the petition, and
10 upon the qualification of such officers the city shall become organized
11 under such said law. Such change shall not affect the property right or
12 ability of any nature of such city, but shall extend merely to its form
13 of government.

14 Sec. 135. Section 19-610, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-610 Nothing in the City Manager Plan of Government Act sections
17 ~~19-601 to 19-648~~ shall be construed to interfere with or prevent any city
18 at any time from framing and adopting a charter for its own government as
19 provided by the state Constitution of Nebraska. In exercising the right
20 to frame its own charter, it shall not be obligatory upon any city to
21 adopt or retain the city manager plan of government ~~any of the provisions~~
22 ~~of sections 19-601 to 19-648.~~

23 Sec. 136. Section 19-611, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-611 The governing body of a the city which has adopted the city
26 manager plan of government shall be the city council, which shall
27 exercise all the powers which have been or may be conferred upon the city
28 by the Constitution of Nebraska and laws of the state, except as ~~herein~~
29 otherwise provided in the City Manager Plan of Government Act.

30 Sec. 137. Section 19-612, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-612 City council members in a city under the city manager plan of
2 government shall be nominated and elected as provided in section 32-538.
3 The terms of office of all such members shall commence on the first
4 regular meeting of such city council ~~board~~ in December following their
5 election.

6 Sec. 138. Section 19-613, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-613 Members of the city council in a city under the city manager
9 plan of government shall be residents and registered voters of the city
10 and shall hold no other employment with the city. Any city council member
11 who ceases to possess any of the qualifications required by this section
12 or who has been convicted of a felony or of any public offense involving
13 the violation of the oath of office of such member while in office shall
14 forthwith forfeit such office.

15 Sec. 139. Section 19-613.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 19-613.01 Any city council member in a city under the city manager
18 plan of government to be elected from a ward, or an appointed successor
19 in the event of a vacancy, shall be a resident and a registered voter of
20 such ward. The city council member shall be nominated and elected in the
21 same manner as provided for at-large candidates, except that only
22 residents and registered voters of the ward may participate in the
23 signing of nomination petitions. All nominating petitions and ballots
24 shall clearly identify the ward from which such person shall be a
25 candidate. The ballots within a ward shall not contain the names of ward
26 candidates from other wards.

27 Sec. 140. Section 19-615, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-615 At the first regular meeting in December following the
30 general election in every even-numbered year, the city council in a city
31 under the city manager plan of government shall meet in the usual place

1 for holding meetings and the newly elected city council members shall
2 assume the duties of their office. Thereafter the city council shall meet
3 at such time and place as it may prescribe by ordinance, but not less
4 frequently than twice each month in cities of the first class. The mayor,
5 any two city council members, or the city manager may call special
6 meetings of the city council upon at least six hours' written notice. The
7 meetings of the city council and sessions of committees of the city
8 council shall be public. A majority of the members shall constitute a
9 quorum, but a majority vote of all the members elected shall be required
10 to pass any measure or elect to any office.

11 Sec. 141. Section 19-616, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-616 The annual compensation of the mayor and city a council
14 members member in cities under the city manager plan of government
15 adopting sections 19-601 to 19-648 shall be payable quarterly in equal
16 installments and shall be fixed by the city council. The salary
17 emoluments of any appointive or elective officer shall not be increased
18 or diminished during the term for which such officer was elected or
19 appointed, except that when there are officers elected or appointed to
20 the city council, or a board or commission having more than one member
21 and the terms of one or more members commence and end at different times,
22 the compensation of all members of such city council, board, or
23 commission may be increased or diminished at the beginning of the full
24 term of any member thereof. No person who has resigned or vacated any
25 office shall be eligible to be elected or appointed to such office the
26 same during the time for which he or she ~~such person~~ was elected or
27 appointed when, during the same time, the salary has ~~emoluments have~~ been
28 increased. For each absence from regular meetings of the city council,
29 unless authorized by a two-thirds vote of all members of the city council
30 ~~thereof~~, there shall be deducted a sum equal to two percent of such
31 annual salary.

1 Sec. 142. Section 19-617, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-617 At the first regular meeting in December following the
4 general election in every even-numbered year, the city council in a city
5 under the city manager plan of government shall elect one of its members
6 as president, who shall be ex officio mayor, and another as vice
7 president, who shall serve in the absence of the president. In the
8 absence of the president and the vice president, the city council may
9 elect a temporary chairperson. The president shall preside over the city
10 council and have a voice and vote in its proceedings but no veto. The
11 president shall be recognized as the official head of the city for all
12 ceremonial purposes, by the courts for the purpose of serving civil
13 process, and by the Governor for military purposes. In addition, the
14 president shall exercise such other powers and perform such duties, not
15 inconsistent with the City Manager Plan of Government Act sections 19-601
16 to 19-648, as are conferred upon the mayor of the city.

17 Sec. 143. Section 19-618, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-618 The city council in a city under the city manager plan of
20 government shall choose a city manager, a city clerk, and, where
21 required, a civil service commission, but no member of the city council
22 shall be chosen as manager or as a member of the civil service
23 commission. Neither the city council nor any of its committees or members
24 shall dictate the appointment of any person to office or employment by
25 the city manager or in any manner seek to prevent him or her from
26 exercising his or her own judgment in the appointment of officers and
27 employees in the administrative service. Except for the purpose of
28 inquiry, the city council and its members shall deal with the
29 administrative service solely through the city manager, and neither the
30 city council nor any member thereof shall give orders to any of the
31 subordinates of the city manager, either publicly or privately. The city

1 council, or a committee thereof, may investigate the affairs of any
2 department or the official acts and conduct of any city officer. The city
3 council ~~It~~ shall have power to administer oaths and compel the attendance
4 of witnesses and the production of books and papers and may punish for
5 contempt any person failing to obey its subpoena or refusing to testify.
6 No person shall be excused from testifying, but his or her testimony
7 shall not be used against him or her in any criminal proceeding other
8 than for perjury.

9 Sec. 144. Section 19-619, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-619 If, at the beginning of the term of office of the first city
12 council elected under the city manager plan of government ~~sections 19-601~~
13 ~~to 19-648~~, the appropriations or distribution of the expenditures of the
14 city government for the current fiscal year have been made, the city
15 council shall have power, by ordinance, to repeal or revise such
16 distribution, or to make additional appropriations within the limit of
17 the total taxes levied for the year.

18 Sec. 145. Section 19-620, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-620 The city council in a city under the city manager plan of
21 government shall have authority, subject to the City Manager Plan of
22 Government Act ~~provisions of sections 19-601 to 19-648~~, to create and
23 discontinue departments, offices, and employments, and by ordinance or
24 resolution to prescribe, limit, or change the compensation of such
25 officers and employees. ~~Nothing in this section ; Provided, however, that~~
26 ~~nothing herein contained~~ shall be so construed as to interfere with or to
27 affect the office or powers of ~~city school or school district officers,~~
28 ~~or of any officer named in the state Constitution of Nebraska.~~

29 Sec. 146. Section 19-645, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-645 The chief executive officer of a the city under the city

1 manager plan of government shall be a city manager, who shall be
2 responsible for the proper administration of all affairs of the city. He
3 or she shall be chosen by the city council for an indefinite period,
4 solely on the basis of administrative qualifications, and need not be a
5 resident of the city or state when appointed. He or she shall hold office
6 at the pleasure of the city council, and receive such salary as the city
7 council ~~it~~ shall fix by ordinance. During the absence or disability of
8 the city manager, the city council shall designate some properly
9 qualified person to perform the duties of the city manager office.

10 Sec. 147. Section 19-646, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-646 The powers and duties of the city manager shall be (1) to see
13 that the laws and ordinances of the city are enforced, (2) to appoint and
14 remove all heads of city departments and all subordinate officers and
15 employees in such ~~the~~ departments in both the classified and unclassified
16 service, which appointments shall be upon merit and fitness alone, and in
17 the classified service all appointments and removals shall be subject to
18 the civil service provisions of the Civil Service Act, (3) to exercise
19 control over all city departments and divisions thereof that may be
20 created by the city council, (4) to attend all meetings of the city
21 council with the right to take part in the discussion but not to vote,
22 (5) to recommend to the city council for adoption such measures as he or
23 she may deem necessary or expedient, (6) to prepare the annual city
24 budget and keep the city council fully advised as to the financial
25 condition and needs of the city, and (7) to perform such other duties as
26 may be required of him or her by the City Manager Plan of Government Act
27 ~~sections 19-601 to 19-648~~ or by ordinance or resolution of the city
28 council.

29 Sec. 148. Section 19-647, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-647 The city manager may investigate at any time the affairs of

1 any city department or the conduct of any officer or employee of the
2 city. The city manager He, or any person or persons appointed by him or
3 her for such ~~the~~ purpose, shall have the same power to compel the
4 attendance of witnesses and the production of books and papers and other
5 evidence, and to punish for contempt, granted to which has herein been
6 conferred upon the city council pursuant to section 19-618.

7 Sec. 149. Section 19-648, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-648 Before taking office the city manager shall file with the
10 city clerk a surety company bond, conditioned upon the honest and
11 faithful performance of his or her duties, in such sum as shall be fixed
12 by the city council. The premium of such ~~this~~ bond shall be paid by the
13 city.

14 Sec. 150. Section 19-662, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-662 Whenever electors of any city under the city manager plan of
17 government, equal in number to thirty percent of those who voted at the
18 last regular city election, shall file a petition with the city clerk,
19 asking that the question of abandoning the city manager plan of
20 government ~~provided by the provisions of Chapter 19, article 6,~~ be
21 submitted to the electors thereof, the city ~~such~~ clerk shall within one
22 week certify that fact to the city ~~council of the city~~, and the city
23 council shall, within thirty days, adopt a resolution to provide for
24 submitting such question at the next regular municipal election after
25 adoption of the resolution. When such a petition is filed with the city
26 clerk within a seventy-day period prior to a regular municipal election,
27 the resolution adopted by the city council shall provide for the
28 submission of such question at the second regular municipal election
29 thereafter as provided by law.

30 Sec. 151. Section 19-701, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-701 Whenever the qualified electors of any city of the primary
2 class, city of the first class, city of the second class, or village
3 shall vote at any general or special election to acquire and appropriate,
4 by an exercise of the power of eminent domain, any waterworks, waterworks
5 system, electric light plant, electric light and power plant, heating
6 plant, street railway, or street railway system, located or operating
7 within or partly within and partly without such city or village, together
8 with real and personal property needed or useful in connection therewith,
9 if the main part of such works, plant, or system be within ~~any~~ such city
10 or village and even though a franchise for the construction and operating
11 of any such works, plant, or system may or may not have expired, then ~~any~~
12 such city or village shall possess and have the power and authority, by
13 an exercise of the power of eminent domain to appropriate and acquire,
14 for the public use of ~~any~~ such city or village, any such works, plant,
15 railway, pipelines, or system. If any public utility properties supplying
16 different kinds of service to such a city or village are operated as one
17 unit and under one management, the right to acquire and appropriate, as
18 provided in sections 19-701 to 19-707, shall cover and extend to the
19 entire property and not to any divided or segregated part thereof, and
20 the duly constituted authorities of ~~any~~ such city or village shall have
21 the power to submit such question or proposition, in the usual manner, to
22 the qualified electors of any such city or village at any general city or
23 village election or at any special city or village election and may
24 submit the proposition in connection with any city or village special
25 election called for any other purpose, and the votes cast thereon shall
26 be canvassed and the result found and declared as in any other city or
27 village election. Such city or village authorities shall submit such
28 question at any such election whenever a petition asking for such
29 submission, signed by the legal voters of such a city or village equaling
30 in number fifteen percent of the votes cast at the last general city or
31 village election, and filed in the city clerk's or village clerk's office

1 at least sixty days before the election at which the submission is
2 presented asked, but if the question of acquiring any particular plant or
3 system has been submitted once, the same question shall not again be
4 submitted to the voters of such a city or village until two years shall
5 have elapsed from and after the date of the findings by the board of
6 appraisers regarding the value of the property and the city's or
7 village's rejection of such question ~~the same~~.

8 Sec. 152. Section 19-702, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-702 If the election at which the question is submitted pursuant
11 to section 19-701 is a special election and sixty percent of the votes
12 cast upon such proposition are in favor thereof, or if the election at
13 which the question is submitted is a general election and a majority of
14 the votes cast upon such proposition are in favor thereof, then the city
15 council or village board of trustees or officer possessing the power and
16 duty to ascertain and declare the result of such election shall certify
17 such result immediately to the Supreme Court ~~of the state~~. The Supreme
18 Court shall within thirty days after the receipt of such certificate,
19 appoint three district judges from three of the judicial districts of the
20 state, and such said ~~three~~ judges shall constitute a court of
21 condemnation for the ascertainment and finding of the value of any such
22 plant, works, or system, and the ~~said~~ Supreme Court shall enter an order
23 requiring such judges to attend as a court of condemnation at the county
24 seat in which such city or village is located within such time as may be
25 stated in such order. The said ~~said~~ district judges shall ~~so~~ attend as
26 ordered, and such court of condemnation ~~at such time it meets~~ shall
27 organize and proceed with its duties. The court of condemnation ~~It~~ may
28 adjourn from time to time, and it shall fix a time for the appearance
29 before it of all such corporations or persons as the court may deem
30 necessary to be made parties to such condemnation proceedings or which
31 the city, the village, or the corporation or persons owning any such

1 plant, system, or works may desire to have made a party to such
2 proceedings. If such time of appearance shall occur after any proceedings
3 have begun, they shall be reviewed by the court, as it may direct, to
4 give all parties full opportunity to be heard. All corporations or
5 persons, including all mortgagees, bondholders, trustees for bondholders,
6 and leaseholders, or any other party or person claiming any interest in
7 or lien upon any such works, plant, or system may be made parties to such
8 condemnation proceedings, and shall be served with notice of such
9 proceedings and the time and place of the meeting of the court of
10 condemnation in the same manner and for such length of time as the
11 service of a summons in cases begun in the district court of the state,
12 either by personal service or service by publication, and actual personal
13 service of notice within or without the state shall supersede the
14 necessity of notice by publication.

15 Sec. 153. Section 19-703, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-703 ~~Any such~~ court of condemnation appointed pursuant to section
18 19-702 shall have full power to summon and swear witnesses, take
19 evidence, order the taking of depositions, and require the production of
20 any and all books and papers deemed necessary for a full investigation
21 and ascertainment of the value of any ~~such~~ works, plant, or system to be
22 acquired pursuant to section 19-701. ~~When any ; Provided, that when~~ part
23 of the public utilities appropriated under sections 19-701 to 19-707
24 extends beyond the territory within which the city or village exercising
25 the right of eminent domain has a right to operate such utilities ~~the~~
26 ~~same~~, the court of condemnation, in determining the damages caused by the
27 appropriation thereof, shall take into consideration the fact that such
28 portion of the utility beyond such territory is being detached and not
29 appropriated by the city or village, and the court of condemnation shall
30 award damages by reason of such detachment and the destruction in value
31 and usefulness of the detached and unappropriated property as it will

1 remain and be left after the detachment and appropriation. Such court of
2 condemnation may appoint a reporter of its proceedings who shall report
3 and preserve all evidence introduced before it. Such court of
4 condemnation shall have all the powers and perform all the duties of
5 commissioners in the condemnation and ascertainment of the value and in
6 making of an award of all property of any such works, plant, or system.
7 The clerk of the district court, in the county where such city or village
8 is located, shall attend upon such ~~said~~ court of condemnation and perform
9 such duties, as the clerk thereof, as such condemnation court may direct.
10 The sheriff of any such county, or any of his or her deputies shall
11 attend upon such ~~said~~ court of condemnation and shall have power to serve
12 summons, subpoenas, and all other orders or papers ordered to be served
13 by such court of condemnation~~court~~. In case of vacancy in such ~~said~~
14 court of condemnation, such vacancy shall be filled by the Supreme Court
15 if the vacancy occurs while the court is in session, and if it occurs
16 while the court is not in session, then by the Chief Justice of the
17 Supreme Court ~~said court~~.

18 Sec. 154. Section 19-704, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-704 Upon the determination and filing of a finding of the value
21 of any ~~such~~ plant, works, or system by a ~~the~~ ~~said~~ court of condemnation
22 pursuant to section 19-702, the ~~such~~ city or village shall then have the
23 right and power by ordinance duly passed by the city council or village
24 board of trustees ~~its duly constituted authorities~~, to elect to abandon
25 such condemnation proceedings. If such city or village ~~it~~ does not elect
26 to abandon such proceedings within ninety days after the finding and
27 filing of value, then the person or corporation owning any such plant,
28 works, or system may appeal from the finding of value and award by the
29 ~~said~~ court of condemnation to the district court by filing within twenty
30 days from the expiration of such ~~the~~ ~~said~~ time given the city or village
31 to exercise its rights of abandonment, with the city clerk of ~~any~~ such

1 city or the village clerk of ~~any~~ such village, a bond, to be approved by
2 such clerk ~~him~~, conditioned for the payment of all costs which may be
3 made on any such appeal, and by filing in the ~~said~~ district court, within
4 ninety days after such bond is filed, a transcript of the proceedings
5 before such condemnation court including the evidence taken before it
6 certified by the clerk, reporter, and judges of such court. The appeal in
7 the district court shall be tried and determined upon the pleadings,
8 proceedings, and evidence embraced in such transcript. If ~~;~~ ~~Provided,~~
9 ~~that~~ ~~if~~ such appeal is taken the city or village, upon tendering the
10 amount of the value and award made by such condemnation court, to the
11 party owning any such plant, works, or system, shall, notwithstanding
12 such appeal, have the right and power to take immediate possession of ~~any~~
13 such plant, works, or system, and the city or village authorities,
14 without vote of the people, shall have the power, if necessary, to issue
15 and sell bonds of the city or village to provide funds to make such
16 tender.

17 Sec. 155. Section 19-705, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-705 Upon the hearing of an ~~such~~ appeal in the district court
20 pursuant to section 19-704, judgment shall be pronounced, as in ordinary
21 cases, for the value of ~~any~~ such works, plant, or system. The city,
22 village, party, or corporation owning ~~any~~ such plant, works, or system
23 may appeal to the Court of Appeals. Upon a final judgment being
24 pronounced as to the value of ~~any~~ such plant, works, or system, the city
25 council of ~~duly constituted authorities of any~~ such city or village board
26 of trustees of such village shall issue and sell bonds of the ~~any~~ ~~such~~
27 city or village to pay the amount of such value and judgment without a
28 vote of the people.

29 Sec. 156. Section 19-706, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-706 The district judges constituting the ~~aforesaid~~ court of

1 condemnation appointed pursuant to section 19-702 shall each receive from
2 and be paid by such city or village fifteen dollars per day for their
3 services and their necessary traveling expenses, hotel bills, and all
4 other necessary expenses incurred while in attendance upon the sittings
5 of such court of condemnation, with reimbursement for expenses to be made
6 as provided in sections 81-1174 to 81-1177 ~~for state employees~~, and the
7 city or village shall pay the reporter that may be appointed by such said
8 court such an amount as such said court of condemnation shall allow him
9 or her. The county sheriff shall serve all ~~such~~ summons, subpoenas, or
10 other orders or papers ordered issued or served by such ~~condemnation~~
11 court of condemnation at the same rate and compensation for which he or
12 she serves like papers issued by the district court, but shall account
13 for all such compensation to the county as is required by him or her
14 under the law governing his or her duties as county sheriff ~~of the~~
15 ~~county~~. The court of condemnation shall have power to apportion the cost
16 made before it, between the city or village and the corporation or party
17 owning any such plant, works, or system, and the city or village shall
18 provide for and pay all such costs or portion of costs as the ~~said~~ court
19 shall order, and shall also make provisions for the necessary funds and
20 expenses to carry on the proceedings of such condemnation court, from
21 time to time while such proceedings are in progress, but in the event the
22 city or village elects to abandon the condemnation proceedings pursuant
23 to section 19-704, as aforesaid, then the city or village shall pay all
24 the costs made before such condemnation court. If ; Provided, if services
25 of expert witnesses are secured then their fees or compensation to be
26 taxed and paid as costs shall be only such amount as the ~~said~~
27 condemnation court shall fix, notwithstanding any contract between such
28 experts and the party producing them to pay them more, but a contract to
29 pay them more than the court shall allow as costs may be enforced between
30 any such experts and the litigant or party employing them. The costs made
31 by any such appeal or appeals shall be adjudged against the party

1 defeated in such appeal in the same degree and manner as is done under
2 the general court practice relating to appellate proceedings.

3 Sec. 157. Section 19-707, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-707 The powers ~~herein~~ vested in cities and villages under
6 sections 19-701 to 19-707 ~~the city or village~~ shall be conferred upon
7 cities of the primary class, cities of the first class, cities of the
8 second class, and ~~, first or second classes or~~ villages, whether or not
9 such city or village is operating under a home rule charter adopted
10 pursuant to Article XI, Constitution of Nebraska.

11 Sec. 158. Section 19-708, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-708 Whenever the local distribution system of any public utility,
14 has been acquired by any city or village under the provisions of Chapter
15 19, article 7, the condemnee, if it is also the owner of any transmission
16 system, whether by wire, pipeline, or otherwise, from any other point to
17 such city or village shall, at the option of such city or village, be
18 required to render wholesale service to such city or village whether
19 otherwise acting as wholesaler or not. ~~If ; Provided, that if~~ the
20 condemnee is a public power district subject to the provisions of section
21 70-626.01, the obligations of the public power district to the condemner
22 under this section shall be no greater than to other cities and villages
23 under ~~said~~ section 70-626.01.

24 Sec. 159. Section 19-709, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-709 The mayor and city council of any city of the first class or
27 city of the second class or the chairperson and members of the village
28 board of trustees of any village shall have power to purchase or
29 appropriate private property or school lands for the use of the city or
30 village for streets, alleys, avenues, parks, parkways, boulevards,
31 sanitary sewers, storm water sewers, public squares, public auditoriums,

1 public fire stations, training facilities for firefighters, market
2 places, public heating plants, power plants, gas works, electric light
3 plants, wells, or waterworks, including mains, pipelines, and settling
4 basins therefor, and to acquire outlets and the use of streams for sewage
5 disposal. When necessary for the proper construction of any of the works
6 described in this section ~~above provided~~, the right of appropriation
7 shall extend such distance as may be necessary from the corporate limits
8 of the city or village, except that no city of the first class, city of
9 the ~~or~~ second class, or village may acquire through the exercise of the
10 power of eminent domain or otherwise any real estate within the zoning
11 jurisdiction of any other city of the first class, city of the ~~or~~ second
12 class, or village for any of the works enumerated in this section if the
13 use for which the real estate is to be acquired would be contrary to or
14 would not be a use permitted by the existing zoning ordinances and
15 regulations of such other city or village, but such real estate may be
16 acquired within the zoning jurisdiction of another city of the first
17 class, city of the ~~or~~ second class, or village for such contrary or
18 nonpermitted use if the governing body of such other city or village
19 shall approve such acquisition and use. Such power shall also include the
20 right to appropriate for any of the ~~above~~ purposes described in this
21 section any plant or works already constructed, or any part thereof,
22 whether such plant or works lie the same ~~lies~~ wholly within the city or
23 village or part within and part without the city or village or beyond the
24 corporate limits of such city or village, including all real estate,
25 buildings, machinery, pipes, mains, hydrants, basins, and reservoirs, and
26 all appurtenances reasonably necessary thereto and a part thereof, or
27 connected with such works or plants, and all franchises to own and
28 operate the same, if any. The procedure to condemn property shall be
29 exercised in the manner set forth in sections 76-704 to 76-724, except as
30 to property specifically excluded by section 76-703 and as to which
31 sections 19-701 to 19-707 or the Municipal Natural Gas System

1 Condemnation Act is applicable.

2 Sec. 160. Section 19-710, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-710 In cases of appeal from an action of the city council
5 condemning real property as a nuisance or as dangerous under the police
6 powers of the city, the owners of ~~the~~ adjoining property may intervene in
7 the action at any time before trial.

8 Sec. 161. Section 19-901, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-901 (1) For the purpose of promoting health, safety, morals, or
11 the general welfare of the community, the city council of a city
12 ~~legislative bodies in cities~~ of the first class or city of the and second
13 class or the village board of trustees of a village and ~~in villages~~ may
14 adopt zoning regulations which regulate and restrict the height, number
15 of stories, and size of buildings and other structures, the percentage of
16 lots ~~lot~~ that may be occupied, the size of yards, courts, and other open
17 spaces, the density of population, and the location and use of buildings,
18 structures, and land for trade, industry, residence, or other purposes.

19 (2) Such powers shall be exercised only after the city council or
20 village board of trustees ~~municipal legislative body~~ has established a
21 planning commission, received from its planning commission a recommended
22 comprehensive development plan as defined in section 19-903, adopted such
23 comprehensive development plan, and received the specific recommendation
24 of the planning commission on the adoption or amendment of zoning
25 regulations. The planning commission shall make a preliminary report and
26 hold public hearings on its recommendations regarding the adoption or
27 repeal of the comprehensive development plan and zoning regulations and
28 shall hold public hearings thereon before submitting its final report to
29 the city council or village board of trustees ~~legislative body~~.
30 Amendments to the comprehensive plan or zoning regulations shall be
31 considered at public hearings before submitting recommendations to the

1 ~~city council or village board of trustees legislative body.~~

2 (3) A comprehensive development plan as defined in section 19-903
3 which has been adopted and not rescinded by a city council or village
4 board of trustees ~~such legislative body~~ prior to May 17, 1967, shall be
5 deemed to have been recommended and adopted in compliance with the
6 procedural requirements of this section when, prior to the adoption of
7 the plan by the city council or village board of trustees ~~legislative~~
8 ~~body~~, a recommendation thereon had been made to the city council or
9 village board of trustees ~~legislative body~~ by a zoning commission in
10 compliance with the provisions of section 19-906, or by a planning
11 commission appointed under the provisions of Chapter 19, article 9,
12 regardless of whether the planning commission had been appointed as a
13 zoning commission.

14 (4) The requirement that a planning commission be appointed and a
15 comprehensive development plan be adopted shall not apply to cities of
16 the first class, cities of the ~~and~~ second class, and villages which have
17 legally adopted a zoning ordinance prior to May 17, 1967, and which have
18 not amended the zoning ordinance or zoning map since May 17, 1967. Such
19 city or village shall appoint a planning commission and adopt the
20 comprehensive plan prior to amending the zoning ordinance or zoning map.

21 Sec. 162. Section 19-902, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-902 (1) For any or all of the purposes designated in section
24 19-901, the city council or village board of trustees may divide the
25 municipality into districts of such number, shape, and area as may be
26 deemed best suited to carry out the purposes of sections 19-901 to 19-914
27 and may regulate and restrict the erection, construction, reconstruction,
28 alteration, repair, or use of buildings, structures, or land within such
29 ~~the~~ districts. All such regulations shall be uniform for each class or
30 kind of buildings throughout each district, but the regulations
31 applicable to one district may differ from those applicable to other

1 districts. If a regulation affects the Niobrara scenic river corridor as
2 defined in section 72-2006 and is not incorporated within the boundaries
3 of the municipality, the Niobrara Council shall act on the regulation as
4 provided in section 72-2010.

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

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

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

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

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

29 (v) The home shall have a nonreflective roof material which is or
30 simulates asphalt or wood shingles, tile, or rock; and

31 (vi) The home shall have wheels, axles, transporting lights, and

1 removable towing apparatus removed.

2 (b) The city council or village board of trustees may not require
3 additional standards unless such standards are uniformly applied to all
4 single-family dwellings in the zoning district.

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

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

18 (4) Subdivision regulations and building, plumbing, electrical,
19 housing, fire, or health codes or similar regulations and the adoption
20 thereof shall not be subject to sections 19-901 to 19-915.

21 Sec. 163. Section 19-903, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-903 The regulations and restrictions authorized by sections
24 19-901 to 19-915 shall be in accordance with a comprehensive development
25 plan which shall consist of both graphic and textual material and shall
26 be designed to accommodate anticipated long-range future growth which
27 shall be based upon documented population and economic projections. The
28 comprehensive development plan shall, among other possible elements,
29 include:

30 (1) A land-use element which designates the proposed general
31 distributions, general location, and extent of the uses of land for

1 agriculture, housing, commerce, industry, recreation, education, public
2 buildings and lands, and other categories of public and private use of
3 land;

4 (2) The general location, character, and extent of existing and
5 proposed major roads, streets, and highways, and air and other
6 transportation routes and facilities;

7 (3) The general location, type, capacity, and area served of present
8 and projected or needed community facilities including recreation
9 facilities, schools, libraries, other public buildings, and public
10 utilities and services;

11 (4) When a new comprehensive plan or a full update to an existing
12 comprehensive plan is developed on or after July 15, 2010, but not later
13 than January 1, 2015, an energy element which: Assesses energy
14 infrastructure and energy use by sector, including residential,
15 commercial, and industrial sectors; evaluates utilization of renewable
16 energy sources; and promotes energy conservation measures that benefit
17 the community. This subdivision shall not apply to villages;~~and~~

18 (5) When a new comprehensive plan or a full update to an existing
19 comprehensive plan is developed on or after the effective date of this
20 act, but not later than January 1, 2022, such plan or update shall
21 include, but not be limited to, an early childhood element which
22 evaluates the supply of quality licensed early childhood education
23 programs for children under six years of age, evaluates the availability
24 and utilization of licensed child care capacity and quality for children
25 under age six years of age, and promotes early childhood health and
26 education measures that benefit the community. To meet the requirements
27 of this subdivision, the city may (a) acquire publicly available data and
28 information from the State Department of Education, the Department of
29 Health and Human Services, the United States Bureau of the Census, other
30 federal, state, or local agencies, or any other organization, (b) use a
31 definition of quality found in existing programs, including, but not

1 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
2 Learning Fund, the federal Head Start program or Early Head Start
3 program, or other early childhood education programs at a school
4 district, and (c) determine whether an early childhood education program
5 is accredited by a national association recognized by the Department of
6 Health and Human Services. This subdivision shall not apply to villages;
7 and

8 (6)(a) ~~(5)(a)~~ When next amended after January 1, 1995, an
9 identification of sanitary and improvement districts, subdivisions,
10 industrial tracts, commercial tracts, and other discrete developed areas
11 which are or in the future may be appropriate subjects for annexation and
12 (b) a general review of the standards and qualifications that should be
13 met to enable the municipality to undertake annexation of such areas.
14 Failure of the plan to identify subjects for annexation or to set out
15 standards or qualifications for annexation shall not serve as the basis
16 for any challenge to the validity of an annexation ordinance.

17 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
18 designed to lessen congestion in the streets; to secure safety from fire,
19 panic, and other dangers; to promote health and the general welfare; to
20 provide adequate light and air; to prevent the overcrowding of land; to
21 secure safety from flood; to avoid undue concentration of population; to
22 facilitate the adequate provision of transportation, water, sewerage,
23 schools, parks, and other public requirements; to protect property
24 against blight and depreciation; to protect the tax base; to secure
25 economy in governmental expenditures; and to preserve, protect, and
26 enhance historic buildings, places, and districts.

27 Such regulations shall be made with reasonable consideration, among
28 other things, for the character of the district and its peculiar
29 suitability for particular uses and with a view to conserving the value
30 of buildings and encouraging the most appropriate use of land throughout
31 such municipality.

1 Sec. 164. Section 19-904, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-904 The city council or village board of trustees ~~legislative~~
4 ~~body~~ of a such municipality which adopts zoning regulations and
5 restrictions pursuant to sections 19-901 to 19-915 shall provide for the
6 manner in which such regulations and restrictions, and the boundaries of
7 ~~such~~ districts established pursuant to section 19-902, shall be
8 determined, established, and enforced, and from time to time amended,
9 supplemented, or changed. The city council or village board of trustees
10 ~~legislative body~~ shall receive the advice of the planning commission
11 before taking definite action on any contemplated amendment, supplement,
12 change, modification, or repeal. No such regulation, restriction, or
13 boundary shall become effective until after separate public hearings are
14 held by both the planning commission and the city council or village
15 board of trustees ~~legislative body~~ in relation thereto, at which parties
16 in interest and citizens shall have an opportunity to be heard. Notice of
17 the time and place of such hearing shall be given by publication thereof
18 in a legal newspaper in or ~~paper~~ of general circulation in such
19 municipality at least one time ten days prior to such hearing.

20 Sec. 165. Section 19-904.01, Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 19-904.01 The use of a building, structure, or land, existing and
23 lawful at the time of the adoption of a zoning regulation, or at the time
24 of an amendment of a regulation, may, except as provided in this section,
25 be continued, although such use does not conform with provisions of such
26 regulation or amendment. Such ~~;~~ ~~and~~ ~~such~~ use may be extended throughout
27 the same building if no structural alteration of such building is
28 proposed or made for the purpose of such extension. If such nonconforming
29 use is in fact discontinued for a period of twelve months, such right to
30 the nonconforming use shall be forfeited and any future use of the
31 building and premises shall conform to the regulation. The city council

1 or village board of trustees ~~municipal legislative body~~ may provide in
2 any zoning regulation for the restoration, reconstruction, extension, or
3 substitution of nonconforming uses upon such terms and conditions as may
4 be set forth in the zoning regulations. The city council or village board
5 of trustees ~~municipal legislative body~~ may, in any zoning regulation,
6 provide for the termination of nonconforming uses, either by specifying
7 the period or periods in which nonconforming uses shall be required to
8 cease, or by providing a formula whereby the compulsory termination of a
9 nonconforming use may be so fixed as to allow for the recovery of
10 amortization of the investment in the nonconformance, except that in the
11 case of a legally erected outdoor advertising sign, display, or device,
12 no amortization schedule shall be used.

13 Sec. 166. Section 19-905, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-905 Regulations, restrictions, and boundaries authorized to be
16 created pursuant to sections 19-901 to 19-915 may from time to time be
17 amended, supplemented, changed, modified, or repealed. In case of a
18 protest against such change, signed by the owners of twenty percent or
19 more either of the area of the lots included in such proposed change, or
20 of those immediately adjacent on the sides and in the rear thereof
21 extending three hundred feet therefrom, and of those directly opposite
22 thereto extending three hundred feet from the street frontage of such
23 opposite lots, and such change is not in accordance with the
24 comprehensive development plan, such amendment shall not become effective
25 except by the favorable vote of three-fourths of all the members of the
26 city council or village board of trustees ~~legislative body~~ of such
27 municipality. The provisions of section 19-904 relative to public
28 hearings and official notice shall apply equally to all changes or
29 amendments. In addition to the publication of the notice as provided in
30 section 19-904 ~~therein prescribed~~, a notice shall be posted in a
31 conspicuous place on or near the property on which action is pending.

1 Such notice shall not be less than eighteen inches in height and twenty-
2 four inches in width with a white or yellow background and black letters
3 not less than one and one-half inches in height. Such posted notice shall
4 be so placed upon such premises that it is easily visible from the street
5 nearest the same and shall be so posted at least ten days prior to the
6 date of such hearing. It shall be unlawful for anyone to remove,
7 mutilate, destroy, or change such posted notice prior to such hearing.
8 Any person so doing shall be deemed guilty of a misdemeanor. If the
9 record title owners of any lots included in such proposed change be
10 nonresidents of the municipality, then a written notice of such hearing
11 shall be mailed by certified mail to them addressed to their last-known
12 addresses at least ten days prior to such hearing. At the option of the
13 city council or village board of trustees ~~legislative body~~ of the
14 municipality, in place of the posted notice provided in this section
15 ~~above~~, the owners or occupants of the real estate to be zoned or rezoned
16 and all real estate located within three hundred feet of the real estate
17 to be zoned or rezoned may be personally served with a written notice
18 thereof at least ten days prior to the date of the hearing, if they can
19 be served with such notice within the county where such real estate is
20 located. Where such notice cannot be served personally upon such owners
21 or occupants in the county where such real estate is located, a written
22 notice of such hearing shall be mailed to such owners or occupants
23 addressed to their last-known addresses at least ten days prior to such
24 hearing. The provisions of this section in reference to notice shall not
25 apply (1) in the event of a proposed change in such regulations,
26 restrictions, or boundaries throughout the entire area of an existing
27 zoning district or of such municipality, or (2) in the event additional
28 or different types of zoning districts are proposed, whether or not such
29 additional or different districts are made applicable to areas, or parts
30 of areas, already within a zoning district of the municipality, but only
31 the requirements of section 19-904 shall be applicable.

1 Sec. 167. Section 19-907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-907 Except as provided in section 19-912.01, the city council or
4 village board of trustees of a municipality which has adopted zoning
5 regulations pursuant to sections 19-901 to 19-915 ~~local legislative body~~
6 shall provide for the appointment of a board of adjustment. Any actions
7 taken by the board of adjustment shall not exceed the powers granted by
8 section 19-910.

9 Sec. 168. Section 19-908, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-908 The board of adjustment appointed pursuant to section 19-907
12 shall consist of five regular members, plus one additional member
13 designated as an alternate who shall attend and serve only when one of
14 the regular members is unable to attend for any reason, each to be
15 appointed for a term of three years and removable for cause by the
16 appointing authority upon written charges and after public hearings.
17 Vacancies shall be filled for the unexpired term of any member whose term
18 becomes vacant. One member only of the board of adjustment shall be
19 appointed from the membership of the planning commission, and the loss of
20 membership on the planning commission by such member shall also result in
21 his or her immediate loss of membership on the board of adjustment and
22 the appointment of another planning commissioner to the board of
23 adjustment. After September 9, 1995, the first vacancy occurring on the
24 board of adjustment shall be filled by the appointment of a person who
25 resides in the extraterritorial zoning jurisdiction of the city or
26 village at such time as more than two hundred persons reside within such
27 area. Thereafter, at all times, at least one member of the board of
28 adjustment shall reside outside of the corporate boundaries of the city
29 or village but within its extraterritorial zoning jurisdiction. The board
30 of adjustment shall adopt rules in accordance with the provisions of any
31 ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the

1 board of adjustment shall be held at the call of the chairperson and at
2 such other times as the board may determine. Such chairperson, or in his
3 or her absence the acting chairperson, may administer oaths and compel
4 the attendance of witnesses. All meetings of the board of adjustment
5 shall be open to the public. The board of adjustment shall keep minutes
6 of its proceedings, showing the vote of each member upon each question,
7 or, if absent or failing to vote, indicating such fact, and shall keep
8 records of its examinations and other official actions, all of which
9 shall be immediately filed in the office of the board and shall be a
10 public record.

11 Sec. 169. Section 19-909, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-909 Appeals to the board of adjustment may be taken by any person
14 aggrieved or by any officer, department, board, or bureau of the
15 municipality affected by any decision of the administrative officer. Such
16 appeal shall be taken within a reasonable time, as provided by the rules
17 of the board of adjustment, by filing with the officer from whom the
18 appeal is taken and with the board of adjustment a notice of appeal
19 specifying the grounds for such appeal thereof. The officer from whom the
20 appeal is taken shall forthwith transmit to the board of adjustment all
21 the papers constituting the record upon which the action appealed from
22 was taken. An appeal stays all proceedings in furtherance of the action
23 appealed from, unless the officer from whom the appeal is taken certifies
24 to the board of adjustment, after the notice of appeal shall have been
25 filed with him or her, that by reason of facts stated in the certificate
26 a stay would, in his or her opinion, cause imminent peril to life or
27 property. In such case proceedings shall not be stayed otherwise than by
28 a restraining order which may be granted by the board of adjustment or by
29 a court of record on application on notice to the officer from whom the
30 appeal is taken and on due cause shown. The board of adjustment shall fix
31 a reasonable time for the hearing of the appeal, give public notice

1 thereof, as well as due notice to the parties in interest, and decide the
2 same within a reasonable time. Upon the hearing any party may appear in
3 person or by agent or by attorney.

4 Sec. 170. Section 19-910, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-910 (1) The board of adjustment appointed pursuant to section
7 19-907 shall, subject to such appropriate conditions and safeguards as
8 may be established by the city council or village board of trustees
9 ~~legislative body~~, have only the following powers: (a) To hear and decide
10 appeals when it is alleged there is error in any order, requirement,
11 decision, or determination made by an administrative official or agency
12 based on or made in the enforcement of any zoning regulation or any
13 regulation relating to the location or soundness of structures, except
14 that the authority to hear and decide appeals shall not apply to
15 decisions made under subsection (3) of section 19-929; (b) to hear and
16 decide, in accordance with the provisions of any zoning regulation,
17 requests for interpretation of any map; and (c) when by reason of
18 exceptional narrowness, shallowness, or shape of a specific piece of
19 property at the time of the enactment of the zoning regulations, or by
20 reason of exceptional topographic conditions or other extraordinary and
21 exceptional situation or condition of such piece of property, the strict
22 application of any enacted regulation under this section and sections
23 19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and
24 exceptional practical difficulties to or exceptional and undue hardships
25 upon the owner of such property, to authorize, upon an appeal relating to
26 the property, a variance from such strict application so as to relieve
27 such difficulties or hardship, if such relief may be granted without
28 substantial detriment to the public good and without substantially
29 impairing the intent and purpose of any zoning regulation ordinance or
30 ~~resolution~~.

31 (2) No such variance shall be authorized by the board of adjustment

1 unless it finds that: (a) The strict application of the zoning regulation
2 would produce undue hardship; (b) such hardship is not shared generally
3 by other properties in the same zoning district and the same vicinity;
4 (c) the authorization of such variance will not be of substantial
5 detriment to adjacent property and the character of the district will not
6 be changed by the granting of the variance; and (d) the granting of such
7 variance is based upon reason of demonstrable and exceptional hardship as
8 distinguished from variations for purposes of convenience, profit, or
9 caprice. No variance shall be authorized unless the board of adjustment
10 finds that the condition or situation of the property concerned or the
11 intended use of the property is not of so general or recurring a nature
12 as to make reasonably practicable the formulation of a general regulation
13 to be adopted as an amendment to the zoning regulations.

14 (3) In exercising the powers granted in this section, the board of
15 adjustment may, in conformity with sections 19-901 to 19-915, reverse or
16 affirm, wholly or partly, or may modify the order, requirement, decision,
17 or determination appealed from, and may make such order, requirement,
18 decision, or determination as ought to be made, and to that end shall
19 have all the powers of the officer from whom the appeal is taken. The
20 concurring vote of four members of the board of adjustment shall be
21 necessary to reverse any order, requirement, decision, or determination
22 of any such administrative official, or to decide in favor of the
23 applicant on any matter upon which it is required to pass under any such
24 regulation or to effect any variation in such regulation.

25 Sec. 171. Section 19-911, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-911 Notwithstanding the provisions of sections 19-907 and 19-908,
28 the village board of trustees ~~legislative body of a village~~ may, except
29 as set forth in section 19-912.01, provide by ordinance that it shall
30 constitute a board of adjustment, and in the regulations and restrictions
31 adopted pursuant to the authority of sections 19-901 to 19-905 may

1 provide that as such board of adjustment it may exercise only the powers
2 granted to boards of adjustment by section 19-910. As such board of
3 adjustment, the village board of trustees ~~it~~ shall adopt rules and
4 procedures that are in harmony with sections 19-907 to 19-910, and shall
5 have the powers and duties therein provided for the board of adjustment,
6 and other parties shall have all the rights and privileges therein
7 provided for. The concurring vote of two-thirds of the members of the
8 village board of trustees ~~legislative body~~ acting as a board of
9 adjustment shall decide any question upon which it is required to pass as
10 such board of adjustment.

11 Sec. 172. Section 19-912, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-912 Any person or persons, jointly or severally, aggrieved by any
14 decision of the board of adjustment, or any taxpayer, or any officer,
15 department, board, or bureau of the municipality, may present to the
16 district court a petition duly verified, setting forth that such decision
17 is illegal, in whole or in part, and specifying the grounds of such
18 illegality. Such petition must be presented to the court within fifteen
19 days after the filing of the decision in the office of the board of
20 adjustment. Upon the filing of such petition a summons shall be issued
21 and be served upon the board of adjustment, together with a copy of the
22 petition. Return of service shall be made within four days after the
23 issuance of the summons. Within ten days after the return day of such
24 summons, the board of adjustment shall file an answer to such said
25 petition which shall admit or deny the substantial allegations ~~averments~~
26 of the petition, and shall state the contentions of the board of
27 adjustment with reference to the matters in dispute as disclosed by the
28 petition. The answer shall be verified in like manner as required for the
29 petition. At the expiration of the time for filing answer, the court
30 shall proceed to hear and determine the cause without delay and shall
31 render judgment thereon according to the forms of law. If, upon the

1 hearing, it shall appear to the court that testimony is necessary for the
2 proper disposition of the matter, the court ~~it~~ may take evidence or
3 appoint a referee to take such evidence as it may direct and report the
4 same to the court with his or her findings of fact and conclusions of
5 law, which shall constitute a part of the proceedings upon which the
6 determination of the court shall be made. The court may reverse or
7 affirm, wholly or partly, or may modify the decision brought up for
8 review. Such ~~Said~~ appeal to the district court shall not stay proceedings
9 upon the decision appealed from, but the court may, on application, on
10 notice to the board of adjustment and on due cause shown, grant a
11 restraining order. Any appeal from such judgment of the district court
12 shall be prosecuted in accordance with the general laws of the state
13 regulating appeals in actions at law.

14 Sec. 173. Section 19-912.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 19-912.01 The zoning board of adjustment of a county that has
17 adopted a comprehensive development plan, as defined by section
18 23-114.02, and is enforcing zoning regulations based upon such a plan,
19 shall, upon request of the governing body of a ~~village or second class~~
20 city of the second class or village, serve as the zoning board of
21 adjustment for such ~~village or~~ city of the second class or village in
22 that county. A city of the first class may request that the county zoning
23 board of adjustment of the county in which it is located serve as that
24 city's zoning board of adjustment, and such county government shall
25 comply with that request within ninety days. A municipality located in
26 more than one county shall be served by request or otherwise only by the
27 county zoning board of adjustment of the county in which the greatest
28 area of the municipality is located, and the jurisdiction of such county
29 zoning board of adjustment shall include all portions of the municipality
30 and its ~~area of extraterritorial zoning jurisdiction control~~, regardless
31 of county lines. In a county in which ~~where there is~~ a city of the

1 primary class is located, the board of zoning appeals, created under
2 section 23-174.09, may serve in the same capacity for all cities of the
3 second class and villages in place of a zoning board of adjustment.

4 Sec. 174. Section 19-913, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-913 The city council or village board of trustees ~~local~~
7 ~~legislative body~~ may provide by ordinance for the enforcement of sections
8 19-901 to 19-915, and of any ordinance, regulation, or restriction made
9 thereunder. A violation of such sections or of such ordinance or
10 regulation is hereby declared to be a misdemeanor, and such city council
11 or village board of trustees ~~local legislative body~~ may provide for the
12 punishment thereof by fine of not exceeding one hundred dollars for any
13 one offense, recoverable with costs, or by imprisonment in the county
14 jail for a term not to exceed thirty days. Each day such violation
15 continues after notice of violation is given to the offender may be
16 considered a separate offense. In case any building or structure is
17 erected, constructed, reconstructed, altered, repaired, converted, or
18 maintained, or any building, structure, or land is used in violation of
19 such said sections or of any ordinance or other regulation made under
20 sections 19-901 to 19-915 ~~authority conferred hereby~~, the proper local
21 authorities of the municipality, in addition to other remedies, may
22 institute any appropriate action or proceedings to prevent such unlawful
23 erection, construction, reconstruction, alteration, repair, conversion,
24 maintenance, or use, to restrain, correct, or abate such violation, to
25 prevent the occupancy of such said building, structure, or land, or to
26 prevent any illegal act, conduct, business, or use in or about such
27 premises.

28 Sec. 175. Section 19-914, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-914 Whenever the regulations made pursuant to ~~under authority of~~
31 sections 19-901 to 19-905 require a greater width or size of yards,

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

13 Sec. 176. Section 19-915, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-915 (1) When any city of the first class, city of the ~~or~~ second
16 class, or any village has enacted zoning regulations pursuant to sections
17 19-901 to 19-915 ~~in accordance with statutory authority~~ and as a part of
18 such regulations has bounded and defined the various zoning or building
19 districts with reference to a zoning map, such zoning or building
20 districts may from time to time, be changed, modified, or terminated, or
21 additional or different zoning or building districts may from time to
22 time be created, changed, modified, or terminated, by an appropriate
23 amendatory action which describes the changed, modified, terminated, or
24 created zone or district or part thereof by legal description or metes
25 and bounds, or by republishing a part only of the original zoning map,
26 and without republishing the original zoning map as a part of the
27 amendatory action and without setting forth and repealing the entire
28 section or ordinance adopting the rezoning maps, or a part of the zoning
29 map, as a part of the amendatory action, notwithstanding the provisions
30 of section 16-404 or 17-614.

31 (2) When any city of the first class, city of the ~~or~~ second class,

1 or any village has, prior to March 21, 1969, changed the boundaries of a
2 zoning or building district without compliance with section 16-404 or
3 17-614, any such amendments of the zoning ordinances shall stand as valid
4 ~~and subsisting~~ amendments until repealed and the action of any such city
5 or village in executing any such amendment is expressly ratified by the
6 Legislature.

7 Sec. 177. Section 19-916, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-916 (1) The city council of any city of the first class or city
10 of the second class or the village board of trustees ~~local legislative~~
11 ~~body~~ shall have power by ordinance to provide the manner, plan, or method
12 by which land within the corporate limits of any such city or village
13 ~~municipality~~, or land within the area designated by a city of the first
14 class pursuant to subsection (1) of section 16-902 or within the area
15 designated by a city of the second class or village pursuant to
16 subsection (1) of section 17-1002, may be subdivided, platted, or laid
17 out, including a plan or system for the avenues, streets, or alleys to be
18 laid out within or across such land, and to compel the owners of any such
19 land that are subdividing, platting, or laying out such land to conform
20 to the requirements of the ordinance and to lay out and dedicate the
21 avenues, streets, and alleys in accordance with the ordinance as provided
22 in sections 16-901 to 16-905 and sections 17-1001 to 17-1004. No addition
23 shall have any validity, right, or privileges as an addition, and no plat
24 of land or, in the absence of a plat, no instrument subdividing land
25 within the corporate limits of any such municipality or of any land
26 within the area designated by a city of the first class pursuant to
27 subsection (1) of section 16-902 or within the area designated by a city
28 of the second class or village pursuant to subsection (1) of section
29 17-1002, shall be recorded or have any force or effect, unless the plat
30 or instrument is approved by the city council or village board of
31 trustees ~~legislative body~~, or its designated agent, and the ~~legislative~~

1 ~~body's or agent's~~ approval of the city council or village board of
2 trustees, or its agent, is endorsed on such plat or instrument.

3 (2) The city council or village board of trustees ~~legislative body~~
4 may designate by ordinance an employee of such city or village to approve
5 further subdivision of existing lots and blocks whenever all required
6 public improvements have been installed, no new dedication of public
7 rights-of-way or easements is involved, and such subdivision complies
8 with the ordinance requirements concerning minimum areas and dimensions
9 of such lots and blocks.

10 (3) All additions laid out contiguous or adjacent to the corporate
11 limits of a city of the first class, city of the second class, or village
12 may be included within the corporate limits and become a part of such
13 municipality for all purposes whatsoever if approved by the city council
14 or village board of trustees ~~legislative body of the city or village~~
15 under this subsection. The proprietor or proprietors of any land within
16 the corporate limits of any city of the first class, city of the ~~or~~
17 second class, or village, or of any land contiguous or adjacent to the
18 corporate limits of such city or village, may lay out such land into
19 lots, blocks, streets, avenues, alleys, and other grounds under the name
20 of Addition to the City or Village of, and shall
21 cause an accurate map or plat thereof to be made out, designating
22 explicitly the land so laid out and particularly describing the lots,
23 blocks, streets, avenues, alleys, and other grounds belonging to such
24 addition. The lots shall be designated by numbers, and streets, avenues,
25 and other grounds, by names or numbers. Such plat shall be acknowledged
26 before some officer authorized to take the acknowledgments of deeds,
27 shall contain a dedication of the streets, alleys, and public grounds
28 therein to the use and benefit of the public, and shall have appended a
29 survey made by some competent surveyor with a certificate attached,
30 certifying that he or she has accurately surveyed such addition and that
31 the lots, blocks, streets, avenues, alleys, parks, commons, and other

1 grounds are well and accurately staked off and marked. The addition may
2 become part of the municipality at such time as the addition is approved
3 by the city council or village board of trustees ~~legislative body~~ if (a)
4 after giving notice of the time and place of the hearing as provided in
5 section 19-904, the planning commission and the city council or village
6 board of trustees ~~legislative body~~ both hold public hearings on the
7 inclusion of the addition within the corporate limits and (b) the city
8 council or village board of trustees ~~legislative body~~ votes to approve
9 the inclusion of the addition within the corporate boundaries of the
10 municipality in a separate vote from the vote approving the addition.
11 Such hearings shall be separate from the public hearings held regarding
12 approval of the addition. If the city council or village board of
13 trustees ~~legislative body~~ includes the addition within the corporate
14 limits, the inhabitants of such addition shall be entitled to all the
15 rights and privileges and shall be subject to all the laws, ordinances,
16 rules, and regulations of the municipality to which such land is an
17 addition. When such map or plat is made out, acknowledged, and certified,
18 and has been approved by the city council or village board of trustees
19 ~~local legislative body~~, the map or plat shall be filed and recorded in
20 the office of the register of deeds and county assessor of the county. If
21 the city council or village board of trustees ~~legislative body~~ includes
22 the addition within the corporate limits, such map or plat shall be
23 equivalent to a deed in fee simple absolute to the municipality from the
24 proprietor of all streets, avenues, alleys, public squares, parks, and
25 commons, and of such portion of the land as is therein set apart for
26 public and municipal use, or is dedicated to charitable, religious, or
27 educational purposes.

28 Sec. 178. Section 19-917, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-917 A city of the first class, city of the second class, or
31 village may vacate ~~Power is hereby given to such municipality through its~~

1 ~~governing body by proper ordinance therefor duly enacted to vacate any~~
2 ~~such~~ existing plat and addition to such the municipality or such part or
3 parts thereof as such municipality may deem advantageous and best for its
4 interests, and the power hereby granted shall be exercised by such
5 municipality upon the petition of the owner or all the owners of lots or
6 lands in such plat or addition. Such ordinance vacating such plat or
7 addition shall specify whether, and, if any, what public highways,
8 streets, alleys, and public grounds thereof are to be retained by such
9 municipality. Any ~~;~~ ~~otherwise~~ such ways, streets, and public grounds not
10 retained shall upon such vacation revert to the owner or owners of lots
11 or lands abutting such ways, streets, and public grounds ~~the same~~ in
12 proportion to the respective ownerships of such lots or grounds. In case
13 of total or partial vacation of such plat or addition, the ordinance
14 providing therefor shall be, at the cost of the owner or owners,
15 certified to the office of the register of deeds and be there recorded by
16 the owner or owners. The register of deeds ~~whereupon said officer~~ shall
17 note such total or partial vacation of such plat or addition by writing
18 in plain and legible letters upon such plat or portion thereof so vacated
19 the word vacated, and also make on the same reference to the volume and
20 page in which such ~~said~~ ordinance of vacation is recorded, ~~;~~ and the
21 owner or owners of the lots and lands in a plat so vacated shall cause
22 the same and the proportionate part of the abutting highway, streets,
23 alleys, ~~and~~ public grounds so vacated to be replatted and numbered by the
24 city surveyor or county surveyor. When such replat so executed is
25 acknowledged by such owner or owners and is recorded in the office of the
26 register of deeds of such county, ~~such~~ property so replatted may be
27 conveyed and assessed by the numbers given in such replat.

28 Sec. 179. Section 19-918, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-918 No owner of real estate within the corporate limits of a city
31 of the first class, city of the second class, or village such

1 ~~municipality~~ shall be permitted to subdivide, plat, or lay out such said
2 real estate into blocks, lots, streets, or other portions of the same
3 intended to be dedicated for public use, or for the use of the purchasers
4 or owners of lots fronting thereon or adjacent thereto, without first
5 having obtained the approval thereof of the city council or village board
6 of trustees governing body of such municipality or its agent designated
7 pursuant to section 19-916. Any and all additions to be made to the
8 municipality shall be made, so far as such additions ~~the same~~ relate to
9 the avenues, streets, and alleys therein, under and in accordance with
10 the provisions of sections 19-916 to 19-918.

11 Sec. 180. Section 19-919, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-919 No plat of or instruments effecting the subdivision of real
14 property described in section 19-918 shall be recorded or have any force
15 and effect unless such plat is the same ~~be~~ approved by the city council
16 or village board of trustees governing body of such municipality or its
17 agent designated pursuant to section 19-916. The city council or village
18 board of trustees governing body of such municipality shall have power,
19 by ordinance, to provide the manner, plan, or method by which real
20 property in any such area may be subdivided, platted, or laid out,
21 including a plan or system for the avenues, streets, or alleys to be laid
22 out within or across the same, ~~÷~~ and to prohibit the sale or offering for
23 sale of, and the construction of buildings and other improvements on, any
24 lots or parts of real property not subdivided, platted, or laid out as
25 required in sections 19-918 and 19-920.

26 Sec. 181. Section 19-920, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 19-920 The city council of any city of the first class or city of
29 the second class or the board of trustees of any village governing body
30 shall have power to compel the owner of any real property described in
31 section 19-918 in subdividing, platting, or laying out the same to

1 conform to the requirements of the ordinance and to lay out and dedicate
2 the avenues, streets, and alleys in accordance therewith.

3 Sec. 182. Section 19-921, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-921 For the purposes of sections 16-901 to 16-905 and 19-916 to
6 19-920, in the area where a city of the first class, city of the second
7 class, or village ~~the municipality~~ has a comprehensive plan and has
8 adopted subdivision regulations pursuant thereto, subdivision shall mean
9 the division of lot, tract, or parcel of land into two or more lots,
10 sites, or other divisions of land for the purpose, whether immediate or
11 future, of ownership or building development, except that the division of
12 land shall not be considered to be a subdivision when the smallest parcel
13 created is more than ten acres in area.

14 Sec. 183. Section 19-922, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 19-922 Any standard code adopted and approved by a city of the first
17 class, city of the second class, or village as provided in section 18-132
18 and the building permit requirements or occupancy permit requirements
19 imposed by any such code or by section 19-913 shall apply to all of the
20 city or village and within the extraterritorial unincorporated area where
21 a city or village has been granted zoning jurisdiction of such city or
22 village and is exercising such jurisdiction.

23 Sec. 184. Section 19-923, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-923 (1) In order to provide for orderly school planning and
26 development, a city of the first class, city of the second class, or
27 village ~~municipality~~ considering the adoption or amendment of a zoning
28 ordinance or approval of the platting or replatting of any development of
29 real estate shall notify the board of education of each school district
30 in which the real estate, or some part thereof, to be affected by such a
31 proposal lies, of the next regular meeting of the planning commission at

1 which such proposal is to be considered and shall submit a copy of the
2 proposal to the board of education at least ten days prior to such
3 meeting.

4 (2) When a city of the first class, city of the second class, or
5 village municipality is considering the adoption or amendment of a zoning
6 ordinance or the approval of the platting or replatting of any
7 development of real estate, such city or village ~~the municipality~~ shall
8 notify any military installation which is located within the corporate
9 boundary limits or the extraterritorial zoning jurisdiction of the city
10 or village municipality if the city or village municipality has received
11 a written request for such notification from the military installation.
12 The city or village municipality shall deliver the notification to the
13 military installation at least ten days prior to the meeting of the
14 planning commission at which the proposal is to be considered.

15 ~~(3) The provisions of this section shall not apply to zoning,~~
16 ~~rezoning, or approval of plats by any city of the metropolitan or primary~~
17 ~~class, which has adopted a comprehensive subdivision ordinance pursuant~~
18 ~~to sections 14-115 and 14-116, or Chapter 15, articles 9 and 11. Plats of~~
19 subdivisions approved by the agent of a city or village municipality
20 designated pursuant to section 19-916 shall not be subject to the notice
21 requirements in this section.

22 Sec. 185. Section 19-925, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-925 Any city of the first class, city of the second class, or
25 village municipality is hereby authorized and empowered to make, adopt,
26 amend, extend, and carry out a municipal plan as provided in sections
27 19-925 ~~19-924~~ to 19-933 and to create by ordinance a planning commission
28 with the powers and duties set forth in such sections. The planning
29 commission of a city shall be designated the city planning commission or
30 city plan commission, and the planning commission of a village shall be
31 designated the village planning commission or village plan commission.

1 Sec. 186. Section 19-926, Revised Statutes Supplement, 2017, is
2 amended to read:

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

1 first commission to be so appointed shall serve for terms of one year,
2 three for terms of two years, and three for terms of three years. All
3 regular members shall hold office until their successors are appointed.
4 Any member may, after a public hearing before the city council or village
5 board of trustees, be removed by the mayor with the consent of a majority
6 vote of the members of elected to the city council or by the chairperson
7 of the village board with the consent of a majority vote of the members
8 of the village board of trustees for inefficiency, neglect of duty or
9 malfeasance in office, or other good and sufficient cause. Vacancies
10 occurring otherwise than through the expiration of term shall be filled
11 for the unexpired portion of the term by appointment by the mayor or the
12 chairperson of the village board of trustees.

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

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

1 expiration of the term, the vacancy shall be filled for the unexpired
2 portion of the term by the mayor with the approval of a majority vote of
3 the ~~elected~~ members of the city council or by the chairperson of the
4 village board with the approval of a majority vote of the members of the
5 village board of trustees. The alternate member may attend any meeting
6 and may serve as a voting and participating member of the commission at
7 any time when less than the full number of regular commission members is
8 present and capable of voting.

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

15 Sec. 187. Section 19-927, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-927 The planning commission of a city of the first class, city of
18 the second class, or village shall elect its chairperson from its members
19 and create and fill such other of its offices as it may determine. The
20 term of the chairperson shall be one year, and he or she shall be
21 eligible for reelection. The commission shall hold at least one regular
22 meeting in each calendar quarter, except the city council or village
23 board of trustees ~~municipal governing body~~ may require the commission to
24 meet more frequently and the chairperson of the commission may call for a
25 meeting when necessary to deal with business pending before the
26 commission. The commission shall adopt rules and regulations for the
27 transaction of business and shall keep a record of its resolutions,
28 transactions, findings, and determinations, which shall be a public
29 record.

30 Sec. 188. Section 19-928, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-928 The city council or village board of trustees may provide the
2 funds, equipment, and accommodations necessary for the work of the
3 planning commission of a city of the first class, city of the second
4 class, or village, but the expenditures of the commission, exclusive of
5 gifts, shall be within the amounts appropriated for that purpose by the
6 city council or village board of trustees. No ~~;~~ and no expenditures nor
7 agreements for expenditures shall be valid in excess of such amounts.

8 Sec. 189. Section 19-929, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-929 (1) Except as provided in sections 19-930 to 19-933, the
11 planning commission of a city of the first class, city of the second
12 class, or village shall (a) make and adopt plans for the physical
13 development of the city or village municipality, including any areas
14 outside its boundaries which in the commission's judgment bear relation
15 to the planning of such city or village municipality and including a
16 comprehensive development plan as defined by section 19-903, (b) prepare
17 and adopt such implemental means as a capital improvement program,
18 subdivision regulations, building codes, and a zoning ordinance in
19 cooperation with other interested municipal departments, and (c) consult
20 with and advise public officials and agencies, public utilities, civic
21 organizations, educational institutions, and citizens with relation to
22 the promulgation and implementation of the comprehensive development plan
23 and its implemental programs. The commission may delegate authority to
24 any such group to conduct studies and make surveys for the commission,
25 make preliminary reports on its findings, and hold public hearings before
26 submitting its final reports. The city council or village board of
27 trustees ~~municipal governing body~~ shall not take final action on matters
28 relating to the comprehensive development plan, capital improvements,
29 building codes, subdivision development, ~~the~~ annexation of territory, or
30 zoning until it has received the recommendation of the planning
31 commission if such commission in fact has been created and is existent.

1 The city council or village board of trustees ~~governing body~~ shall by
2 ordinance set a reasonable time within which the recommendation from the
3 planning commission is to be received. A recommendation from the planning
4 commission shall not be required for subdivision of existing lots and
5 blocks whenever all required public improvements have been installed, no
6 new dedication of public rights-of-way or easements is involved, and such
7 subdivision complies with the ordinance requirements concerning minimum
8 areas and dimensions of such lots and blocks, if the governing body has
9 designated, by ordinance, an agent pursuant to section 19-916.

10 (2) The planning commission may, with the consent of the city
11 council or village board of trustees ~~governing body~~, in its own name (a)
12 make and enter into contracts with public or private bodies, (b) receive
13 contributions, bequests, gifts, or grant funds from public or private
14 sources, (c) expend the funds appropriated to it by the city or village
15 municipality, (d) employ agents and employees, and (e) acquire, hold, and
16 dispose of property.

17 The planning commission may on its own authority make arrangements
18 consistent with its program, conduct or sponsor special studies or
19 planning work for any public body or appropriate agency, receive grants,
20 remuneration, or reimbursement for such studies or work, and at its
21 public hearings, summon witnesses, administer oaths, and compel the
22 giving of testimony.

23 (3) The planning commission may grant conditional uses or special
24 exceptions to property owners for the use of their property if the city
25 council or village board of trustees ~~municipal governing body~~ has,
26 through a zoning ordinance or special ordinance, generally authorized the
27 commission to exercise such powers and has approved the standards and
28 procedures adopted by the commission for equitably and judiciously
29 granting such conditional uses or special exceptions. The granting of a
30 conditional use permit or special exception shall only allow property
31 owners to put their property to a special use if it is among those uses

1 specifically identified in the zoning ordinance as classifications of
2 uses which may require special conditions or requirements to be met by
3 the owners before a use permit or building permit is authorized. The
4 power to grant conditional uses or special exceptions shall be the
5 exclusive authority of the commission, except that the city council or
6 village board of trustees ~~municipal governing body~~ may choose to retain
7 for itself the power to grant conditional uses or special exceptions for
8 those classifications of uses specified in the zoning ordinance. The city
9 council or village board of trustees ~~municipal governing body~~ may
10 exercise such power if it has formally adopted standards and procedures
11 for granting such conditional uses or special exceptions in a manner that
12 is equitable and will promote the public interest. An appeal of a
13 decision by the commission or the city council or village board of
14 trustees ~~municipal governing body~~ regarding a conditional use or special
15 exception shall be made to the district court.

16 Sec. 190. Section 19-930, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-930 (1) For any matter within the jurisdiction of a
19 ~~municipality's~~ planning commission of a city of the first class, city of
20 the second class, or village relating to that portion of the
21 extraterritorial ~~municipality's~~ zoning jurisdiction of the city or
22 village as defined in section 16-901 or 17-1001 ~~outside the corporate~~
23 ~~limits of the municipality~~ which is within a county other than the county
24 in which the city or village ~~municipality~~ is located, the powers, duties,
25 responsibilities, and functions of the planning commission of the city or
26 village ~~municipality~~ with regard to such matter shall be assumed by the
27 ~~municipality's~~ interjurisdictional planning commission of the city or
28 village established under section 19-931 when the formation of such a
29 commission is requested by either the city or village ~~municipality~~ or the
30 county within which the city or village ~~municipality~~ is not located as
31 provided in subsection (2) of this section.

1 (2) Any city or village municipality exercising extraterritorial
2 zoning jurisdiction as defined in section 16-901 or 17-1001 ~~outside its~~
3 ~~corporate limits but~~ within a county other than the county within which
4 the city or village municipality is located or the county within which
5 such city or village municipality is exercising extraterritorial such
6 zoning jurisdiction may, by formal resolution of a majority of the voting
7 members of the city council or village board of trustees ~~its governing~~
8 ~~body~~, request the formation of an interjurisdictional planning commission
9 to exercise the jurisdiction granted by sections 19-930 to 19-933. Such
10 resolution shall be transmitted to the appropriate city or village
11 ~~municipality~~ or county and its receipt formally acknowledged.

12 Sec. 191. Section 19-931, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-931 The interjurisdictional planning commission of a city of the
15 first class, city of the second class, or village municipality shall
16 consist of six members. Three members shall be chosen from the membership
17 of the planning commission of the city or village by the mayor ~~of the~~
18 ~~municipality~~ with the approval of the city council or by the chairperson
19 of the village board of trustees with the approval of the village board
20 of trustees ~~from the membership of the municipality's planning~~
21 ~~commission~~. Three members shall be chosen by the county board of the
22 county within which the city or village municipality exercises zoning
23 jurisdiction under the circumstances specified in section 19-930. The
24 three members chosen by the county board shall be members of the county
25 planning commission as described in section 23-114.01. Members of the
26 interjurisdictional planning commission shall serve without compensation
27 and without reimbursement for expenses incurred pursuant to carrying out
28 sections 19-930 to 19-933 for terms of one year. Members shall hold
29 office until their successors are appointed and qualified. Vacancies
30 shall be filled by appointment by the body which appointed the member
31 creating the vacancy.

1 Sec. 192. Section 19-932, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-932 A city or village ~~municipality~~ exercising extraterritorial
4 zoning jurisdiction under the circumstances set out in section 19-930
5 shall create an interjurisdictional planning commission by ordinance
6 within sixty days after the formal passage of a resolution pursuant to
7 subsection (2) of section 19-930. All matters filed with the city or
8 village ~~municipality~~ within ninety days after such date which are
9 properly within the jurisdiction of the interjurisdictional planning
10 commission shall, after the effective date of the ordinance, be referred
11 to such commission until such time as both the city or village
12 ~~municipality~~ and the county agree by majority vote of each governing body
13 to eliminate the interjurisdictional planning commission and transfer its
14 jurisdiction to the planning commission of the city or village
15 ~~municipality~~.

16 Sec. 193. Section 19-1101, Revised Statutes Supplement, 2017, is
17 amended to read:

18 19-1101 The city treasurer or village treasurer of each city or
19 village that has a population of not more than one hundred thousand
20 inhabitants as determined by the most recent federal decennial census or
21 the most recent revised certified count by the United States Bureau of
22 the Census shall prepare and publish annually within sixty days after the
23 close of its municipal fiscal year a statement of the receipts and
24 expenditures of funds of the city or village for the preceding fiscal
25 year. The statement shall also include the information required by
26 subsection (3) of section 16-318 or subsection (2) of section 17-606. Not
27 more than the legal rate provided for in section 33-141 shall be charged
28 and paid for such publication.

29 Sec. 194. Section 19-1102, Revised Statutes Supplement, 2017, is
30 amended to read:

31 19-1102 It shall be the duty of each ~~village~~ or city clerk or

1 village clerk in every ~~village~~ or city or village having a population of
2 not more than one hundred thousand inhabitants as determined by the most
3 recent federal decennial census or the most recent revised certified
4 count by the United States Bureau of the Census to prepare and publish
5 the official proceedings of the ~~village~~ or city ~~board~~, council, or
6 village board of trustees ~~commission~~ within thirty days after any meeting
7 of the ~~city~~ ~~board~~, council, or village board of trustees ~~commission~~. The
8 publication shall be in a legal newspaper in or of general circulation in
9 the ~~village~~ or city or village, shall set forth a statement of the
10 proceedings of the meeting, and shall also include the amount of each
11 claim allowed, the purpose of the claim, and the name of the claimant,
12 except that the aggregate amount of all payroll claims may be included as
13 one item. Between July 15 and August 15 of each year, the employee job
14 titles and the current annual, monthly, or hourly salaries corresponding
15 to such job titles shall be published. Each job title published shall be
16 descriptive and indicative of the duties and functions of the position.
17 The charge for the publication shall not exceed the rates provided for in
18 section 23-122.

19 Sec. 195. Section 19-1103, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-1103 Publication under sections 19-1101 and 19-1102 shall be made
22 in one legal newspaper in or of general circulation in such ~~village~~ or
23 city or village. If no legal newspaper in or of general circulation is
24 published in the ~~village~~ or city or village, then such publication shall
25 be made in one legal newspaper published in or of general circulation
26 within the county in which such ~~village~~ or city or village is located.
27 The cost of publication shall be paid out of the general funds of such
28 ~~village~~ or city or village.

29 Sec. 196. Section 19-1104, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-1104 Any ~~village~~ or city clerk, village clerk, city treasurer, or

1 village treasurer, failing or neglecting to comply with ~~the provisions of~~
2 sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and
3 shall, upon conviction, be fined, not to exceed twenty-five dollars, and
4 be liable, in addition to removal from office for such failure or
5 neglect.

6 Sec. 197. Section 19-1301, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-1301 All cities of the first class, cities of the ~~and~~ second
9 class, and ~~all~~ villages, are hereby empowered to receive money or
10 property by donation, bequest, gift, devise, or otherwise for the benefit
11 of any one or more of the public purposes for which sinking funds are
12 established by ~~the provisions of~~ sections 19-1301 to 19-1304, as
13 stipulated by the donor. Title ~~The title to~~ any the money or property so
14 donated shall vest in the city council or village board of trustees ~~local~~
15 ~~governing bodies~~ of such ~~said~~ cities or villages, or in their successors
16 in office, who shall become the owners thereof in trust to the uses of
17 such ~~said~~ sinking fund or funds. In the event of a ; ~~Provided, if the~~
18 donation of ~~be~~ real estate, such city councils or village boards of
19 trustees ~~said local governing bodies~~ may manage such real estate ~~the same~~
20 as in the case of real estate donated to their respective municipalities
21 for municipal library purposes under ~~the provisions of~~ sections 51-215
22 and 51-216.

23 Sec. 198. Section 19-1302, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-1302 The city council ~~local governing body~~ of any city of the
26 first class or city of the second class or the village board of trustees
27 of any village, subject to all the limitations set forth in sections
28 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed
29 ten and five-tenths cents on each one hundred dollars in any one year
30 upon the taxable value of all the taxable property within such
31 municipality for a term of not to exceed ten years, in addition to the

1 amount of tax which may be annually levied for the purposes of the
2 adopted budget statement of such municipality, for the purpose of
3 establishing a sinking fund for the construction, purchase, improvement,
4 extension, original equipment, or repair, not including maintenance, of
5 any one or more of the following public improvements, including
6 acquisition of any land incident to the making thereof: Municipal
7 libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses
8 ~~house~~ for social or recreational purposes; city or village halls ~~hall~~;
9 municipal public libraries ~~library~~, auditoriums ~~auditorium~~, or community
10 houses ~~house~~ in a single building; municipal swimming pools ~~pool~~ and
11 ~~appurtenances thereto~~; municipal jails ~~jail~~; municipal fire stations
12 ~~building to house equipment or personnel of a fire department~~, together
13 with firefighting equipment or apparatus; municipal parks ~~park~~; municipal
14 cemeteries ~~cemetery~~; municipal medical buildings ~~elinic building~~,
15 together with furnishings and equipment; or municipal hospitals ~~hospital~~.
16 No such city or village shall be authorized to levy the tax or to
17 establish the sinking fund as provided in this section if, having bonded
18 indebtedness, such city or village has been in default in the payment of
19 interest thereon or principal thereof for a period of ten years prior to
20 the date of the passage of the resolution providing for the submission of
21 the proposition for establishment of the sinking fund as required in
22 section 19-1303.

23 Sec. 199. Section 19-1303, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-1303 Before any sinking fund or funds shall be established or
26 before any annual tax shall be levied for planned municipal improvements
27 ~~improvement~~ mentioned in section 19-1302, by a any ~~any~~ such city or village,
28 the city council or village board of trustees ~~its local governing body~~
29 shall declare its purpose by resolution to submit to the qualified
30 electors of the city or village at the next general municipal election
31 the proposition to provide such city or village with the specific

1 municipal improvement planned ~~for consummation~~ under sections 19-1301 to
2 19-1304. Such resolution of submission shall, among other things, set
3 forth a clear description of the improvement planned, the estimated cost
4 according to the prevailing costs, the amount of annual levy over a
5 definite period of years, not exceeding ten years, required to provide
6 such cost, and the specific name or designation for the sinking fund
7 sought to be established to carry out the planned improvement, together
8 with a statement of the proposition for placement upon the ballot at such
9 election. Notice of the submission of the proposition, together with a
10 copy of the official ballot containing such proposition ~~the same~~, shall
11 be published in its entirety three successive weeks before the day of the
12 election in a legal newspaper in or of general circulation ~~published in~~
13 the municipality or, if no legal newspaper is in or of general
14 circulation in the municipality ~~published therein~~, in a some legal
15 newspaper in or of general circulation ~~published~~ in the county in which
16 such city or village is located ~~and of general circulation~~. ~~If no legal~~
17 ~~newspaper is published in the county, such notice shall be published in~~
18 ~~some legal newspaper of general circulation in the county in which the~~
19 ~~municipality is located~~. No such sinking fund shall be established unless
20 the same shall have been authorized by a majority or more of the legal
21 votes of such city or village cast for or against the proposition. If
22 less than a majority of the legal votes favor the establishment of the
23 sinking fund, the planned improvement shall not be made, no annual tax
24 shall be levied therefor, and no sinking fund or sinking funds shall be
25 established in connection therewith, but such resolution of submission
26 shall immediately be repealed. If the proposition shall carry at such
27 election in the manner prescribed in this section, the city council or
28 village board of trustees ~~local governing body~~ and its successors in
29 office shall proceed to do all things authorized under such resolution of
30 submission but never inconsistent with sections 19-1301 to 19-1304. The
31 election provided for under this section shall be conducted as provided

1 ~~under the Election Act Provisions of the statutes of this state relating~~
2 ~~to election of officers, voting places, election apparatus and blanks,~~
3 ~~preparation and form of ballots, information to voters, delivery of~~
4 ~~ballots, conduct of elections, manner of voting, counting of votes,~~
5 ~~records and certificates of elections, and recounts of votes, so far as~~
6 ~~applicable, shall apply to voting on the proposition under this section.~~

7 Sec. 200. Section 19-1304, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-1304 All funds received by the city treasurer or village
10 treasurer ~~municipal treasurers~~, by donation or by tax levy, as
11 ~~hereinbefore provided in sections 19-1301 to 19-1304~~, shall, as they
12 accumulate, be immediately invested by such said treasurer, with the
13 written approval of the city council or village board of trustees ~~local~~
14 ~~governing body~~, in the manner provided in section 77-2341. Whenever
15 investments of such said sinking fund or funds are made, ~~as aforesaid~~,
16 the nature and character of the same shall be reported to the city
17 council or village board of trustees ~~local governing body~~, and such said
18 investment report shall be made a matter of record by the city clerk or
19 village ~~municipal~~ clerk in the proceedings of such city council or
20 village board of trustees ~~local governing body~~. The sinking fund, or
21 sinking funds, accumulated under the provisions of sections 19-1301 to
22 19-1304, shall constitute a special fund, or funds, for the purpose or
23 purposes for which such fund ~~the same~~ was authorized and shall not be
24 used for any other purpose unless authorized by sixty percent of the
25 qualified electors of such said municipality voting at a general election
26 favoring such change in the use of such said sinking fund or sinking
27 funds. ~~The ; Provided, that the question of the change in the use of~~ such
28 ~~said~~ sinking fund or sinking funds, when it shall fail to carry, shall
29 not be resubmitted in substance for a period of one year from and after
30 the date of such said election.

31 Sec. 201. Section 19-1305, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-1305 Any city of the first class, city of the ~~or~~ second class, or
3 any village in the State of Nebraska, which owns and operates public
4 utilities consisting of a waterworks plant, water system, sanitary sewer
5 system, gas plant, gas system, electric light and power plant, or
6 electric distribution system, may pay for extensions and improvements to
7 any of such said public utilities by issuing and selling its combined
8 revenue bonds and securing the payment thereof by pledging and
9 hypothecating the revenue and earnings of any two or more of such said
10 public utilities and may enter into such contracts in connection
11 therewith as may be necessary or proper. Such combined revenue bonds
12 shall not be general obligations of the city or village issuing the bonds
13 ~~same~~ and no taxes shall be levied for their payment but such said bonds
14 shall be a lien only upon the revenue and earnings of the public
15 utilities owned and operated by the municipality and which are pledged
16 for their payment.

17 Sec. 202. Section 19-1306, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-1306 The city council or village board of trustees of a governing
20 ~~body of such~~ city or village seeking to issue revenue bonds pursuant to
21 section 19-1305 shall first cause plans and specifications for such said
22 proposed extensions and improvements and an estimate of the cost thereof
23 to be made by the city engineer or village engineer or by a special
24 engineer employed for that purpose. Such plans, specifications, and
25 estimate of cost, after being approved and adopted by the city council or
26 village board of trustees governing body, shall be filed with the city
27 clerk or village clerk and be open to public inspection. The city council
28 or village board of trustees governing body shall then, by resolution
29 entered in the minutes of their proceedings, direct that public notice be
30 given in regard thereto. This notice shall state: (1) The general nature
31 of the improvements or extensions proposed to be made; (2) that the

1 plans, specifications, and estimate thereof are on file in the office of
2 the city clerk or village clerk and are open to public inspection; (3)
3 the estimated cost thereof; (4) that it has proposed to pay for the same
4 by combined revenue bonds; (5) the principal amount of such ~~said~~ bonds
5 which it proposes to issue; (6) the maximum rate of interest which such
6 bonds will bear; (7) that the payment of such ~~said~~ bonds will be a lien
7 upon and will be secured by a pledge of the revenue and earnings of
8 certain public utilities; (8) the names of the utilities whose revenue
9 and earnings are to be so pledged; (9) that any qualified elector of the
10 city or village may file written objections to the issuance of such ~~said~~
11 bonds with the city clerk or village clerk within twenty days after the
12 first publication of such ~~said~~ notice; (10) that if such objections are
13 filed within such ~~said~~ time by qualified electors of the city or village,
14 equal in number to forty percent of the electors of the city or village
15 who voted at the last preceding general municipal election, the bonds
16 will not be issued unless the issuance of such bonds is otherwise
17 authorized in accordance with law; and (11) that if such objections are
18 not so filed by such percentage of such electors, the city council or
19 village board of trustees ~~governing body~~ of such city or village proposes
20 to pass an ordinance authorizing the sale of such ~~said~~ bonds and making
21 such contracts with reference thereto as may be necessary or proper. Such
22 notice shall be signed by the city clerk or village clerk and be
23 published three consecutive weeks in a legal newspaper published in or of
24 general circulation in such city or village. Once combined revenue bonds
25 have been issued pursuant to this section or section 18-1101, the
26 procedure outlined in this section shall not be required to issue
27 additional combined revenue bonds unless an additional public utility not
28 previously included is to be combined with the bonds contemplated to be
29 issued.

30 Sec. 203. Section 19-1307, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-1307 If the electors of a such city or village, equal in number
2 to forty percent of the electors of such said city or village voting at
3 the last preceding general municipal election, file written objections to
4 proposed issuance of combined revenue bonds pursuant to section 19-1305
5 with the city clerk or village clerk within twenty days after the first
6 publication of the said notice given pursuant to section 19-1306, the
7 city council or village board of trustees governing body shall submit
8 such proposition of issuing such bonds to the electors of such city or
9 village at a special election called for that purpose or at a general
10 city or village election, notice of which shall be given by publication
11 in a legal newspaper published in or of general circulation in such city
12 or village three consecutive weeks. If a majority of the qualified
13 electors of such city or village, voting upon the proposition, vote in
14 favor of issuing such bonds, the city council or village board of
15 trustees governing body may issue and sell such combined revenue bonds
16 and pledge, for the payment of same, the revenue and earnings of the
17 public utilities owned and operated by the city or village, as proposed
18 in such notice, and enter into such contracts in connection therewith as
19 may be necessary or proper. Such bonds shall draw interest from and after
20 the date of the issuance thereof. In the event the electors fail to
21 approve the proposition by such majority vote, such proposition shall not
22 be again submitted to the electors for their consideration until one year
23 has elapsed from the date of such said election.

24 Sec. 204. Section 19-1308, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-1308 Sections 19-1305 to 19-1308 are supplementary to existing
27 statutes and confer upon and give to cities of the first class, cities of
28 the and second class, and villages powers not heretofore granted, and
29 sections 19-1305 to 19-1308 shall not be construed as repealing or
30 amending any existing statute.

31 Sec. 205. Section 19-1309, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-1309 Notwithstanding any other provision of law ~~provisions in the~~
3 ~~statutes of Nebraska~~ to the contrary, for any fiscal year the governing
4 body of any city of the first class, city of the second class, or village
5 may decide to certify to the county clerk for collection one all-purpose
6 levy required to be raised by taxation for all municipal purposes instead
7 of certifying a schedule of levies for specific purposes added together.
8 Subject to the limits in section 77-3442, such ~~the~~ all-purpose levy shall
9 not exceed an annual levy of eighty-seven and five-tenths cents on each
10 one hundred dollars for cities of the first class and one dollar and five
11 cents on each one hundred dollars for cities of the second class and
12 villages upon the taxable valuation of all the taxable property in such
13 city or village. Otherwise authorized extraordinary levies to service and
14 pay bonded indebtedness of such municipalities may be made by such
15 municipalities in addition to such all-purpose levy.

16 Sec. 206. Section 19-1310, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-1310 If the method provided in section 19-1309~~7~~ is followed in
19 municipal financing~~4~~, the city or village ~~municipalities~~ shall allocate
20 the amount so raised to the several departments of such city or village
21 ~~the municipality~~ in its annual budget and appropriation ordinance, or in
22 other legal manner, as the governing body of such city or village
23 ~~municipality~~ shall deem wisest and best.

24 Sec. 207. Section 19-1311, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-1311 Should any municipality ~~of such municipalities~~ elect to
27 follow the method provided in section 19-1309, such municipality ~~it~~ shall
28 be bound by that election during the ensuing fiscal year but may abandon
29 such method in succeeding fiscal years.

30 Sec. 208. Section 19-1312, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-1312 If it is necessary to certify the amount of an all-purpose
2 levy under section 19-1309 to county officers for collection, such levy
3 ~~the same~~ shall be certified as a single amount for general fund purposes.

4 Sec. 209. Section 19-1401, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-1401 Cities of the primary class, cities of the first class,
7 cities of the second class ~~Primary cities, first-class cities, second-~~
8 ~~class cities,~~ and villages shall have the power to purchase, construct,
9 maintain, and improve heating and lighting systems and ice plants for the
10 use of their respective municipalities and the inhabitants thereof.

11 Sec. 210. Section 19-1402, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-1402 The cost of purchasing, constructing, maintaining, and
14 improving such utilities under section 19-1401 may be defrayed by the
15 levy of a tax of not to exceed three and five-tenths cents on each one
16 hundred dollars upon the taxable value of all the taxable property in
17 such city or village in any one year for a heating or lighting plant and
18 of not to exceed two and one-tenth cents on each one hundred dollars upon
19 the taxable value of all the taxable property in such city or village in
20 any one year for an ice plant, or when such tax is insufficient for the
21 purpose, the cost of such utilities may be defrayed by the issuance of
22 bonds of the municipality.

23 Sec. 211. Section 19-1403, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-1403 The question of issuing bonds for any of the purposes
26 mentioned in section 19-1401 shall be submitted to the electors at an
27 election held for that purpose after not less than thirty days' notice
28 thereof has been given (1) by publication in a legal ~~some~~ newspaper
29 published in or ~~and~~ of general circulation in the ~~such~~ municipality or
30 (2) if no legal newspaper is published in or of general circulation in
31 such municipality therein, by posting in five or more public places in

1 ~~such municipality therein~~. Such bonds may be issued only when a majority
2 of the electors voting on the question favor their issuance. Such bonds
3 ~~They~~ shall bear interest, payable annually or semiannually, and shall be
4 payable at any time the municipality may determine at the time of their
5 issuance but in not more than twenty years after their issuance. The
6 aggregate amount of bonds that may be issued for the construction or the
7 purchase of a heating or lighting plant shall not exceed four percent of
8 the taxable value of the assessed property and, for the construction or
9 purchase of an ice plant, shall not exceed one percent of the taxable
10 value of the assessed property within such municipality, as shown by the
11 last annual assessment. The city council or village board of trustees
12 shall levy annually a sufficient tax to maintain, operate, and extend any
13 system or plant and to provide for the payment of the interest on and
14 principal of any bonds that may have been or shall be issued as provided
15 in this section.

16 Sec. 212. Section 19-1404, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-1404 When any ~~such~~ utility shall have been established pursuant
19 to section 19-1401, the municipality shall provide by ordinance for the
20 management thereof, the rates to be charged, and the manner of payment
21 for service or for the product.

22 Sec. 213. Section 19-1501, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 19-1501 In all cases where a ~~primary~~ city of the primary class, a
25 city of the first class, city of the ~~or~~ second class, or village has
26 ~~heretofore~~ entered into a contract for paving or otherwise improving a
27 street or streets ~~therein~~, or for the construction or improvement of a
28 system of waterworks or sanitary or storm sewers, and the contract has
29 not been completed on account of any order or regulation issued by the
30 United States or any board or agency thereof, such city or village may
31 accept that part of the work which has been completed, levy special

1 assessments and taxes, and issue bonds to pay the cost of the work so
2 completed and accepted, in the same manner and on the same conditions as
3 if such ~~said~~ contract had been fully completed.

4 Sec. 214. Section 19-1502, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-1502 Section 19-1501 shall be construed as granting additional
7 authority and not as repealing any existing statutory authority ~~law now~~
8 ~~in force~~.

9 Sec. 215. Section 19-1826, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-1826 As used in the Civil Service Act, unless the context
12 otherwise requires:

13 (1) Agreement means an agreement pursuant to the Interlocal
14 Cooperation Act;

15 ~~(1) Commission shall mean a civil service commission created~~
16 ~~pursuant to the Civil Service Act, and commissioner shall mean a member~~
17 ~~of such commission;~~

18 (2) Appointing authority means ~~shall mean~~: (a) In a mayor and
19 council form of government, the mayor with the approval of the city
20 council, except to the extent that the appointing authority is otherwise
21 designated by ordinance to be the mayor or city administrator; (b) in a
22 commission plan form of government, the mayor and city council or village
23 board of trustees; (c) in a village form of government, the village board
24 of trustees; and (d) in a city manager plan of government, the city
25 manager;

26 (3) Appointment means ~~shall mean~~ all means of selecting, appointing,
27 or employing any person to hold any position or employment subject to
28 civil service;

29 (4) Commission means a civil service commission created pursuant to
30 the Civil Service Act;

31 (5) Commissioner means a member of the commission;

1 (6) Existing commission means a civil service commission of a city
2 of the first class as it existed immediately prior to the effective
3 creation of a merged commission;

4 (7) Full-time firefighter means a duly appointed firefighter who is
5 paid regularly by a municipality and for whom firefighting is a full-time
6 career, but does not include any clerical, custodial, or maintenance
7 personnel who is not engaged in fire suppression;

8 ~~(4) Municipality shall mean all cities and villages specified in~~
9 ~~subsection (1) of section 19-1827 having full-time police officers or~~
10 ~~full-time firefighters;~~

11 ~~(5) Governing body shall mean: (a) In a mayor and council form of~~
12 ~~government, the mayor and council; (b) in a commission form of~~
13 ~~government, the mayor and council or village board; (c) in a village form~~
14 ~~of government, the village board; and (d) in a city manager plan of~~
15 ~~government, the mayor and council;~~

16 (8) (6) Full-time police officer means a police officer in a
17 position which requires officers shall mean police officers in positions
18 which require certification by the Nebraska Law Enforcement Training
19 Center, created pursuant to section 81-1402, who ~~has~~ have the power of
20 arrest, who ~~is~~ are paid regularly by a municipality, and for whom law
21 enforcement is a full-time career, but ~~does~~ shall not include ~~any~~
22 clerical, custodial, or maintenance personnel;

23 (9) Governing body means: (a) In a mayor and council form of
24 government, the mayor and city council; (b) in a commission form of
25 government, the mayor and city council or village board of trustees; (c)
26 in a village form of government, the village board of trustees; and (d)
27 in a city manager plan of government, the mayor and city council;

28 (10) Merged commission means a civil service commission resulting
29 from the merger of two or more commissions pursuant to section 19-1848;

30 (11) Municipality means all cities and villages specified in
31 subsection (1) of section 19-1827 having full-time police officers or

1 full-time firefighters;

2 (12) Position means an individual job which is designated by an
3 official title indicative of the nature of the work; and

4 (13) Promotion or demotion means changing from one position to
5 another, accompanied by a corresponding change in current rate of pay.

6 ~~(7) Full-time firefighter shall mean duly appointed firefighters who~~
7 ~~are paid regularly by a municipality and for whom firefighting is a full-~~
8 ~~time career, but shall not include clerical, custodial, or maintenance~~
9 ~~personnel who are not engaged in fire suppression;~~

10 ~~(8) Promotion or demotion shall mean changing from one position to~~
11 ~~another, accompanied by a corresponding change in current rate of pay;~~

12 ~~(9) Position shall mean an individual job which is designated by an~~
13 ~~official title indicative of the nature of the work;~~

14 ~~(10) Merged commission shall mean a civil service commission~~
15 ~~resulting from the merger of two or more commissions pursuant to section~~
16 ~~19-1848;~~

17 ~~(11) Agreement shall mean an agreement pursuant to the Interlocal~~
18 ~~Cooperation Act; and~~

19 ~~(12) Existing commission shall mean a civil service commission of a~~
20 ~~city of the first class as it existed immediately prior to the effective~~
21 ~~creation of a merged commission.~~

22 Sec. 216. Section 19-1827, Revised Statutes Supplement, 2017, is
23 amended to read:

24 19-1827 (1) There is hereby created, in cities ~~in the State of~~
25 ~~Nebraska~~ having a population of more than five thousand inhabitants as
26 determined by the most recent federal decennial census or the most recent
27 revised certified count by the United States Bureau of the Census and
28 having full-time police officers or full-time firefighters, a civil
29 service commission, except in cities with a population in excess of forty
30 thousand inhabitants as determined by the most recent federal decennial
31 census or the most recent revised certified count by the United States

1 Bureau of the Census which have or may adopt a home rule charter pursuant
2 to sections 2 to 5 of Article XI of the Constitution of Nebraska this
3 ~~state~~. Any city or village having a population of five thousand
4 inhabitants or less as determined by the most recent federal decennial
5 census or the most recent revised certified count by the United States
6 Bureau of the Census may adopt the Civil Service Act and create a civil
7 service commission by a vote of the electors of such city or village. If
8 any city of the first class which established a civil service commission
9 decreases in population to less than five thousand, as determined by the
10 most recent federal decennial census or the most recent revised certified
11 count by the United States Bureau of the Census, and continues to have
12 full-time police officers or full-time firefighters, the civil service
13 commission shall be continued for at least four years, and thereafter
14 continued at the option of the governing body of such city or village.
15 The members of such commission shall be appointed by the appointing
16 authority.

17 (2) The governing body shall by ordinance determine if the
18 commission shall be comprised of three or five members. The members of
19 the civil service commission shall serve without compensation. No person
20 shall be appointed a member of such commission who is not a citizen of
21 the United States, a resident of such city or village ~~municipality~~ for at
22 least three years immediately preceding such appointment, and an elector
23 of the county wherein such person resides. If the commission is comprised
24 of three members, the term of office of such commissioners shall be six
25 years, except that the first three members of such commission shall be
26 appointed for different terms, as follows: One to serve for a period of
27 two years, one to serve for a period of four years, and one to serve for
28 a period of six years. If the commission is comprised of five members,
29 the term of office of such members shall be for five years, except that
30 the first members of such commission shall be appointed for different
31 terms, as follows: One to serve for a period of one year, one to serve

1 for a period of two years, one to serve for a period of three years, one
2 to serve for a period of four years, and one to serve for a period of
3 five years. If the city or village municipality ~~municipality~~ determines by ordinance
4 to change from a three-member commission to a five-member commission, or
5 from a five-member commission to a three-member commission, the members
6 of the commission serving before the effective date of such ordinance
7 shall hold office until reappointed or their successors are appointed.

8 (3) Any member of the civil service commission may be removed from
9 office for incompetency, dereliction of duty, malfeasance in office, or
10 other good cause by the appointing authority, except that no member of
11 the commission shall be removed until written charges have been made
12 ~~preferred~~, due notice given such member, and a full hearing had before
13 the appointing authority. Any member so removed shall have the right to
14 appeal to the district court of the county in which such commission is
15 located, which court shall hear and determine such appeal in a summary
16 manner. Such an appeal shall be only upon the ground that such judgment
17 or order of removal was not made in good faith for cause, and the hearing
18 on such appeal shall be confined to the determination of whether or not
19 it was so made.

20 (4) The members of the civil service commission shall devote due
21 time and attention to the performance of the duties specified and imposed
22 upon them by the Civil Service Act. Two commissioners in a three-member
23 commission and three commissioners in a five-member commission shall
24 constitute a quorum for the transaction of business. Confirmation of the
25 appointment or appointments of commissioners, made under subsection (1)
26 of this section, by any other legislative body shall not be required. At
27 the time of any appointment, not more than two commissioners of a three-
28 member commission, or three commissioners of a five-member commission,
29 including the one or ones to be appointed, shall be registered electors
30 of the same political party.

31 Sec. 217. Section 19-1829, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-1829 The Civil Service Act shall only apply to full-time
3 firefighters or full-time police officers of each municipality, including
4 any paid full-time police chief or fire chief of such department. All
5 appointments to and promotions in such department shall be made solely on
6 merit, efficiency, and fitness, which shall be ascertained by open
7 competitive examination and impartial investigation. If the appointing
8 authority fills a vacancy in a position subject to the Civil Service Act,
9 the appointing authority shall consider factors including, but not
10 limited to:

11 (1) The multiple job skills recently or currently being performed by
12 the applicant which are necessary for the position;

13 (2) The knowledge, skills, and abilities of the applicant which are
14 necessary for the position;

15 (3) The performance appraisal of any applicant who is already
16 employed in the department, including any recent or pending disciplinary
17 actions involving the employee;

18 (4) The employment policies and staffing needs of the department
19 together with contracts, ordinances, and statutes related thereto;

20 (5) Required federal, state, or local certifications or licenses
21 necessary for the position; and

22 (6) The qualifications of the applicants who are already employed in
23 the department and have successfully completed all parts of the
24 examination for the position. No person shall be reinstated in or
25 transferred, suspended, or discharged from any such position or
26 employment contrary to the Civil Service Act.

27 Sec. 218. Section 19-1830, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-1830 (1) Immediately after the appointment of the commission, and
30 annually thereafter, the commission shall organize by electing one of its
31 members chairperson. The commission shall hold meetings as may be

1 required for the proper discharge of its duties. The commission shall
2 appoint a secretary and a chief examiner who shall keep the records of
3 the commission, preserve all reports made to it, superintend and keep a
4 record of all examinations held under its direction, and perform such
5 other duties as the commission may prescribe. The commission may merge
6 the positions of secretary and chief examiner and appoint one person to
7 perform the duties of both positions. If the municipality has a personnel
8 officer, the commission shall appoint such personnel officer as secretary
9 and chief examiner, if requested to do so by the appointing authority.
10 The secretary and chief examiner shall be subject to suspension or
11 discharge upon the vote of a majority of the appointed members of the
12 commission.

13 (2) The commission shall adopt and promulgate procedural rules and
14 regulations consistent with the Civil Service Act. Such rules and
15 regulations shall provide in detail the manner in which examinations may
16 be held and any other matters assigned by the appointing authority. At
17 least one copy of the rules and regulations, and any amendments, shall be
18 made available for examination and reproduction by members of the public.
19 One copy of the rules and regulations and any amendments shall be given
20 to each full-time firefighter and full-time police officer.

21 (3) The commission shall provide that all tests shall be practical
22 and consist only of subjects which will fairly determine the capacity of
23 persons who are to be examined to perform the duties of the position to
24 which an appointment is to be made and may include, but not be limited
25 to, tests of physical fitness and of manual skill and psychological
26 testing.

27 (4) The commission shall provide, by the rules and regulations, for
28 a credit of ten percent in favor of all applicants for an appointment
29 under civil service who, in time of war or in any expedition of the armed
30 forces of the United States, have served in and been discharged or
31 otherwise separated with a characterization of honorable or general

1 (under honorable conditions) from the armed forces of the United States
2 and who have equaled or exceeded the minimum qualifying standard
3 established by the appointing authority. These credits shall only apply
4 to entry-level positions as defined by the appointing authority.

5 (5) The commission may conduct an investigation concerning and
6 report upon all matters regarding the enforcement and effect of the Civil
7 Service Act and the rules and regulations prescribed. The commission may
8 inspect all institutions, departments, positions, and employments
9 affected by such act to determine whether such act and all such rules and
10 regulations are being obeyed. Such investigations may be conducted by the
11 commission or by any commissioner designated by the commission for that
12 purpose. The commission shall also make a like investigation on the
13 written petition of a citizen, duly verified, stating that irregularities
14 or abuses exist or setting forth, in concise language, the necessity for
15 such an investigation. The commission may be represented in such
16 investigations by the city attorney or village ~~municipal~~ attorney, if
17 authorized by the appointing authority. If the city attorney or village
18 ~~municipal~~ attorney does not represent the commission, the commission may
19 be represented by special counsel appointed by the commission in any such
20 investigation. In the course of such an investigation, the commission,
21 designated commissioner, or chief examiner shall have the power to
22 administer oaths, to issue subpoenas to require the attendance of
23 witnesses and the production by them of books, papers, documents, and
24 accounts appertaining to the investigation, and to cause the deposition
25 of witnesses, residing within or without the state, to be taken in the
26 manner prescribed by law for like depositions in civil actions in the
27 courts of this state. The oaths administered and subpoenas issued shall
28 have the same force and effect as the oaths administered by a district
29 judge in a judicial capacity and subpoenas issued by the district courts
30 of Nebraska. The failure of any person so subpoenaed to comply shall be
31 deemed a violation of the Civil Service Act and be punishable as such. No

1 investigation shall be made pursuant to this section if there is a
2 written accusation concerning the same subject matter against a person in
3 the civil service. Such accusations shall be handled pursuant to section
4 19-1833.

5 (6) The commission shall provide that all hearings and
6 investigations before the commission, designated commissioner, or chief
7 examiner shall be governed by the Civil Service Act and the rules of
8 practice and procedure to be adopted by the commission. In the conduct
9 thereof, they shall not be bound by the technical rules of evidence. No
10 informality in any proceedings or hearing or in the manner of taking
11 testimony shall invalidate any order, decision, rule, or regulation made,
12 approved, or confirmed by the commission, except that no order, decision,
13 rule, or regulation made by any designated commissioner conducting any
14 hearing or investigation alone shall be of any force or effect unless it
15 is concurred in by a majority of the appointed members of the commission,
16 including the vote of any commissioner making the investigation.

17 (7) The commission shall establish and maintain a roster of officers
18 and employees.

19 (8) The commission shall provide for, establish, and hold
20 competitive tests to determine the relative qualifications of persons who
21 seek employment in any position and, as a result thereof, establish
22 eligible lists for the various positions.

23 (9) The commission shall make recommendations concerning a
24 reduction-in-force policy to the governing body or city manager in a city
25 manager plan of government. The governing body or city manager in a city
26 manager plan of government shall consider such recommendations, but shall
27 not be bound by them in establishing a reduction-in-force policy. Prior
28 to the adoption of a reduction-in-force policy, the governing body or,
29 in the case of a city manager plan, the city manager and the governing body
30 shall, after giving reasonable notice to each police officer and
31 firefighter by first-class mail, conduct a public hearing.

1 (10) The governing body shall in all municipalities, except those
2 with a city manager plan in which the city manager shall, adopt a
3 reduction-in-force policy which shall consider factors including, but not
4 limited to:

5 (a) The multiple job skills recently or currently being performed by
6 the employee;

7 (b) The knowledge, skills, and abilities of the employee;

8 (c) The performance appraisal of the employee including any recent
9 or pending disciplinary actions involving the employee;

10 (d) The employment policies and staffing needs of the department
11 together with contracts, ordinances, and statutes related thereto;

12 (e) Required federal, state, or local certifications or licenses;
13 and

14 (f) Seniority.

15 (11) The commission shall keep such records as may be necessary for
16 the proper administration of the Civil Service Act.

17 Sec. 219. Section 19-1833, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-1833 (1) No person in the civil service who shall have been
20 permanently appointed or inducted into civil service under the Civil
21 Service Act shall be removed, suspended, demoted, or discharged except
22 for cause and then only upon the written accusation of the police chief
23 or fire chief, the appointing authority, or any citizen or taxpayer.

24 (2) The governing body of the municipality shall establish by
25 ordinance procedures for acting upon such written accusations and the
26 manner by which suspensions, demotions, removals, discharges, or other
27 disciplinary actions may be imposed by the appointing authority. At least
28 one copy of the rules and regulations, and any amendments to such rules
29 and regulations, shall be made available for examination and reproduction
30 by members of the public. One copy of the rules and regulations and any
31 such amendments shall be given to each full-time firefighter and full-

1 time police officer.

2 (3) Any person so removed, suspended, demoted, or discharged may,
3 within ten days after being notified by the appointing authority of such
4 removal, suspension, demotion, or discharge, file with the commission a
5 written demand for an investigation, whereupon the commission shall
6 conduct such investigation. The governing body of the municipality shall
7 establish procedures by ordinance consistent with this section by which
8 the commission shall conduct such investigation. At least one copy of the
9 rules and regulations, and any amendments to such rules and regulations,
10 shall be made available for examination and reproduction by members of
11 the public. One copy of the rules and regulations and any such amendments
12 shall be given to each full-time firefighter and full-time police
13 officer. Such procedures shall comply with minimum due process
14 requirements. The commission may be represented in such investigation and
15 hearing by the city attorney or village municipal attorney if authorized
16 by the appointing authority. If the city attorney or village municipal
17 attorney does not represent the commission, the commission may be
18 represented by special counsel appointed by the commission for any such
19 investigation and hearing. The investigation shall be confined to the
20 determination of the question of whether or not such removal, suspension,
21 demotion, or discharge was made in good faith for cause which shall mean
22 that the action was not arbitrary or capricious and was not made for
23 political or religious reasons.

24 (4) After such investigation, the commission shall hold a public
25 hearing after giving reasonable notice to the accused of the time and
26 place of such hearing. Such hearing shall be held not less than ten or
27 more than twenty days after filing of the written demand for an
28 investigation and a decision shall be rendered no later than ten days
29 after the hearing. At such hearing the accused shall be permitted to
30 appear in person and by counsel and to present his or her defense. The
31 commission may affirm the action taken if such action of the appointing

1 authority is supported by a preponderance of the evidence. If it shall
2 find that the removal, suspension, demotion, or discharge was made for
3 political or religious reasons or was not made in good faith for cause,
4 it shall order the immediate reinstatement or reemployment of such person
5 in the position or employment from which such person was removed,
6 suspended, demoted, or discharged, which reinstatement shall, if the
7 commission in its discretion so provides, be retroactive and entitle such
8 person to compensation and restoration of benefits and privileges from
9 the time of such removal, suspension, demotion, or discharge. The
10 commission upon such hearing, in lieu of affirming the removal,
11 suspension, demotion, or discharge, may modify the order of removal,
12 suspension, demotion, or discharge by directing a suspension, with or
13 without pay, for a given period and the subsequent restoration to duty or
14 demotion in position or pay. The findings of the commission shall be
15 certified in writing to and enforced by the appointing authority.

16 (5) If such judgment or order be concurred in by the commission or a
17 majority thereof, the accused or governing body may appeal to the
18 district court. Such appeal shall be taken within forty-five days after
19 the entry of such judgment or order by serving the commission with a
20 written notice of appeal stating the grounds and demanding that a
21 certified transcript of the record and all papers, on file in the office
22 of the commission affecting or relating to such judgment or order, be
23 filed by the commission with such court. The commission shall, within ten
24 days after the filing of such notice, make, certify, and file such
25 transcript with and deliver such papers to the district court. The
26 district court shall proceed to hear and determine such appeal in a
27 summary manner. The hearing shall be confined to the determination of
28 whether or not the judgment or order of removal, discharge, demotion, or
29 suspension made by the commission was made in good faith for cause which
30 shall mean that the action of the commission was based upon a
31 preponderance of the evidence, was not arbitrary or capricious, and was

1 not made for political or religious reasons. No appeal to such court
2 shall be taken except upon such ground or grounds.

3 If such appeal is taken by the governing body and the district court
4 affirms the decision of the commission, the municipality shall pay to the
5 employee court costs and reasonable attorney's fees incurred as a result
6 of such appeal and as approved by the district court. If such appeal is
7 taken by the governing body and the district court does not affirm the
8 decision of the commission, the court may award court costs and
9 reasonable attorney's fees to the employee as approved by the district
10 court.

11 Sec. 220. Section 19-1834, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-1834 The municipality shall afford the commission and its members
14 and employees all reasonable facilities and assistance to inspect all
15 books, papers, documents, and accounts applying or in any way
16 appertaining to any and all positions and employments subject to civil
17 service and shall produce such books, papers, documents, and accounts.
18 All city or village ~~municipal~~ officers and employees shall attend and
19 testify whenever required to do so by the commission, the accused, or the
20 appointing authority.

21 Sec. 221. Section 19-1836, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-1836 All positions subject to the Civil Service Act shall be
24 created or eliminated by the governing body of the municipality. The
25 Civil Service Act shall not be construed to infringe upon the power and
26 authority of (1) the governing body of the municipality to establish
27 pursuant to section 16-310, 17-108, or 17-209 the salaries and
28 compensation of all employees employed hereunder or (2) the city manager,
29 pursuant to the City Manager Plan of Government Act Chapter 19, article
30 6, to establish the salaries and compensation of employees within the
31 compensation schedule or ranges established by the governing body for the

1 positions.

2 Sec. 222. Section 19-1839, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-1839 It shall be the duty of the commission to begin and conduct
5 all civil suits which may be necessary for the proper enforcement of the
6 Civil Service Act and of the rules of the commission. The commission may
7 be represented in such suits and all investigations pursuant to the Civil
8 Service Act by the city attorney or village ~~municipal~~ attorney if
9 authorized by the appointing authority. If the city attorney or village
10 ~~municipal~~ attorney does not represent the commission, the commission may
11 be represented by special counsel appointed by it in any particular case.

12 Sec. 223. Section 19-1846, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-1846 It shall be the duty of each municipality subject to the
15 Civil Service Act to appropriate each fiscal year, from the general funds
16 of such municipality, a sum of money sufficient to pay the necessary
17 expenses involved in carrying out the purposes of such act, including,
18 but not limited to, reasonable attorney's fees for any special counsel
19 appointed by the commission when the city attorney or village ~~municipal~~
20 attorney is not authorized by the appointing authority to represent the
21 commission. The appointing authority may establish the hourly or monthly
22 rate of pay of such special counsel.

23 Sec. 224. Section 19-2101, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-2101 Cities of the first class, cities of the second class, and
26 villages shall have the power to purchase, construct, maintain, and
27 improve garbage disposal plants or ~~τ~~ systems or solid waste disposal
28 areas, and purchase equipment for the operation thereof, for the use of
29 their respective municipalities and the inhabitants thereof, and are
30 hereby authorized and empowered to lease or to take land in fee within
31 their corporate limits or without their corporate limits by donation,

1 gift, devise, purchase, or appropriation for rights-of-way and for
2 construction and operation of such a disposal plant, system, or solid
3 waste disposal area.

4 Sec. 225. Section 19-2102, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 19-2102 The cost to purchase, construct, maintain, and improve
7 garbage disposal plants or systems or solid waste disposal areas pursuant
8 to section 19-2101 thereof may be defrayed by the levy of a tax not to
9 exceed ten and five-tenths cents on each one hundred dollars upon the
10 taxable value of all the taxable property in such city or village in any
11 one year or, when such tax is insufficient for such purpose, by the
12 issuance of bonds of the city or village municipality.

13 Sec. 226. Section 19-2103, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 19-2103 The question of issuing bonds for the purpose of section
16 19-2102 herein contemplated shall be submitted to the electors at any
17 election held for that purpose, after not less than thirty days' notice
18 thereof shall have been given by publication in a legal ~~some~~ newspaper
19 published in or ~~and~~ of general circulation in such municipality or, if no
20 legal newspaper is in or of general circulation in such municipality
21 ~~published therein~~, then by posting in five or more public places therein.
22 Such bonds may be issued only when a majority of the electors voting on
23 the question approve their issuance. The bonds shall bear interest
24 payable annually or semiannually, and shall be payable at any time the
25 municipality may determine at the time of their issuance, but in not more
26 than twenty years after their issuance. The aggregate amount of bonds
27 that may be issued for the construction, installation, or purchase of a
28 garbage disposal plant or ~~or~~ system or solid waste disposal area shall not
29 exceed five percent of the taxable value of the property within such
30 municipality as shown by the last annual assessment.

31 Sec. 227. Section 19-2104, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2104 In a city of the first class, city of the second class, or
3 village which purchases, constructs, maintains, or improves garbage
4 disposal plants or systems or solid waste disposal areas pursuant to
5 section 19-2101, the city ~~The council or~~ village board of trustees shall
6 levy annually a sufficient tax to maintain and operate such plant or
7 ~~system, plant~~ or solid waste disposal area and to provide for the payment
8 of the interest on and principal of any bonds that may have been issued
9 as ~~herein~~ provided in section 19-2103.

10 Sec. 228. Section 19-2105, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-2105 In a city of the first class, city of the second class, or
13 village which purchases, constructs, maintains, or improves garbage
14 disposal plants or systems or solid waste disposal areas pursuant to
15 section 19-2101, the city ~~The council or~~ village board of trustees of
16 ~~such municipality~~ may also make and enter into a contract or contracts
17 with any person, firm, or corporation for the construction, maintenance,
18 or operation of a garbage disposal plant or ~~system~~ or solid waste
19 disposal area.

20 Sec. 229. Section 19-2106, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-2106 When a garbage disposal plant or system or solid waste
23 disposal area ~~such system~~ shall have been established pursuant to section
24 19-2101, the municipality may provide by ordinance for the management and
25 operation thereof, the rates to be charged for such service, including
26 collection and disposal, and ~~the~~ manner of payment and collection
27 thereof, ~~and~~ prescribe penalties for the violation of such ordinance, and
28 do whatever is necessary to protect the general health in the matter of
29 removal and disposal of garbage.

30 Sec. 230. Section 19-2201, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-2201 When any part of a city of the first class, city of the or
2 second class, or village shall have been platted (1) the plat having been
3 recorded with the register of deeds of the proper county for more than
4 ten years; (2) the streets and alleys having been dedicated to the public
5 and such city or village having accepted such dedication by maintenance
6 and use of such the said streets and alleys, and the inhabitants of that
7 part of such city or village having been subject to taxation including
8 the levy of such city or village and having had the right of franchise in
9 all the elections of such city or village for a period of more than ten
10 years; and (3) such part of such city or village is contiguous and
11 adjacent to such corporate city or village or a properly annexed addition
12 thereto; but, when there is error in the platting thereof or the
13 proceeding to annex the part of such city or village which renders the
14 annexation ineffectual or where there is a total lack of an attempted
15 annexation of record, the city council or village board of trustees of
16 such city or village may by resolution correct the corporate limits, if
17 adopted by a two-thirds vote of all members of such city council or
18 village board of trustees. The resolution shall describe the part of such
19 city or village in general terms, and direct the proper officers of the
20 city or village to make application to the district court of the county
21 in which such territory lies for the correction and reestablishment of
22 the corporate limits of such city or village. The resolution, and the
23 vote thereon, shall be recorded in the minutes ~~spread upon the records~~ of
24 the city council or village board of trustees.

25 Sec. 231. Section 19-2202, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-2202 The application presented pursuant to section 19-2201 to the
28 district court of the county in which the territory lies shall: (1)
29 Contain a recital of the resolution of the city council or village board
30 of trustees for correction and reestablishment of the corporate limits
31 and the vote thereon; (2) set forth the name of the plat or plats, the

1 date of record, the book and page of the record book in which such plat
2 or plats have been recorded, and the book and page of the record in which
3 the original charter and annexations, if any there be, are recorded; (3)
4 describe in general terms the area contained within the corporate limits
5 and the territory affected by the corrections and reestablishment sought;
6 (4) set forth the streets and alleys of such area which are maintained or
7 used; and (5) be supported by exhibits consisting of a certificate of the
8 county treasurer of the county in which the territory lies showing the
9 years for which the real estate and the property therein situated shall
10 have been subject to the tax levy of such city or village and a
11 certificate of the city clerk or village clerk or other officer having
12 custody of the sign-in registers for elections of the city or village in
13 which the territory lies showing the years during which the inhabitants
14 thereof enjoyed the right of franchise in the elections of such city or
15 village. The application shall pray for an order of the district court
16 correcting and reestablishing the corporate limits of the city or village
17 to include such territory.

18 Sec. 232. Section 19-2203, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-2203 If it shall appear to the judge of the district court that
21 the such application presented pursuant to section 19-2201 is properly
22 filed, he or she shall make an order directing all persons owning real
23 estate or having an interest in real estate situated in such part of such
24 city or village, giving the name of the plat as recorded as well as a
25 general description of the territory affected by the proposed correction
26 and reestablishment of corporate limits, to appear before him or her at a
27 time and place to be specified, not less than four and not more than ten
28 weeks from the time of making such order, to show cause why a decree
29 correcting and reestablishing the corporate limits of such city or
30 village should not be entered. The notice of such order to show cause
31 shall be made by publication in a legal newspaper in or of general

1 circulation published in such city or village. If there is no legal
2 newspaper in or of general circulation in such city or village, then such
3 notice shall be published if there is any printed in such city or village
4 and, if there is not, in some legal newspaper in or of printed in the
5 county having general circulation in the county in which such city or
6 village is located such city or village. If no legal newspaper is printed
7 in the county, such notice shall be published in a legal newspaper having
8 general circulation in such city or village. The notice shall be
9 published four consecutive weeks in such legal newspaper and shall
10 contain a summary statement of the object and prayer of the application,
11 mention the court where it is filed, and notify the persons interested
12 when they are required to appear and show cause why such decree should
13 not be entered.

14 Sec. 233. Section 19-2302, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-2302 The proceeds derived from the use of the parking meters or
17 other similar mechanical devices, established pursuant to referred to in
18 sections 19-2301 to 19-2304, shall be placed in the traffic and safety
19 fund and shall be used by such a city or village referred to in section
20 19-2301 (1) ; first, for the purpose of the acquisition, establishment,
21 erection, maintenance, and operation of the system; second, (2) for the
22 purpose of making the system effective; and third, and (3) for the
23 expenses incurred by and throughout such a city or village in the
24 regulation and limitation of vehicular parking, traffic relating to
25 parking, traffic safety devices, signs, signals, markings, policing,
26 lights, traffic surveys, and safety programs.

27 Sec. 234. Section 19-2303, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-2303 As used in sections 19-2301 to 19-2304, unless the context
30 otherwise requires: Proceeds shall mean any money collected from or by
31 reason of parking meters or other similar mechanical devices installed by

1 any city of the first class, city of the ~~or~~ second class, or village,
2 including revenue received by reason of any schedule of accelerated
3 charges, to be fixed by ordinance. Accelerated charges may include, but
4 need not be limited to, charges fixed by ordinance for parking in
5 controlled or regulated areas without payment in advance of required
6 parking fees or payments, but shall not include judicially imposed fines
7 and penalties.

8 Sec. 235. Section 19-2304, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-2304 Nothing contained in sections 19-2301 to 19-2304 shall
11 prohibit the governing body of any city of the first class, city of the
12 second class, or village from employing any and all other ways and means
13 to regulate and control vehicular parking in such a city or village
14 either in conjunction with a system of meters or devices or exclusive and
15 independent thereof.

16 Sec. 236. Section 19-2401, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-2401 (1) Any city of the first class, city of the ~~or~~ second
19 class, or village, when constructing any municipal improvement or public
20 works, may combine two or more similar pending projects although
21 authorized by separate ordinances and located in separate improvement
22 districts for the purpose of advertising for bids for the construction of
23 such projects, and for the further purpose of awarding one contract for
24 the construction of such two or more similar pending projects.

25 (2) The published notice may set forth the engineer's lump-sum
26 estimate of the total cost for the aggregate of all work to be performed
27 in the combined districts and shall (a) enumerate the estimated
28 quantities of work to be done in each separate district; and (b) call for
29 an aggregate bid on all work to be performed in the combined districts,
30 broken down in such a manner as will accurately reflect unit prices for
31 such estimated quantities, so that, notwithstanding that such a submitted

1 aggregate or alternate aggregate bid may be accepted, the actual cost of
2 the construction of each of such projects may be allocated by any such
3 city or village to the improvement district in which it is located for
4 the purpose of levying any authorized special assessments to defray, in
5 whole or in part, such cost of construction of such projects.

6 (3) Any such city or village may also request alternate aggregate
7 bids for such projects.

8 Sec. 237. Section 19-2402, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 19-2402 (1) Whenever the city council of any city of the first class
11 or city of the ~~or~~ second class or the village board of trustees of a
12 village deems it necessary and advisable to extend municipal water
13 service or municipal sanitary sewer service to territory beyond the
14 existing systems, such municipal officials may, by ordinance, create a
15 district or districts to be known as sanitary sewer extension districts
16 or water extension districts for such purposes, and such district or
17 districts may include properties within the corporate limits of the
18 municipality and the extraterritorial zoning jurisdiction as established
19 pursuant to section 16-901 or 17-1002.

20 (2) The owners of lots and lands abutting upon a street, avenue, or
21 alley, or part thereof, may petition the city council or village board of
22 trustees to create a sanitary sewer extension district or a water
23 extension district. The petition shall be signed by owners representing
24 at least two-thirds of the front footage abutting upon the street,
25 avenue, or alley, or part thereof, within the proposed district, which
26 will become subject to an assessment for the cost of the improvement.

27 (3) If creation of such ~~the~~ district is not initiated by petition, a
28 vote of at least three-fourths of all the members of the city council or
29 village board of trustees shall be required to adopt the ordinance
30 creating the district.

31 (4) Such ordinance shall state the size and kind of sewer mains or

1 water mains proposed to be constructed in such district and shall
2 designate the location and terminal points thereof. Such ordinance shall
3 also refer to the plans and specifications for such utility extensions
4 which shall have been made and filed with the city clerk or village
5 ~~municipal~~ clerk by the city engineer or village ~~municipal~~ engineer prior
6 to the introduction of the ordinance, and the city engineer or village
7 engineer at the time of filing such plans and specifications shall make
8 and file an estimate of the total cost of the proposed utility extension.
9 The ordinance shall also state the outer boundaries of the district or
10 districts in which it is proposed to make special assessments.

11 (5) Upon creation of an extension district, whether by vote of the
12 governing body or by petition, the city council or village board of
13 trustees shall order the sewer extension main or water extension main
14 laid and, to the extent of special benefit, assess the cost thereof
15 against the property which abuts upon the street, avenue, or alley, or
16 part thereof, which is located in the district.

17 Sec. 238. Section 19-2403, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-2403 (1) When the extension of the sewer or water service
20 involved in an extension district created pursuant to section 19-2402 is
21 completed, the municipality shall compel all proper connections of
22 occupied properties in the district with the extension and may provide a
23 penalty for failure to comply with regulations of the municipality
24 pertaining to the district.

25 (2) In case any property owner neglects or fails, for ten days after
26 notice, either by personal service or by publication in a legal ~~some~~
27 newspaper in or published ~~and~~ of general circulation in the municipality,
28 to comply with municipal regulations pertaining to municipal water
29 service or municipal sanitary service extensions or to make connections
30 of his or her property with such utility service, the city council or
31 village board of trustees may cause the same to be done, assess the cost

1 thereof against the property, and collect the same in the manner provided
2 for the collection of general municipal taxes.

3 Sec. 239. Section 19-2404, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 19-2404 (1) Except as provided in subsection (2) of this section,
6 special assessments for sanitary sewer extension mains or water extension
7 mains in a district shall be levied at one time and shall become
8 delinquent in equal annual installments over a period of years equal to
9 the number of years for which the bonds for such project were issued
10 pursuant to section 19-2405. The first installment becomes delinquent
11 fifty days after the making of such levy. Subsequent installments become
12 delinquent on the anniversary date of the levy. Each installment, except
13 the first, shall draw interest at the rate set by the city council or
14 village board of trustees from the time of such levy until such
15 installment becomes delinquent. After an installment becomes delinquent,
16 interest at the rate specified in section 45-104.01, as such rate may
17 from time to time be adjusted by the Legislature, shall be paid thereon
18 until such installment is collected and paid. Such special assessments
19 shall be collected and enforced as in the case of general municipal taxes
20 and shall be a lien on such real estate from and after the date of the
21 levy. If three or more of such installments become delinquent and unpaid
22 on the same property, the city council or the village board of trustees
23 may by resolution declare all future installments on such delinquent
24 property to be due on a future fixed date. The resolution shall set forth
25 the description of the property and the name of its record title owner
26 and shall provide that all future installments shall become delinquent
27 upon the date fixed. A copy of such resolution shall be published one
28 time in a legal newspaper in or of general circulation ~~published~~ in the
29 municipality ~~or, if none is published in such municipality, in a legal~~
30 ~~newspaper of general circulation in the municipality.~~ After the fixed
31 date such future installments shall be deemed to be delinquent and the

1 municipality may proceed to enforce and collect the total amount due
2 including all future installments.

3 (2) If the city or village incurs no new indebtedness pursuant to
4 section 19-2405 for any water service extension or sanitary sewer
5 extension in a district, the special assessments for such improvements
6 shall be levied at one time and shall become delinquent in equal annual
7 installments over such period of years as the city council or village
8 board of trustees determines at the time of making the levy to be
9 reasonable and fair.

10 Sec. 240. Section 19-2405, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-2405 For the purpose of paying the cost of any ~~such~~ water service
13 extension or sanitary sewer service extension, in an extension ~~any such~~
14 district created pursuant to section 19-2402, the city council or village
15 board of trustees may, by ordinance, cause bonds of the municipality to
16 be issued, called district water service extension bonds of district
17 No. or district sanitary sewer service extension bonds of district
18 No., payable in not exceeding twenty years from date and to bear
19 interest payable annually or semiannually with interest coupons attached.
20 The ordinance effectuating the issuance of such bonds shall provide that
21 the special tax and assessments shall constitute a sinking fund for the
22 payment of such bonds and interest. If a written protest, signed by
23 owners of the property located in the improvement district and
24 representing a majority of the front footage which may become subject to
25 assessment for the cost of the improvement, is filed with the city
26 ~~municipal~~ clerk or village clerk within three days before the date of the
27 meeting for the consideration of such ordinance, such ordinance shall not
28 be passed. The entire cost of such water extension mains or sanitary
29 sewer extension mains in any such street, avenue, or alley may be
30 chargeable to the private property therein and may be paid by the owner
31 of such property within fifty days from the levy of such special taxes

1 and assessments, and thereupon such property shall be exempt from any
2 lien for the special taxes and assessments. The bonds shall not be sold
3 for less than their par value. If the assessment or any part thereof
4 fails or for any reason is invalid, the city council or village board of
5 trustees governing body of the municipality may, without further notice,
6 make such other and further assessments on the lots and lands as may be
7 required to collect from the lots and lands the cost of the improvement,
8 properly chargeable as provided in this section. In lieu of such general
9 obligation bonds, the municipality may issue revenue bonds as provided in
10 section 18-502, to pay all or part of the cost of the construction of
11 such improvement.

12 Sec. 241. Section 19-2406, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-2406 For the purpose of making partial payments as the work
15 progresses in an extension district created pursuant to section 19-2402,
16 warrants may be issued by the mayor and city council or the chairperson
17 ~~chairman~~ and village board of trustees, as the case may be, upon
18 certificates of the engineer in charge showing the amount of work
19 completed and materials necessarily purchased and delivered for the
20 orderly and proper continuation of the project, in a sum not exceeding
21 ninety-five percent of the cost thereof and upon the completion and
22 acceptance of the work issue a final warrant for the balance due the
23 contractor, which warrants shall be redeemed and paid upon the sale of
24 the bonds issued and sold as provided in section 19-2405, and which shall
25 bear interest at such rate as the mayor and city council or chairperson
26 ~~chairman~~ and village board of trustees, ~~as the case may be,~~ shall order.
27 The city or village shall pay to the contractor interest at the rate of
28 eight percent per annum on the amounts due on partial and final payments
29 beginning forty-five days after the certification of the amounts due by
30 the engineer in charge and approval by the city council or village board
31 of trustees governing body, and running until the date that the warrant

1 is tendered to the contractor. Such ~~Said~~ warrants shall be registered in
2 the manner provided for the registration of other warrants, and called
3 and paid whenever there are funds available for that purpose in the
4 manner provided for the calling and paying of other warrants. For the
5 purpose of paying such ~~said~~ warrants and the interest thereon from the
6 time of their registration until paid, the special assessments as
7 ~~hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are
8 paid and collected in a fund to be designated as the sewer and water
9 service extension fund.

10 Sec. 242. Section 19-2407, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 19-2407 Special assessments may be levied by the mayor and city
13 council or chairperson and village board of trustees, as the case may be,
14 for the purpose of paying the cost of constructing extension water mains
15 or sanitary service connections, as provided in sections 19-2402 to
16 19-2407. Such assessments shall be levied on the real property lying and
17 being within the utility main district in which such extension mains may
18 be situated to the extent of benefits to such property by reason of such
19 improvement. The benefits to such property shall be determined by the
20 mayor and city council, or chairperson and village board of trustees, as
21 ~~the case may be~~, sitting as a board of equalization after notice to
22 property owners, as provided in other cases of special assessment. After
23 the mayor and city council, or chairperson and village board of trustees,
24 sitting as such board of equalization, shall find such benefits to be
25 equal and uniform, such levy may be made according to the front footage
26 of the lots or real estate within such utility district, or according to
27 such other rule as the board of equalization may adopt for the
28 distribution or adjustment of such cost upon the lots or real estate in
29 such district benefited by such improvement. All such special assessments
30 shall be collected in the same manner as general municipal taxes and
31 shall be subject to the same penalty.

1 Sec. 243. Section 19-2410, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-2410 Whenever a petition, signed by sixty percent of the owners
4 of all real property in a ~~the~~ proposed improvement district, is presented
5 to the city council or village board of trustees ~~of the village~~ setting
6 forth (1) the property to be included in the improvement district, (2)
7 the improvement or improvements authorized by the Combined Improvement
8 Act which they desire made in such district in reasonable detail and
9 stating the location of each, and (3) an estimate of the cost of the
10 improvement or improvements, which estimate does not exceed the dollar
11 limitations in section 19-2408, the city council or village board of
12 trustees ~~of the village~~ shall cause the petition to be examined and the
13 estimate of cost of the improvement or improvements verified. If the
14 petition is found correct, the city council or village board of trustees
15 ~~of the village~~ shall by ordinance create an improvement district
16 consecutively numbered, known as Improvement District No., and
17 cause the improvements to be made if such can be done within such dollar
18 limitations.

19 Sec. 244. Section 19-2411, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-2411 The city council or village board of trustees ~~of a village~~
22 may without petition create an improvement district and cause one or more
23 of the improvements specified in section 19-2409 to be made in such the
24 district. The ordinance shall designate the property included within the
25 district or the outer boundaries thereof, the improvement or improvements
26 to be made in the district, and the total estimated cost of the
27 improvements, which shall not exceed the dollar limitations in section
28 19-2408. After passage, approval, and publication of the ordinance, the
29 city clerk or village clerk shall cause notice of the creation of such
30 district to be published for two consecutive weeks in a legal newspaper
31 in published or of general circulation in the city or village, or in lieu

1 of publication cause such notice to be served personally or by certified
2 mail on all owners of real property located within the district. If a
3 majority of the owners of all the real property in the district file
4 written objections to the creation of the district with the city clerk or
5 village clerk within twenty days after the first publication of such
6 notice or within twenty days after the date of mailing or service of
7 written notice on the property owners in the district, the city or
8 village shall not proceed further and shall repeal such ordinance. If no
9 such objections are filed, the city shall proceed with making the
10 improvements.

11 Sec. 245. Section 19-2412, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-2412 Contracts for improvements made under the Combined
14 Improvement Act ~~The contract~~ shall be let and the improvements made in
15 the same manner as required for street improvements. The city council or
16 village board of trustees ~~of the village~~ may direct the improvements to
17 be made under a single contract or that separate bids be taken for the
18 street improvement, installation of water mains, and installation of
19 sewers, but the aggregate of such ~~said~~ contracts shall not exceed the
20 estimate as shown in the ordinance creating the district. For the purpose
21 of making partial payment as the work progresses, warrants may be issued
22 by the mayor and city council or the village board of trustees ~~of the~~
23 ~~village~~ upon certificate of the engineer in charge showing the amount of
24 the work completed and materials necessarily purchased and delivered for
25 the orderly and proper continuance of the project in an amount not
26 exceeding ninety-five percent of the cost thereof, which warrants shall
27 be redeemed and paid from the amounts received on the special assessments
28 or from the sale of bonds issued to pay the cost of the project as
29 provided in section 19-2414. The city or village shall pay to the
30 contractor interest, at the rate of eight percent per annum on the
31 amounts due on partial and final payments, beginning forty-five days

1 after the certification of the amounts due by the engineer in charge and
2 approval by the city council or village board of trustees ~~governing body~~
3 and running until the date that the warrant is tendered to the
4 contractor.

5 Sec. 246. Section 19-2413, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-2413 On the completion and acceptance of the improvement or
8 improvements made under the Combined Improvement Act, the mayor and city
9 council or the village board of trustees ~~of the village~~ may cause special
10 assessments to be levied against the property in the district specially
11 benefited by the improvement or improvements to the extent that such ~~said~~
12 property is specially benefited in the manner and form provided for
13 levying special assessments for street improvements under the provisions
14 of sections 16-617 to 16-655 or 17-509 to 17-515, and the special
15 assessments shall mature and bear interest the same as provided for
16 special assessments for paving.

17 Sec. 247. Section 19-2414, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-2414 After the completion and acceptance of the improvement or
20 improvements made under the Combined Improvement Act, the city or village
21 may issue and sell its negotiable coupon bonds to be known as public
22 improvement bonds in an amount not exceeding the balance of the unpaid
23 cost of the improvement or improvements. The bonds shall be payable in
24 not to exceed twenty years from date and bear interest payable annually
25 or semiannually. All money collected from the special assessments shall
26 be placed in a sinking fund to pay the cost of the improvement or
27 improvements and the bonds issued under the Combined Improvement Act.

28 Sec. 248. Section 19-2416, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-2416 The governing body of any city of the first class, city of
31 the ~~or~~ second class, or ~~of any~~ village may by ordinance create a limited

1 street improvement district for the sole purpose of grading, curbing, and
2 guttering any unpaved street or streets or curbing and guttering any
3 paved or unpaved street or streets in the city or village and each
4 district shall be designated as Street Grading, Curbing, and Guttering
5 District No. or as Curbing and Guttering District No., as the
6 case may be. The city clerk or village mayor or chairman of the board of
7 ~~trustees and~~ clerk shall, after the passage, approval, and publication of
8 such ordinance, publish notice of the creation of any such district or
9 districts one time each week for three weeks in a legal daily or weekly
10 newspaper in or of general circulation in the city or village. After the
11 passage, approval, and publication of such ordinance and the publication
12 of such notice, the procedure of the mayor and city council or
13 chairperson ~~chairman~~ and village board of trustees in reference to such
14 improvement shall be in accordance with the applicable provisions of
15 sections 16-620 to 16-655 or 17-508 to 17-520.

16 Sec. 249. Section 19-2417, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-2417 The mayor and city council of any city of the first class or
19 city of the second class or the village board of trustees of any village
20 shall have the power to construct, replace, repair, or otherwise improve
21 sidewalks within such city or village. Whenever the mayor and city
22 ~~council of a city~~ or village board of trustees ~~of a village~~ shall by
23 resolution passed by a three-fourths vote of all members of such city
24 council or village board of trustees determine the necessity for sidewalk
25 improvements, the mayor and city council or village board of trustees
26 shall by ordinance create a sidewalk district, ~~and~~ shall cause such
27 improvements to be made, and shall contract therefor.

28 Sec. 250. Section 19-2418, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 19-2418 The mayor and city council or village board of trustees
31 shall levy special assessments on the lots and parcels of land abutting

1 on or adjacent to the sidewalk improvements specially benefited thereby
2 in any sidewalk district created pursuant to section 19-2417 such
3 ~~district~~ in proportion to the benefits, to pay the cost of such
4 improvements ~~improvement~~. All special assessments shall be a lien on the
5 property on which levied from the date of the levy until paid. The
6 special assessment for the sidewalk improvement shall be levied at one
7 time and shall become delinquent as follows: One-seventh of the total
8 assessment shall become delinquent in ten days after such levy; one-
9 seventh in one year; one-seventh in two years; one-seventh in three
10 years; one-seventh in four years; one-seventh in five years; and one-
11 seventh in six years. Each of such installments, except the first, shall
12 draw interest at the rate of not exceeding the rate of interest specified
13 in section 45-104.01, as such rate may from time to time be adjusted by
14 the Legislature, from the time of the levy until the installment becomes
15 delinquent. If the installment becomes delinquent, interest at the rate
16 specified in section 45-104.01, as such rate may from time to time be
17 adjusted by the Legislature, shall be paid thereon as in the case of
18 other special assessments. All such special assessments shall be made and
19 collected in accordance with the procedure established for paving
20 assessments for such ~~the particular~~ city or village.

21 Sec. 251. Section 19-2419, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-2419 For the purpose of paying the cost of sidewalk improvements
24 in any sidewalk district created pursuant to section 19-2417, the mayor
25 and city council or village board of trustees shall have the power and
26 may, by ordinance, cause to be issued bonds of the city or village, to be
27 called Sidewalk Bonds of District No., payable in not exceeding six
28 years from date, and to bear interest annually or semiannually, with
29 interest coupons attached. Such bonds shall be general obligations of the
30 city or village, with principal and interest payable from a fund made up
31 of the special assessments collected and supplemented by transfers from

1 the general fund to make up any deficiency in the collection of the
2 special assessments. For the purpose of making partial payments as the
3 work progresses, warrants bearing interest may be issued by the mayor and
4 city council, or the village board of trustees, upon certificate of the
5 engineer in charge showing the amount of the work completed and materials
6 necessarily purchased and delivered for the orderly and proper
7 continuance of the project, in a sum not exceeding ninety-five percent of
8 the cost thereof, which warrants shall be redeemed and paid upon the sale
9 of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay
10 to the contractor interest, at the rate of eight percent per annum on the
11 amounts due on partial and final payments, beginning forty-five days
12 after the certification of the amounts due by the engineer in charge and
13 approval by the city council or village board of trustees governing body
14 and running until the date that the warrant is tendered to the
15 contractor.

16 Sec. 252. Section 19-2420, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 19-2420 A city of the first class or city of the second class may
19 acquire by gift or purchase from the federal government or any agency
20 thereof sewer lines and sewage disposal systems, waterworks, and water
21 distribution systems, whether within or without the corporate limits, and
22 operate and extend the same, even though such system or systems are or
23 may be and continue to be wholly disconnected and separate from any such
24 utility system already belonging to such city, when, in the judgment of
25 the mayor and city council of such a city not having a board of public
26 works or of its board of public works in such a city having such board,
27 it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring,
28 maintaining, operating, and extending any such system, ~~any such city of~~
29 ~~the first or second class~~ may use funds from any sewer, water, ~~or~~
30 electrical system presently owned and operated by it, without prior
31 appropriation of such funds, and any other funds lawfully available for

1 such purpose.

2 Rates charged for the use of any system or works ~~so~~ acquired under
3 this section shall be reasonable and based on cost properly allocable to
4 the customers of ~~any~~ such system.

5 Sec. 253. Section 19-2421, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-2421 The mayor and city council of any city of the first class or
8 city of the second class, and the chairperson ~~chairman~~ and village board
9 of trustees of any village, in addition to other powers granted by law,
10 may enter into contracts for lease of real or personal property for any
11 purpose for which the city or village is authorized by law to purchase
12 property or construct improvements. Such leases shall not be restricted
13 to a single year~~,~~ and may provide for the purchase of the property in
14 installment payments.

15 Sec. 254. Section 19-2422, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-2422 Any owner of real property who feels aggrieved by the levy
18 of any special assessment by any city of the first class, city of the ~~or~~
19 second class, or village may appeal from such assessment, both as to the
20 validity and amount thereof, to the district court of the county where
21 such assessed real property is located. The issues on such appeal shall
22 be tried de novo. The district court may affirm, modify, or vacate the
23 special assessment~~,~~ or may remand the case to the local board of
24 equalization for rehearing.

25 Sec. 255. Section 19-2423, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-2423 The owner appealing a special assessment pursuant to section
28 19-2422 shall, within ten days from the levy of such special assessment,
29 file a notice of appeal with the city clerk or village clerk~~,~~ and shall
30 post a bond in the amount of two hundred dollars conditioned that such
31 appeal shall be prosecuted without delay and the appellant shall pay all

1 costs charged against him or her.

2 Sec. 256. Section 19-2424, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-2424 (1) Upon the request of the owner appealing a special
5 assessment pursuant to section 19-2422 and the payment by him or her of
6 the estimated cost of preparation of the transcript to the city clerk or
7 village clerk or such clerk's designee, the city clerk or village clerk
8 shall cause a complete transcript of the proceedings before such city or
9 village to be prepared. The cost of preparing the transcript shall be
10 calculated in the same manner as the calculation of the fee for a court
11 reporter for the preparation of a bill of exceptions as specified by
12 rules of practice prescribed by the Supreme Court. At such time as the
13 completed transcript is provided to the appellant, the appellant shall
14 pay the amount of the cost of preparation which is in excess of the
15 estimated cost already paid or shall receive a refund of any amount in
16 excess of the actual cost. An appellant determined to be indigent shall
17 not be required to pay any costs associated with such transcript
18 preparation.

19 (2) For purposes of this section, indigent means the inability to
20 financially pursue the appeal without prejudicing the appellant's ability
21 to provide economic necessities for the appellant or the appellant's
22 family. Indigency shall be determined by the court having jurisdiction
23 over the appeal upon motion of the appellant. The court shall make a
24 reasonable inquiry to determine the appellant's financial condition and
25 shall consider such factors as the appellant's income, the availability
26 to the appellant of other resources, including real and personal
27 property, bank accounts, social security benefits, and unemployment or
28 other benefits, the appellant's normal living expenses, the appellant's
29 outstanding debts, the number and age of the appellant's dependents, and
30 other relevant circumstances.

31 Sec. 257. Section 19-2425, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2425 The owner appealing a special assessment pursuant to section
3 19-2422 appellant shall file his or her petition on appeal in the
4 district court, together with a transcript of the proceedings before the
5 ~~such~~ city or village, within thirty days from the date of the levy of
6 such special assessment.

7 Sec. 258. Section 19-2426, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-2426 Any ~~first- or second-class~~ city of the first class, city of
10 the second class, or village may wall, enclose, or cover in a manner that
11 will not restrict or impair the intended purpose, function, or operation
12 of a segment of any irrigation or drainage ditch, canal, or lateral,
13 whether on public or private property, which lies within the corporate
14 limits of such city or village, and for this purpose may acquire and hold
15 land or an interest in land. Nothing in this section shall be construed
16 to authorize the taking of property without payment of compensation when
17 required by law. Such city or village may undertake and finance a project
18 authorized by this section either independently or jointly with any
19 person owning or operating such irrigation ditch, canal, or lateral. If ÷
20 ~~Provided, that~~ if such project is undertaken independently, the owner or
21 operator of such irrigation ditch, canal, or lateral shall approve the
22 design of the project prior to any construction.

23 Sec. 259. Section 19-2427, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 19-2427 Any city of the first class, city of the ~~or~~ second class, or
26 village may include land adjacent to such city or village when creating
27 an improvement district, such as a sewer, paving, water, water extension,
28 or sanitary sewer extension district. The city council or village board
29 of trustees may levy a special assessment for the costs of such
30 improvements upon the properties found specially benefited thereby,
31 except as provided in sections 19-2428 to 19-2431.

1 Sec. 260. Section 19-2428, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-2428 (1) Whenever the city council ~~governing body~~ of a city of
4 the first class or city of the second class or the village board of
5 trustees of a village creates an improvement district as specified in
6 section 19-2427 which includes land adjacent to such city or village and
7 such adjacent land is within an agricultural use zone and is used
8 exclusively for agricultural use, the owners of record title of such
9 adjacent land may apply for a deferral from special assessments pursuant
10 to sections 19-2428 to 19-2431.

11 (2) For purposes of sections 19-2428 to 19-2431:

12 (a) Agricultural use means the use of land as described in section
13 77-1359, so that incidental use of the land for nonagricultural or
14 nonhorticultural purposes shall not disqualify the land; and

15 (b) Agricultural use zone means designation of any land
16 predominantly for agricultural or horticultural use by any political
17 subdivision pursuant to sections 19-925 ~~19-924~~ to 19-933, Chapter 14,
18 article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17,
19 article 10, or Chapter 23, article 1. The primary objective of the
20 agricultural use zoning shall be to preserve and protect agricultural
21 activities and the potential for the agricultural, horticultural, or open
22 use of land. Uses to be allowed on such lands include primarily
23 agricultural-related or horticultural-related uses, and nonagricultural
24 or nonhorticultural industrial, commercial, or residential uses allowed
25 on such lands shall be restricted so that they do not conflict with or
26 detract from this objective.

27 Sec. 261. Section 19-2429, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-2429 (1) Any owner of record title eligible for the deferral
30 granted by section 19-2428 shall, to secure such assessment, make
31 application to the city council ~~or board of trustees~~ of any city of the

1 first class or city of the second class or the village board of trustees
2 of any village within ninety days after creation of an improvement
3 district as specified in section 19-2427 which includes land adjacent to
4 such city or village which is within an agricultural use zone and is used
5 exclusively for agricultural use.

6 (2) Any owner of record title who makes application for the deferral
7 provided by sections 19-2428 to 19-2431 shall notify the county register
8 of deeds of such application in writing prior to approval by the city
9 council or village board of trustees.

10 (3) The city council or village board of trustees shall approve the
11 application of any owner of record title upon determination that the
12 property (a) is within an agricultural use zone and is used exclusively
13 for agricultural use and (b) the owner has complied with subsection (2)
14 of this section.

15 Sec. 262. Section 19-2430, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-2430 The deferral provided for in sections 19-2428 to 19-2431
18 shall be terminated upon any of the following events:

19 (1) Notification by the owner of record title to the city council or
20 village board of trustees to remove such deferral;

21 (2) Sale or transfer to a new owner who does not make a new
22 application within sixty days of the sale or transfer, except as provided
23 in subdivision (3) of this section;

24 (3) Transfer by reason of death of a former owner to a new owner who
25 does not make application within one hundred twenty-five days of the
26 transfer;

27 (4) The land is no longer being used as agricultural land; or

28 (5) Change of zoning to other than an agricultural zone.

29 Sec. 263. Section 19-2432, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-2432 (1) Whenever a tract of land against which a special

1 assessment has been levied is divided or subdivided by any platting,
2 replatting, or other form of division creating separate lots or tracts,
3 the city council governing body of any city of the first class or ~~city~~
4 of the second class, ~~or~~ the village board of trustees of any village
5 which has levied such special assessments may (a) on application of the
6 owner of any part of the tract or (b) on its own motion, determine the
7 apportionment of such special assessment remaining unpaid among the
8 various lots and parcels in the tract resulting from the division or
9 subdivision. Any such reapportionment shall be on such fair and equitable
10 terms as the city council or village board of trustees governing body
11 shall determine after notice and hearing on the reapportionment. No
12 reapportionment of a special assessment shall be done on a tract of land
13 if a tax sale certificate has been issued for such tract or if the
14 special assessment being reapportioned is delinquent.

15 (2) Notice of hearing on the reapportionment shall be given by
16 publication one time in a legal newspaper in published or of general
17 circulation in the city or village not less than ten days prior to the
18 hearing. Notice of the hearing shall be sent by mail to the owners of
19 record title of each lot or parcel affected by any proposed or determined
20 reapportionment in the same manner as is required under section
21 25-520.01.

22 (3) In making the determination as to reapportionment, the city
23 council or village board of trustees governing body shall take into
24 consideration its own requirements as to security for payment of the
25 amounts owing and may, if determined appropriate, allocate based upon
26 either front footage or square footage or other such method or
27 reapportionment as may be determined appropriate based upon the facts and
28 circumstances. No such reapportionment shall result in a reduction or
29 remittance of the total amount originally assessed and then remaining
30 outstanding and unpaid. Notice of the reapportionment when determined
31 shall be sent by mail to the owners of record title of each lot or parcel

1 affected by the reapportionment.

2 (4) Any notice required under this section may be waived in writing
3 by any owner of any lot or parcel affected by any reapportionment.

4 (5) Any owner of real property who feels aggrieved by the
5 reapportionment of any special assessment under this section may appeal
6 such reapportionment in the same manner as applies for appeals from
7 special assessments under sections 19-2422 to 19-2425, but only matters
8 related to such reapportionment shall be considered upon any such appeal.

9 (6) The city council or village board of trustees governing body
10 shall file notice of any reapportionment of a special assessment with the
11 county treasurer of the county where the lot or parcel is located.

12 Sec. 264. Section 19-2701, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-2701 A city of the first class or city of the second class may
15 enter into a contract or contracts to sell electric, water, or sewer
16 service to persons beyond the corporate limits of such a city when, in
17 the judgment of the mayor and city council of such a city not having a
18 board of public works or of its board of public works in such a city
19 having such board, it is beneficial to ~~any~~ such city to do so. No such
20 contract shall run for a period in excess of twenty-five years. Such a
21 city is hereby authorized and empowered to enter into contracts for the
22 furnishing of electric service to persons, firms, associations, and
23 corporations beyond the corporate limits of such a city.

24 Sec. 265. Section 19-2901, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 19-2901 Sections 19-2901 to 19-2909 shall be known and may be cited
27 as the Nebraska Municipal Auditing Law.

28 Sec. 266. Section 19-2902, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-2902 For purposes of the Nebraska Municipal Auditing Law, unless
31 the context otherwise requires:

1 (1) Accountant means a duly licensed public accountant or certified
2 public accountant who otherwise is not an employee of or connected in any
3 way with the municipality involved;

4 (2) Annual audit report means the written report of the accountant
5 and all appended statements and schedules relating thereto presenting or
6 recording the findings of an examination or audit of the financial
7 transactions, affairs, or financial condition of a municipality and its
8 proprietary functions for the fiscal year immediately prior to the making
9 of such annual report;

10 (3) Fiscal year means the fiscal year for the particular
11 municipality involved or the fiscal year established in section 18-2804
12 for a proprietary function if different than the municipal fiscal year;

13 (4) Municipal authority means the city council, the village board of
14 trustees, or any other body or officer having authority to levy taxes,
15 make appropriations, or approve claims for any municipality; and

16 (5) Municipality means any incorporated city of the first class,
17 city of the second class, or village in this state.

18 ~~(1) Municipality or municipalities shall mean and include all~~
19 ~~incorporated cities of the first class, cities of the second class, and~~
20 ~~villages in this state;~~

21 ~~(2) Municipal authority shall mean the city council, board of~~
22 ~~trustees of a village, or any other body or officer having authority to~~
23 ~~levy taxes, make appropriations, or approve claims for any municipality;~~

24 ~~(3) Accountant shall mean a duly licensed public accountant or~~
25 ~~certified public accountant who otherwise is not an employee of or~~
26 ~~connected in any way with the municipality involved;~~

27 ~~(4) Annual audit report shall mean the written report of the~~
28 ~~accountant and all appended statements and schedules relating thereto~~
29 ~~presenting or recording the findings of an examination or audit of the~~
30 ~~financial transactions, affairs, or financial condition of a municipality~~
31 ~~and its proprietary functions for the fiscal year immediately prior to~~

1 ~~the making of such annual report; and~~

2 ~~(5) Fiscal year shall mean the fiscal year for the particular~~
3 ~~municipality involved or the fiscal year established in section 18-2804~~
4 ~~for a proprietary function if different than the municipal fiscal year.~~

5 Sec. 267. Section 19-2904, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-2904 The annual audit report shall set forth, insofar as
8 possible, the financial position and results of financial operations for
9 each fund or group of accounts of the municipality. When the accrual
10 method is selected for the annual audit report, such report shall be in
11 accordance with generally accepted accounting principles. The annual
12 audit report shall also include the professional opinion of the
13 accountant with respect to the financial statements, or, if an opinion
14 cannot be expressed, a declaration that the accountant is unable to
15 express such an opinion with an explanation of the reasons why he or she
16 cannot do so.

17 Sec. 268. Section 19-2905, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-2905 At least three copies of the ~~such~~ annual audit report shall
20 be properly signed and attested by the accountant, ~~;~~ two copies shall be
21 filed with the clerk of the municipality involved, ~~;~~ and one copy shall be
22 filed with the Auditor of Public Accounts. The copy of the annual audit
23 report submitted to the Auditor of Public Accounts shall be accompanied
24 by a supplemental report, if appropriate, by the accountant making the
25 audit identifying any illegal acts or indications of illegal acts
26 discovered as a result of the audit.

27 The annual audit report filed, together with any accompanying
28 comment or explanation, shall become a part of the public records of the
29 clerk of the municipality involved and shall at all times thereafter be
30 open and subject to public inspection. The copies filed with the auditor
31 shall be kept as a part of the public records in that office for at least

1 five years and shall at all times be subject to public inspection.

2 Sec. 269. Section 19-2907, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-2907 Should any municipality fail or refuse to cause an such
5 annual audit to be made of all of its functions, activities, and
6 transactions for the fiscal year within a period of six months following
7 the close of such fiscal year, then and in such event, any resident
8 taxpayer may make a written demand on the city council or village board
9 of trustees ~~governing body~~ of such municipality to commence such annual
10 audit within thirty days, and if such demand is ignored, a mandamus
11 action may be instituted by any taxpayer or taxpayers residing in such
12 municipality against the ~~then~~ municipal authorities of such municipality
13 requiring the municipality to proceed forthwith to cause such audit to be
14 made, and if such action is decided in favor of the taxpayer or taxpayers
15 instituting the same, the ~~then~~ municipal authorities of such municipality
16 shall be personally, and jointly and severally, liable for the costs of
17 such action, including a reasonable attorney's ~~attorney~~ fee to be allowed
18 by the court for the attorney employed by the taxpayer or taxpayers and
19 who prosecuted the action. Upon a failure, refusal, or neglect to cause
20 such annual audit to be made as required by sections 19-2903 and 19-2904,
21 and a failure to file a copy thereof with the Auditor of Public Accounts
22 as required by section 19-2905, the Auditor of Public Accounts shall,
23 after due notice and a hearing to show cause by such city or village,
24 notify the State Treasurer of such failure to file a copy with the
25 Auditor of Public Accounts. The State Treasurer shall, upon receipt of
26 such notice, withhold distribution of all money to which such city or
27 village may be entitled under the provisions of sections 39-2511 to
28 39-2520, until such annual audit shall have been made and have been filed
29 with the Auditor of Public Accounts. If such annual audit is not filed
30 within a period of six months from the time of the order and notice of
31 delinquency given by the Auditor of Public Accounts to the State

1 Treasurer, the amount so withheld shall be distributed to the other
2 cities and villages in the county where such delinquent city is located.
3 Upon compliance with the law requiring annual audits, the delinquent city
4 or village shall again become entitled to distribution of all money to
5 which it is entitled from the State Treasurer beginning with the date of
6 such compliance.

7 Sec. 270. Section 19-2908, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 19-2908 The Nebraska Municipal Auditing Law provisions of sections
10 ~~19-2901 to 19-2909~~ shall not be construed to relieve any officer of any
11 duties now required by law of him or her with relation to public accounts
12 of a municipality or the disbursement of public funds of a municipality
13 ~~the same~~. Failure of the municipality to comply with any provisions of
14 the Nebraska Municipal Auditing Law sections ~~19-2901 to 19-2909~~ shall not
15 affect the legality of taxes levied for any of the funds of such
16 municipality or any special assessments levied in connection with public
17 improvements.

18 Sec. 271. Section 19-2909, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-2909 The expenses of the audit required by the Nebraska Municipal
21 Auditing Law in sections ~~19-2901 to 19-2909~~ shall be paid by the
22 municipal authorities of the municipality involved from appropriate
23 municipal funds; ~~Provided, that if any municipality has completed its~~
24 ~~annual budget and passed its appropriation ordinance before March 30,~~
25 ~~1959, then such expenses may be paid from the general fund of such~~
26 ~~municipality for the first annual audit made under the provisions of~~
27 ~~sections 19-2901 to 19-2909.~~

28 Sec. 272. Section 19-3052, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3052 (1) For purposes of this section, municipality means shall
31 ~~mean~~ any city of the first class, city of the ~~or~~ second class, or village

1 which elects members of its governing board by districts.

2 (2) Any municipality which annexes territory and thereby brings
3 sufficient new residents into such municipality so as to require that
4 election districts be redrawn to maintain substantial population equality
5 between districts shall redistrict its election districts so that such
6 districts are substantially equal in population within one hundred and
7 eighty days after the effective date of the ordinance annexing the
8 territory. Such redistricting shall create election districts which are
9 substantially equal in population as determined by the most recent
10 federal decennial census or the most recent revised certified count by
11 the United States Bureau of the Census.

12 (3) No municipality which proposes to annex territory and thereby
13 bring new residents into the municipality shall annex such territory
14 unless the redistricting required by subsection (2) of this section will
15 be accomplished at least eighty days prior to the next primary election
16 in which candidates for the governing body of the municipality are
17 nominated.

18 (4)(a) No city of the first class or city of the second class shall
19 annex any territory during the period from eighty days prior to any
20 primary election in which candidates for the ~~governing body of the city~~
21 council are nominated until the date of the general election of the same
22 year if such annexation would bring sufficient new residents into such
23 city so as to require that election districts be redrawn to maintain
24 substantial population equality between districts.

25 (b) No village shall annex any territory during the period eighty
26 days prior to the election at which members of the ~~governing body of the~~
27 village board of trustees are chosen until the date of such election if
28 such annexation would bring sufficient new residents into such village so
29 as to require that election districts be redrawn to maintain substantial
30 population equality between districts.

31 (5)(a) No proposed annexation by a municipality shall be restricted

1 or governed by this section unless such annexation would bring sufficient
2 new residents into such municipality so as to require the election
3 districts of the municipality to be redrawn to maintain substantial
4 population equality between districts.

5 (b) Nothing in this section shall be construed to require a
6 municipality to redraw the boundaries of its election districts following
7 an annexation unless such annexation brought sufficient new residents
8 into such municipality so as to require such redistricting to maintain
9 substantial population equality between districts.

10 (c) For the purposes of this section only, a municipal annexation
11 shall be held to have brought sufficient new residents into such
12 municipality so as to require that its election districts be redrawn to
13 maintain substantial population equality between districts if, following
14 such annexation, the total range of deviation from the mean population of
15 each election district, according to the most recent federal decennial
16 census or the most recent revised certified count by the United States
17 Bureau of the Census, exceeds ten percent.

18 Sec. 273. Section 19-3101, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-3101 In all cities of the first class, cities of the ~~and~~ second
21 class, classes and villages, regardless of the form of government, in
22 addition to the events listed in section 32-560 and any other reasons for
23 a vacancy provided by law, after notice and a hearing, a vacancy on the
24 city council or village board of trustees shall exist if a member is
25 absent from more than five consecutive regular meetings of the city
26 council or village board of trustees unless the absences are excused by a
27 majority vote of the remaining members.

28 Sec. 274. Section 19-3302, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3302 As used in the Offstreet Parking District Act sections
31 ~~19-3301 to 19-3326~~, unless the context otherwise requires,

1 ~~offstreet~~ ~~Offstreet~~ parking facilities includes parking lots, garages,
2 buildings, and multifloor buildings for the parking of motor vehicles.

3 Sec. 275. Section 19-3303, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-3303 In addition to matters specifically elsewhere set forth in
6 the Offstreet Parking District Act, cities of the primary class, cities
7 of the first class, and cities of the second class are authorized to
8 conduct sections 19-3301 to 19-3326, such sections authorize and include
9 the following activities:

10 (1) The formation of offstreet parking districts;

11 (2) The acquisition of lands, property, and rights-of-way necessary
12 or convenient for use as offstreet parking facilities;

13 (3) The acquisition of lands, property, and rights-of-way necessary
14 or convenient for the opening, widening, straightening, or extending of
15 streets or alleys necessary or convenient for ingress to and egress from
16 any offstreet parking facility;

17 (4) The acquisition by condemnation, purchase, or gift of property
18 or any interest therein. Any lands or property necessary or convenient
19 for offstreet parking facilities may be acquired in fee simple by
20 condemnation or otherwise;

21 (5) The improvement of any acquired lands by the construction
22 thereon of garages or other buildings, including multifloor buildings, or
23 improvements necessary or convenient for offstreet parking facilities
24 including paying from revenue received pursuant to the Offstreet Parking
25 District Act sections 19-3301 to 19-3326 all or a portion of the cost of
26 a covered or uncovered mall to be constructed in a street or alley
27 pursuant to city authority to construct such improvements in connection
28 with paving and street improvements;

29 (6) The improvement of parking places and any alleys, streets, or
30 ways necessary or convenient for ingress to or egress from offstreet
31 parking facilities;

1 (7) The issuance, sale, and payment of bonds to pay the cost and
2 expense of any acquisition or improvement authorized by the Offstreet
3 Parking District Act sections 19-3301 to 19-3326;

4 (8) The administration, maintenance, operation, and repair of such
5 offstreet parking facilities, including the maintenance of parking meters
6 thereon;

7 (9) The collection of fees or charges to pay all or any part of the
8 cost of improving, repairing, maintaining, or operating offstreet parking
9 facilities and of acquiring and improving offstreet parking facilities;

10 (10) The employment of engineers, attorneys, and other persons
11 necessary or convenient for the doing of any acts authorized by the
12 Offstreet Parking District Act sections 19-3301 to 19-3326; and

13 (11) The doing of all acts and things necessary or convenient for
14 the accomplishment of the purpose of the Offstreet Parking District Act
15 sections 19-3301 to 19-3326. The enumeration of specific authority in the
16 Offstreet Parking District Act sections 19-3301 to 19-3326 does not limit
17 in any way the general authority granted by the act sections 19-3301 to
18 19-3326.

19 Sec. 276. Section 19-3304, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-3304 Whenever any notice is to be given or posted pursuant to the
22 Offstreet Parking District Act provisions of sections 19-3301 to 19-3326
23 and the officer to give or post notice is not designated, the notice
24 shall be given or posted by the city engineer. Any notice or posting
25 shall not be invalidated because such notice or posting are given or done
26 by an officer other than those whose duty it is to give the notice or
27 perform the posting.

28 Sec. 277. Section 19-3305, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3305 Any proceedings taken, taxes or assessments levied, or bonds
31 issued pursuant to the Offstreet Parking District Act sections 19-3301 to

1 ~~19-3326~~ shall not be held invalid for failure to comply with the act
2 ~~provisions of sections 19-3301 to 19-3326.~~

3 Sec. 278. Section 19-3306, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-3306 Any procedure not expressly set forth in the Offstreet
6 Parking District Act ~~sections 19-3301 to 19-3326~~ but deemed necessary or
7 convenient to carry out any of the its purposes of the act is authorized.

8 Sec. 279. Section 19-3307, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-3307 The remedies provided in the Offstreet Parking District Act
11 ~~sections 19-3301 to 19-3326~~ for the enforcement of taxes or assessments
12 levied or bonds issued pursuant to the act provisions of sections 19-3301
13 ~~to 19-3326~~ are not exclusive ~~and additional remedies may be provided at~~
14 ~~any time.~~

15 Sec. 280. Section 19-3308, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 19-3308 The curative clauses of the Offstreet Parking District Act
18 ~~sections 19-3301 to 19-3326~~ are cumulative, and each is to be given full
19 effect.

20 Sec. 281. Section 19-3309, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 19-3309 The Offstreet Parking District Act does ~~Sections 19-3301 to~~
23 ~~19-3326~~ do not affect any other law relating to the same or any similar
24 subject but provides ~~provide~~ an alternative authority and procedure for
25 the subject to which it relates ~~they relate~~. When proceeding under the
26 act sections 19-3301 to 19-3326, only the their provisions of the act
27 ~~only~~ need be followed.

28 Sec. 282. Section 19-3310, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-3310 The Offstreet Parking District Act ~~Sections 19-3301 to~~
31 ~~19-3326~~ shall be liberally construed.

1 Sec. 283. Section 19-3311, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-3311 Notwithstanding the provisions of any home rule charter and
4 in addition to the powers set out in sections 15-269 to 15-276 and 16-801
5 to 16-811, any city of the primary class, city of the first class, or
6 city of the ~~, first or second class in Nebraska~~ is hereby authorized to
7 own, purchase, construct, equip, lease, either as lessee or lessor, or
8 operate within such city, offstreet parking facilities for the use of the
9 general public and to refund bonds of the city issued pursuant to the
10 Offstreet Parking District Act sections 19-3301 to 19-3326, or in a city
11 of the first class to refund outstanding bonds issued to purchase,
12 construct, equip, or operate such offstreet parking facilities pursuant
13 to sections 16-801 to 16-811. Except as otherwise provided in any home
14 rule charter, the grant of power in this section ~~herein~~ does not include
15 power to engage, directly or indirectly, in the sale of gasoline, oil, or
16 other merchandise or in furnishing of any service other than of parking
17 motor vehicles as provided in the act sections 19-3301 to 19-3326. Any
18 such city shall have the authority to acquire by grant, contract, or
19 purchase, or through condemnation, as provided by law or by any home rule
20 charter for such acquisition, all real or personal property, including a
21 site or sites on which to construct such offstreet parking facility,
22 necessary or convenient in carrying out of this grant of power.
23 Property ; ~~Provided, that property~~ now used or hereafter acquired for
24 public offstreet motor vehicle parking by a private operator in such
25 cities shall not be subject to condemnation. Before any such city may
26 commence a program to construct, purchase, or acquire by other means a
27 proposed offstreet parking facility or facilities, notice shall be given,
28 by publication once each week for not less than thirty days, inviting
29 application for private ownership and operation of offstreet parking
30 facilities, which notice shall fix a date for a public hearing on any
31 application received. If no application or applications have been

1 received or if received, the same have been disapproved by the city
2 council governing body of such city after a public hearing concerning
3 such applications, then such city may proceed in the exercise of the
4 powers ~~herein~~ granted in this section. The procedure to condemn property
5 shall be exercised in the manner set forth in sections 76-701 to 76-724,
6 except as to properties specifically excluded by section 76-703, and as
7 to which sections 19-701 to 19-707 are applicable. The duties set forth
8 for the mayor and city council in sections 19-3312 to 19-3325 shall be
9 the duties and responsibilities of the city council in any city which by
10 law or by home rule charter has exclusively vested all legislative powers
11 of the city in such city council.

12 Sec. 284. Section 19-3312, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-3312 The mayor and city council may fix and establish by
15 resolution pursuant to the Offstreet Parking District Act ~~provisions of~~
16 ~~sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet
17 parking district, which boundaries shall include all the land in the
18 district which in the opinion of the mayor and city council will be
19 specially benefited thereby. Notice of the time and place of a hearing
20 before the city council on the creation of such district and of protests
21 and objections to the creation of the district as set forth in the notice
22 shall be given by publication one time each week for not less than three
23 weeks in a legal daily or weekly newspaper in or of general circulation
24 ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the
25 proposed boundaries of the district and the engineer's estimate of the
26 sum of money to be expended in the acquisition of property and the
27 construction of the offstreet parking facility. Not later than the hour
28 set for the hearing any owner or any person interested in any real estate
29 within the proposed district may severally or with other owners file with
30 the city clerk written objections to the thing proposed to be done, the
31 extent of the proposed district, or both, and every person so interested

1 shall have a right to protest on any grounds and to object to his or her
2 real estate being included in the district, and at such hearing all
3 objections and protests shall be heard and passed upon by the mayor and
4 city council.

5 Sec. 285. Section 19-3313, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-3313 If the owners of the record title representing more than
8 fifty percent of the taxable valuation of all of the taxable real
9 property included in a such proposed offstreet parking district or
10 districts under the Offstreet Parking District Act, and who were such
11 owners at the time the notice of hearing on objections to the creation of
12 the district was first published, file with the city clerk within twenty
13 days of the first publication of the notice written objections to the
14 formation of the district, such district shall not be formed. If
15 objections are not filed by owners of such fifty percent of the taxable
16 valuation of all of the taxable real property and if the mayor and city
17 council find, after considering any other protests and objections that
18 may be filed and after considering the evidence presented at the hearing,
19 that the public health, welfare, convenience, or necessity requires the
20 formation of such an offstreet parking district and facilities, then such
21 district shall be formed by ordinance. If the mayor and city council find
22 that the boundaries as set forth in the resolution and notice include
23 land which should not be included, then the ordinance shall fix the
24 boundaries of the district so as to exclude such land. Each district
25 formed pursuant to this section shall be numbered and the designation of
26 the district shall be called, using appropriate numbers, Vehicle
27 Offstreet Parking District No. of the City of,
28 Nebraska. The ordinance creating the district need not designate the
29 exact location of the proposed offstreet parking facility but shall
30 designate the engineer's estimate of the sum of money to be expended in
31 the acquisition of property and construction of such offstreet parking

1 facility or the share of such project as will be borne by the district.

2 The total cost and expenses shall include:

3 (1) The amounts estimated to be paid for the property to be
4 acquired;

5 (2) All costs and expenses in construction of the offstreet parking
6 facility;

7 (3) All engineering expense; and

8 (4) The estimated expense of issuing and selling bonds and all other
9 expenses which the city would not have except for the creation of such
10 offstreet parking district.

11 Sec. 286. Section 19-3314, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-3314 In the ordinance creating an offstreet parking district
14 pursuant to the Offstreet Parking District Act ~~the district~~, the mayor
15 and city council shall provide that in addition to the levy of taxes and
16 pledge of revenue all or a portion of the cost of acquisition, including
17 construction, maintenance, repair, and reconstruction of any offstreet
18 parking facility may be paid for by special assessment against the real
19 estate located in such district in proportion to the special benefit of
20 each parcel of real estate. The amounts of such special assessments shall
21 be determined by the mayor and city council sitting as a board of
22 equalization. Notice of a hearing on any special assessments to be levied
23 under section 19-3315 shall be given to the landowners in such district
24 by publication of the description of the land, the amount proposed to be
25 assessed, and the general purpose for which such assessment is to be made
26 one time each week for three weeks in a legal ~~daily or weekly~~ newspaper
27 in or of general circulation ~~published~~ in the city. The notice shall
28 provide the date, time, and place of hearing to determine any objection
29 or protest by landowners in the district as to the amount of assessment
30 made against their land. An appeal by writ of error or direct appeal to
31 the district court of the county in which such city is located may be

1 taken from the decision of the city council in the same manner and under
2 like terms and conditions as appeals may be taken from the amount of
3 special assessments levied in street improvement districts of such city
4 ~~as now provided by law.~~

5 Sec. 287. Section 19-3315, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-3315 The mayor and city council may by resolution levy and assess
8 taxes and assessments under the Offstreet Parking District Act as
9 follows:

10 (1) A property tax within any offstreet parking district of not to
11 exceed thirty-five cents on each one hundred dollars of taxable valuation
12 of taxable property within such district subject to section 77-3443 to
13 pay all or any part of the cost to improve, repair, maintain,
14 reconstruct, operate, or acquire any offstreet parking facility and to
15 pay principal and interest on any bonds issued for an offstreet parking
16 facility for such district. Such tax shall be levied and collected at the
17 same time and under the same provisions as the regular general city tax.
18 The taxes collected from any such district shall be used only for the
19 benefit of such district. For purposes of subsection (2) of section
20 77-3443, the tax shall be counted in the allocation by the city
21 proportionately, by dividing the total taxable valuation of the taxable
22 property within the district by the total taxable valuation of the
23 taxable property within the city multiplied by the levy of the district;

24 (2) A special assessment against the real property located in an
25 offstreet parking ~~such~~ district to the extent of the special benefit
26 thereto for the purpose of paying all or any part of the total costs and
27 expenses of acquisition, including construction, of an offstreet parking
28 facility in such district. The special assessment shall be levied as
29 provided in section 19-3314. In the event that subsequent to the levy of
30 assessments the use of any parcel of land changes so that, had the new
31 use existed at the time of making such levy, the assessment on such

1 parcel would have been higher than the assessment actually made, an
2 additional assessment may be made on such parcel by the mayor and city
3 council taking into consideration the new and changed use of the
4 property. The total amount of assessments levied under this subdivision
5 shall not exceed the total costs and expenses of acquiring a facility
6 defined in section 19-3313. The levy of an additional assessment shall
7 not reduce or affect in any manner the assessments previously levied.
8 Additional assessments shall be levied as provided in section 19-3314,
9 except that published notice may be omitted if notice is personally
10 served on the owner at least twenty days prior to the date of hearing.
11 All assessments levied under this subdivision shall constitute a sinking
12 fund for the payment of principal and interest on bonds issued for such
13 facility as provided by section 19-3317 until such bonds and interest are
14 fully paid; and

15 (3) A special assessment against the real property located in an
16 offstreet parking such district to the extent of special benefit thereto
17 for the purpose of paying all or any part of the costs of maintenance,
18 repair, and reconstruction of such offstreet parking facility in the
19 district. The mayor and city council may levy such assessments under
20 either of the following methods: (a) The mayor and city council may, not
21 more frequently than annually, determine the costs of maintenance,
22 repair, and reconstruction of such facility and such costs shall be
23 assessed to the real property located in such district as provided by
24 section 19-3314. At the hearing on such assessments, objections may be
25 made to the total costs and the proposed allocation of such costs among
26 the parcels of real property in such district; or (b) after notice is
27 given to the owners as provided in section 19-3314, the mayor and city
28 council may establish and may change from time to time the percentage of
29 such costs of maintenance, repair, and reconstruction which each parcel
30 of real property in any district shall pay. Thereafter, the mayor and
31 city council shall annually determine the total amount of such costs for

1 each period since costs were last assessed and shall after a hearing
2 assess such costs to the real property in the district in accordance with
3 the percentages previously established or as established at such hearing.
4 Notice of such hearing shall be given as provided in section 19-3314 and
5 shall state the total cost and percentage to be assessed to each parcel
6 of real property. Unless written objections are filed with the city clerk
7 at least five days before the hearing, all objections to the amount of
8 total costs and the assessment percentages shall be deemed to have been
9 waived and assessments shall be levied as stated in such notice unless
10 the mayor and city council reduce any assessment. At such hearing, the
11 assessment percentage for the assessment of costs in the future may be
12 changed.

13 Sec. 288. Section 19-3315.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 19-3315.01 (1) In addition to uses otherwise authorized in the
16 Offstreet Parking District Act, any money available from taxes or
17 assessments levied pursuant to section 19-3315 or revenue derived from
18 the operation of an offstreet parking facility may be used in an
19 offstreet parking ~~the~~ district for any one or more of the following
20 purposes as determined by a vote of the majority of the city council:

21 (a) Improvement of any public place or facility, including
22 landscaping, physical improvements for decoration or security purposes,
23 and plantings;

24 (b) Construction or installation of pedestrian shopping malls or
25 plazas, sidewalks or moving sidewalks, parks, meeting and display
26 facilities, bus stop shelters, lighting, benches or other seating
27 furniture, sculptures, trash receptacles, shelters, foundations,
28 skywalks, and pedestrian and vehicular overpasses and underpasses, and
29 any useful or necessary public improvements;

30 (c) Leasing, acquiring, constructing, reconstructing, extending,
31 maintaining, or repairing parking lots or parking garages, both above and

1 below the ground, or other facilities for the parking of vehicles,
2 including the power to install such facilities in public areas, whether
3 such areas are owned in fee or by easement;

4 (d) Creation and implementation of a plan for improving the general
5 architectural design of public areas;

6 (e) Development of any public activities and promotion of public
7 events, including the management, promotion, and advocacy of retail trade
8 activities or other promotional activities;

9 (f) Maintenance, repair, and reconstruction of any publicly owned
10 improvements or facilities;

11 (g) The creation by ordinance and operation of a revolving loan fund
12 for the purpose of providing financing upon appropriate terms and
13 conditions for capital improvements to privately owned facilities,
14 subject to the following conditions:

15 (i) No loan from such fund shall exceed an amount equivalent to
16 forty-nine percent of the total cost of the improvements to be financed
17 by the loan;

18 (ii) The city shall require and receive appropriate security to
19 guarantee the repayment of the loan; and

20 (iii) The proposed improvements to be financed shall serve to foster
21 the purposes of the Offstreet Parking District Act ~~act~~, promote economic
22 activity, or contribute to the public health, safety, and welfare;

23 (h) Any other project or undertaking for the betterment of the
24 public facilities, whether the project is capital or noncapital in
25 nature;

26 (i) Enforcement of parking regulations and the provision of
27 security; and

28 (j) Employing or contracting for personnel, including
29 administrators, for any improvement program under the Offstreet Parking
30 District Act ~~act~~, and providing for any service as may be necessary or
31 proper to carry out the purposes of the act.

1 (2) If any part of the revenue from fees and charges on the use of
2 an offstreet parking facility or from onstreet parking meters within the
3 district has been dedicated for the payment of principal or interest on
4 bonds issued pursuant to section 19-3317 or has been pledged as security
5 for such bonds, such revenue shall not be used for the purposes set forth
6 in subsection (1) of this section until such time as such bonds have been
7 fully paid or sufficient revenue has been placed in the sinking fund to
8 guarantee such repayment.

9 (3) If the city council proposes to exercise the authority granted
10 by subsection (1) of this section for any one or more of the purposes set
11 forth in such subsection within the boundaries of a district in existence
12 prior to September 13, 1997, the city clerk shall give notice of the city
13 council's intention to exercise such authority by publishing notice of
14 such intent in a legal newspaper in or of general circulation in the city
15 once a week for two consecutive weeks. The notice shall describe the
16 proposed new uses for district revenue and shall specify the time for
17 hearing objections to such uses, which time shall be at least fifteen
18 days after the date of publication of the notice. The city clerk shall
19 accept written protests or objections to the approval of the proposed new
20 uses of district revenue. If the owners of real property representing
21 more than fifty percent of the actual valuation of all real property in
22 the district file a written protest or objection within twenty days after
23 the date of publication of the notice, district revenue shall not be
24 applied to such uses.

25 Sec. 289. Section 19-3316, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-3316 Special assessments levied pursuant to section 19-3315 shall
28 become due in fifty days after the date of such levy and shall become
29 delinquent in one or more installments over a period of not to exceed
30 twenty years, in such manner as the mayor and city council shall
31 determine at the time of making the levy. The first installment may

1 become delinquent in fifty days after the date of levy if so specified by
2 the mayor and the city council. Each of such installments shall draw
3 interest before due date of not more than the rate of interest specified
4 in section 45-104.01, as such rate may from time to time be adjusted by
5 the Legislature, and after delinquency at the rate specified in section
6 45-104.01, as such rate may from time to time be adjusted by the
7 Legislature, as the mayor and city council shall determine at the time
8 the levy shall be made, except that any installment may be paid within
9 fifty days of the date of such levy without interest being charged
10 thereon. If three or more of such installments become delinquent and
11 unpaid on the same property, the mayor and city council may by resolution
12 declare all future installments on such delinquent property to be due on
13 a future fixed date. The resolution shall set forth the description of
14 the property and the name of its record title owner and shall provide
15 that all future installments shall become delinquent upon such fixed
16 date. A copy of such resolution shall be published one time each week for
17 not less than twenty days in a legal newspaper in or of general
18 circulation ~~published in the city or, if none is published in the city, a~~
19 ~~legal newspaper of general circulation in such city.~~ After the fixed
20 date, such future installments shall be deemed to be delinquent and the
21 city may proceed to enforce and collect the total amount due and all
22 future installments. Except as otherwise provided, all special
23 assessments levied under section 19-3315 shall be liens on the property
24 and shall be certified for collection and be collected in the same manner
25 as special assessments made for improvements in street improvement
26 districts in the city are collected.

27 Sec. 290. Section 19-3317, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-3317 For the purpose of paying the cost of such offstreet parking
30 facility, or any portion thereof, or to refund all or a portion of any
31 outstanding bonds of the city authorized to be refunded by the Offstreet

1 ~~Parking District Act sections 19-3301 to 19-3326~~, the mayor and city
2 council shall have power and may, by ordinance, cause to be issued
3 general obligation bonds of the city, to be called Offstreet Parking
4 Bonds of the City of, Nebraska, payable in not exceeding twenty
5 years from date and bearing interest, payable either annually or
6 semiannually, not exceeding a rate of twelve percent per annum with
7 interest coupons attached. In such cases they shall also provide that
8 special taxes levied within the district pursuant to section 19-3315
9 shall constitute a sinking fund for the payment of such bonds and the
10 mayor and city council may, in the ordinance, pledge all or any part of
11 the revenue from fees and charges on the use of the parking facility or
12 fees and charges from onstreet parking meters within the district not
13 already pledged as security for such bonds. There shall be levied upon
14 all the taxable property in such city a tax which, together with such
15 sinking fund derived from special assessments and other revenue pledged
16 for the payment of the bonds and interest thereon, shall be sufficient to
17 meet payments of interest and principal as the same become due. All such
18 bonds shall bear such date or dates, mature at such time or times, be in
19 such denominations, be in such form either coupon or registered, carry
20 such registration privileges, be executed in such manner, and be payable
21 in such medium of payment, and at such place or places within or without
22 the State of Nebraska as such ordinance may provide. No proceedings for
23 the issuance of bonds of any city shall be required other than those
24 required by the Offstreet Parking District Act ~~provisions of sections~~
25 ~~19-3301 to 19-3326~~. Such bonds may be issued either before or after the
26 completion of the acquisition or construction of the offstreet parking
27 facility, as the mayor and city council may determine best. For the
28 purpose of paying costs of an offstreet parking facility prior to
29 issuance of bonds, warrants may be issued by the mayor and city council
30 upon such terms as the mayor and city council may determine, which
31 warrants shall be redeemed and paid upon the sale of bonds authorized in

1 this section.

2 Sec. 291. Section 19-3318, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-3318 The owners of the record title of any real property within a
5 given area in any city of the first class or city of the second class
6 representing fifty-five percent of the total taxable valuation of all of
7 the taxable real property within the proposed district to be formed,
8 which district must consist of contiguous lands and lots, may petition
9 the mayor and city council to create a vehicle offstreet parking district
10 by ordinance, which district shall be consecutively numbered, and to
11 acquire property and construct an offstreet parking facility thereon as
12 provided in the Offstreet Parking District Act. For purposes of the act,
13 property separated by streets or alleys shall be deemed to be contiguous.

14 The petition shall contain:

15 (1) A general description of the exterior boundaries of the proposed
16 district;

17 (2) A general statement of the estimated amount of money involved in
18 the acquisition of the land and property and construction of the
19 facility;

20 (3) A general description of the improvements proposed to be made or
21 constructed; and

22 (4) A statement that the petition is filed pursuant to this section.

23 The petition may consist of any number of separate instruments, but
24 a description of the real property represented by each petitioner shall
25 be included either opposite the signature or by separate instrument.

26 When the petition is filed, the city clerk shall check or cause it
27 to be checked. If it is signed by qualified signers representing the
28 required percentage of the total taxable valuation, the city clerk shall
29 make a certificate to that effect and present the petition and
30 certificate to the mayor and city council.

31 Sec. 292. Section 19-3319, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3319 When such petition is presented to the mayor and city
3 council pursuant to section 19-3318, it shall be the duty of the mayor
4 and city council to proceed as provided in sections 19-3312 and 19-3313
5 as upon the passage of a resolution for the creation of an offstreet
6 parking district. The same procedure for publication of notice and
7 objections to the creation of the district shall apply.

8 Sec. 293. Section 19-3320, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-3320 Whether the ordinance creating an ~~the~~ offstreet parking
11 district is passed on the initiative of the city council or on the
12 petition of landowners, the city council shall not change the boundaries,
13 except after notice of intention to do so given by the city clerk by one
14 insertion in the legal newspaper in which the ordinance and notice were
15 published. The notice shall describe the proposed change and specify the
16 time for hearing objections, which shall be at least fifteen days after
17 publication of the notice.

18 Sec. 294. Section 19-3321, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-3321 If ~~a the~~ change proposed pursuant to section 19-3320 is to
21 include additional land in the district, the city clerk also shall mail a
22 copy of the notice to each person to whom land in the area proposed to be
23 added is assessed as shown in the office of the register of deeds or the
24 county clerk at such person's last-known address. The notice shall be
25 mailed by certified mail at least fifteen days prior to the time set for
26 hearing objections. If the boundaries are changed, objection or protest
27 made by owners of lands excluded by the change shall not be counted in
28 computing a protest but written objection or protest made by owners of
29 the remaining assessable land in the district, including assessable land
30 added by the change and filed with the city clerk not later than the time
31 set for hearing, objecting to the proposed change shall be included in

1 computing the protest. If owners of real property representing more than
2 fifty percent of the taxable valuation of all real property in such new
3 proposed district after the change of boundaries file a written protest
4 within twenty days after the notice is published in such newspaper, then
5 such district may not be changed.

6 Sec. 295. Section 19-3322, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 19-3322 Any land which in the judgment of the mayor and city council
9 will not be benefited shall not be included in an offstreet parking the
10 district under the Offstreet Parking District Act.

11 Sec. 296. Section 19-3323, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-3323 If the proceedings for the creation of an original offstreet
14 parking district or for an offstreet parking district under which the
15 boundaries have been changed, are terminated by a protest to the city
16 council, a proceeding under the Offstreet Parking District Act ~~provisions~~
17 ~~of sections 19-3301 to 19-3326~~ for the same or substantially the same
18 acquisition and improvement shall not be commenced within one year
19 thereafter, except on petitions signed by owners of the record title
20 representing a majority of the total land area in the district.

21 Sec. 297. Section 19-3324, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-3324 Any protest or objection made pursuant to the Offstreet
24 Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ or any
25 signature to such objection or protest may be withdrawn by a written
26 withdrawal signed by the person or persons who signed the protest or
27 objection or who affixed the signature to be withdrawn and filed with the
28 city clerk at any time prior to the determination of the mayor and city
29 council as to whether or not a protest exists. Any protest, objection, or
30 signature withdrawn shall not be counted in computing the protest.

31 Sec. 298. Section 19-3325, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3325 Proceedings under the Offstreet Parking District Act
3 ~~sections 19-3301 to 19-3326~~ shall not be attacked after the hearing upon
4 any grounds not stated in an objection or protest filed pursuant to the
5 ~~act provisions of sections 19-3301 to 19-3326~~. Any owner of real estate
6 or person interested in any real estate within the district is estopped
7 to attack the proceedings upon any ground not stated in the protest filed
8 by him or her pursuant to the Offstreet Parking District Act provisions
9 ~~of sections 19-3301 to 19-3326~~.

10 Sec. 299. Section 19-3326, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 19-3326 (1) After the issuance of bonds under the Offstreet Parking
13 District Act hereunder by a city of the first class or city of the second
14 class, a certificate shall be issued by the city clerk certifying the
15 same to the county treasurer of the county in which such city is located
16 and the annual taxes within the district shall be handled in the same
17 manner and collected in the same manner as intersection bonds for street
18 paving in the cities of the first class or cities of the second class in
19 ~~Nebraska~~ and to be paid to the city for use as provided by the act
20 ~~sections 19-3301 to 19-3326~~.

21 (2) After the issuance of bonds under the Offstreet Parking District
22 Act hereunder by a city of the primary class, a certificate shall be
23 issued by the city clerk. Taxes shall be handled and collected as
24 otherwise provided by law or by home rule charter for such city, and
25 those taxes paid to the city shall be used as provided in the act
26 ~~sections 19-3301 to 19-3327~~.

27 Sec. 300. Section 19-3327, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-3327 Any city of the primary class, city of the first class, or
30 city of the , ~~first, or~~ second class, after the creation of an offstreet
31 parking district pursuant to the Offstreet Parking District Act, shall

1 have the power to own, purchase, construct, equip, lease, or operate
2 within such city any offstreet parking facility in addition to any
3 offstreet parking facility contemplated at the time of the creation of
4 the district if the mayor and city council are of the opinion that the
5 district will be benefited thereby. Whenever the city council deems it
6 advisable to own, purchase, construct, equip, lease, or operate such
7 additional facility, the city council shall by resolution set forth the
8 engineer's estimate of the sum of money to be expended in the acquisition
9 of property and the construction of the offstreet parking facility and a
10 description of the facility to be constructed, and if such resolution
11 proposes to acquire by grant, contract, or purchase, or through
12 condemnation any offstreet parking facility, the resolution shall state
13 the price and conditions and how such facility shall be acquired, and if
14 assessments are to be levied, the resolution shall state the proposed
15 boundaries of the area in the district in which the special assessments
16 shall be levied. Notice of the time and place of a hearing before the
17 city council on such resolution shall be given by publication one time
18 each week for two weeks in a legal daily or weekly newspaper in or of
19 general circulation ~~published~~ in the city. The publication shall contain
20 the entire resolution. The last publication shall not be less than five
21 days nor more than two weeks prior to the date set for such hearing. Not
22 later than the hour set for the hearing, any owner or any person
23 interested in any real property within the proposed area may file with
24 the city clerk written objections to the resolution, the extent of the
25 proposed area, or both, and every person so interested shall have a right
26 to protest on any grounds and to object to his or her real property being
27 included in the area. At such hearing all objections and protests shall
28 be heard and passed upon by the mayor and city council. If the owners of
29 record title representing more than sixty percent of the taxable
30 valuation of all of the taxable real property included in such proposed
31 area and who were such owners at the time the notice of hearing on

1 objections to the creation of the facility was first published file a
2 petition with the city clerk within three days of the date set for the
3 hearing, such resolution shall not be passed.

4 Sec. 301. Section 19-3501, Revised Statutes Supplement, 2017, is
5 amended to read:

6 19-3501 (1) The city council governing body of cities of the first
7 class and cities of the second class and the village board of trustees of
8 ~~and second classes and villages~~ may, by appropriate ordinance or proper
9 resolution, establish a pension plan designed and intended for the
10 benefit of the regularly employed or appointed full-time employees of the
11 city or village. Any recognized method of funding a pension plan may be
12 employed. The plan shall be established by appropriate ordinance or
13 proper resolution, which may provide for mandatory contribution by the
14 employee. The city or village may also contribute, in addition to any
15 amounts contributed by the employee, amounts to be used for the purpose
16 of funding employee past service benefits. Any two or more cities of the
17 first class, cities of the second class, and second classes and villages
18 may jointly establish such a pension plan by adoption of appropriate
19 ordinances or resolutions. Such a pension plan may be integrated with old
20 age and survivors insurance, otherwise generally known as social
21 security.

22 (2) Beginning December 31, 1998, through December 31, 2017:

23 (a) The city clerk or village clerk of a city or village with a
24 retirement plan established pursuant to this section and section 401(a)
25 of the Internal Revenue Code shall file with the Public Employees
26 Retirement Board an annual report on such plan and shall submit copies of
27 such report to the Auditor of Public Accounts. The Auditor of Public
28 Accounts may prepare a review of such report pursuant to section
29 84-304.02 but is not required to do so. The annual report shall be in a
30 form prescribed by the Public Employees Retirement Board and shall
31 contain the following information for each such retirement plan:

- 1 (i) The number of persons participating in the retirement plan;
- 2 (ii) The contribution rates of participants in the plan;
- 3 (iii) Plan assets and liabilities;
- 4 (iv) The names and positions of persons administering the plan;
- 5 (v) The names and positions of persons investing plan assets;
- 6 (vi) The form and nature of investments;
- 7 (vii) For each defined contribution plan, a full description of
- 8 investment policies and options available to plan participants; and
- 9 (viii) For each defined benefit plan, the levels of benefits of
- 10 participants in the plan, the number of members who are eligible for a
- 11 benefit, and the total present value of such members' benefits, as well
- 12 as the funding sources which will pay for such benefits.

13 If a plan contains no current active participants, the city clerk or

14 village clerk may file in place of such report a statement with the

15 Public Employees Retirement Board indicating the number of retirees still

16 drawing benefits, and the sources and amount of funding for such

17 benefits; and

18 (b) If such retirement plan is a defined benefit plan which was open

19 to new members on January 1, 2004, in addition to the reports required by

20 section 13-2402, the city council or village board of trustees shall

21 cause to be prepared an annual report and shall file the same with the

22 Public Employees Retirement Board and the Nebraska Retirement Systems

23 Committee of the Legislature and submit to the Auditor of Public Accounts

24 a copy of each report. The Auditor of Public Accounts may prepare a

25 review of such report pursuant to section 84-304.02 but is not required

26 to do so. If the city council or village board of trustees does not

27 submit a copy of the report to the Auditor of Public Accounts within six

28 months after the end of the plan year, the Auditor of Public Accounts may

29 audit, or cause to be audited, the city or village. All costs of the

30 audit shall be paid by the city or village. The report shall consist of a

31 full actuarial analysis of each such retirement plan established pursuant

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

9 (3) Subsection (1) of this section shall not apply to firefighters
10 or police officers who are included under an existing pension or
11 retirement system established by the municipality employing such
12 firefighters or police officers or the Legislature. If a city of the
13 first class decreases in population to less than five thousand, as
14 determined by the most recent federal decennial census or the most recent
15 revised certified count by the United States Bureau of the Census, any
16 police officer or firefighter employed by such city on or prior to the
17 date such city becomes a city of the second class shall retain the level
18 of benefits established by the Legislature for police officers or
19 firefighters employed by a city of the first class on the date such city
20 becomes a city of the second class.

21 Sec. 302. Section 19-3701, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-3701 All ordinances for the government of any city of the first
24 class, city of the ~~or~~ second class, or ~~of any~~ village, adopted by the
25 voters of such said city or village after submission to them by either
26 initiative or referendum petition, shall become immediately effective
27 thereafter. No ~~;~~ ~~but no~~ ordinance for the government of any such city or
28 village except as provided in sections 16-405 and 17-613, which has been
29 adopted by such city or village without submission to the voters of such
30 city or village, shall go into effect until fifteen days after the
31 passage of such ordinance.

1 Sec. 303. Section 19-3801, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 19-3801 Any city of the first class, city of the ~~or~~ second class, or
4 ~~any~~ village may, under the provisions of the Interlocal Cooperation Act
5 or Joint Public Agency Act, enter into a contract with the county board
6 of its county for police services to be provided by the county sheriff.
7 The county board shall enter into such a contract when requested by a
8 village to do so. Whenever any such contract has been entered into, the
9 sheriff shall, in addition to his or her other powers and duties, have
10 all the powers and duties of peace officers within and for the city or
11 village so contracting.

12 Sec. 304. Section 19-4017, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 19-4017 Cities of the metropolitan class, primary class, first
15 class, and second class in the state at present have business areas in
16 need of improvement and development, but lack the funds with which to
17 provide and maintain such improvements. The purpose of the Business
18 Improvement District Act is to provide a means by which such cities may
19 raise the necessary funds to be used for the purpose of providing and
20 maintaining the improvements authorized by the act.

21 Sec. 305. Section 19-4017.01, Revised Statutes Cumulative
22 Supplement, 2016, is amended to read:

23 19-4017.01 For purposes of the Business Improvement District Act:

24 (1) Assessable unit means front foot, square foot, equivalent front
25 foot, or other unit of assessment established under the proposed method
26 of assessment set forth in the ordinance creating a business improvement
27 district ~~Record owner shall mean the fee owner of real property as shown~~
28 ~~in the records of the register of deeds office in the county in which the~~
29 ~~business area is located. A contract purchaser of real property shall be~~
30 ~~considered the record owner and the only person entitled to petition~~
31 ~~pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section~~

1 ~~19-4027 or 19-4029.04, if the contract is recorded in the register of~~
2 ~~deeds office in the county in which the business area is located;~~

3 (2) Business area means an established area of the city zoned for
4 business, public, or commercial purposes ~~Assessable unit shall mean front~~
5 ~~foot, square foot, equivalent front foot, or other unit of assessment~~
6 ~~established under the proposed method of assessment set forth in the~~
7 ~~ordinance creating a business improvement district;~~

8 (3) Record owner means the fee owner of real property as shown in
9 the records of the register of deeds office in the county in which the
10 business area is located. A contract purchaser of real property shall be
11 considered the record owner and the only person entitled to petition
12 pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section
13 19-4027 or 19-4029.04, if the contract is recorded in the register of
14 deeds office in the county in which the business area is located ~~Space~~
15 ~~shall mean the square foot space wherein customers, patients, clients, or~~
16 ~~other invitees are received and space from time to time used or available~~
17 ~~for use in connection with a business or profession of a user, excepting~~
18 ~~all space owned or used by political subdivisions; and~~

19 (4) Space means the square foot space wherein customers, patients,
20 clients, or other invitees are received and space from time to time used
21 or available for use in connection with a business or profession of a
22 user, excepting all space owned or used by political subdivisions
23 ~~Business area shall mean an established area of the city zoned for~~
24 ~~business, public, or commercial purposes.~~

25 Sec. 306. Section 19-4018, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 19-4018 Pursuant to the Business Improvement District Act, cities of
28 the metropolitan class, primary class, first class, or second class may
29 impose (1) a special assessment upon the property within a business
30 improvement district in the city or (2) a general business occupation tax
31 on businesses and users of space within a business improvement district.

1 After March 27, 2014, any occupation tax imposed pursuant to this section
2 shall make a reasonable classification of businesses, users of space, or
3 kinds of transactions for purposes of imposing such tax, except that no
4 occupation tax shall be imposed on any transaction which is subject to
5 tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,
6 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section
7 77-2704.24. The proceeds or other available funds may be used for the
8 purposes stated in section 19-4019.

9 Sec. 307. Section 19-4019, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 19-4019 Any money available under section 19-4018 may be used for
12 any one or more of the following purposes:

13 (1) The acquisition, construction, maintenance, and operation of
14 public offstreet parking facilities for the benefit of the business
15 improvement district area;

16 (2) Improvement of any public place or facility in the business
17 improvement district area, including landscaping, physical improvements
18 for decoration or security purposes, and plantings;

19 (3) Construction or installation of pedestrian shopping malls or
20 plazas, sidewalks or moving sidewalks, parks, meeting and display
21 facilities, bus stop shelters, lighting, benches or other seating
22 furniture, sculptures, trash receptacles, shelters, fountains, skywalks,
23 and pedestrian and vehicular overpasses and underpasses, and any useful
24 or necessary public improvements in the business improvement district
25 area;

26 (4) Leasing, acquiring, constructing, reconstructing, extending,
27 maintaining, or repairing parking lots or parking garages, both above and
28 below ground, or other facilities for the parking of vehicles, including
29 the power to install such facilities in public areas, whether such areas
30 are owned in fee or by easement, in the business improvement district
31 area;

1 (5) Creation and implementation of a plan for improving the general
2 architectural design of public areas in the business improvement
3 district;

4 (6) The development of any public activities and promotion of public
5 events, including the management and promotion and advocacy of retail
6 trade activities or other promotional activities, in the business
7 improvement district area;

8 (7) Maintenance, repair, and reconstruction of any improvements or
9 facilities authorized by the Business Improvement District Act;

10 (8) Any other project or undertaking for the betterment of the
11 public facilities in the business improvement district area, whether the
12 project be capital or noncapital in nature;

13 (9) Enforcement of parking regulations and the provision of security
14 within the business improvement district area; and

15 (10) Employing or contracting for personnel, including
16 administrators for any improvement program under the act, and providing
17 for any service as may be necessary or proper to carry out the purposes
18 of the act.

19 Sec. 308. Section 19-4021, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 19-4021 The mayor, with the approval of the city council, shall
22 appoint a business improvement board consisting of property owners,
23 residents, business operators, or users of space within the business area
24 to be improved. The boundaries of the business area shall be declared by
25 resolution of the city council at or prior to the time of the appointment
26 of the business improvement board. The business improvement board shall
27 make recommendations to the city council for the establishment of a plan
28 or plans for improvements in the business area. If it is found that the
29 improvements to be included in one business area offer benefits that
30 cannot be equitably assessed together under the Business Improvement
31 District Act, more than one business improvement district as part of the

1 same plan for improvements for that business area may be proposed. The
2 business improvement board may make recommendations to the city as to the
3 use of any occupation tax funds collected, and may administer such funds
4 if so directed by the mayor and city council. The business improvement
5 board shall also review and make recommendations to the city regarding
6 expansion of the boundaries of the business improvement district under
7 sections 19-4029.02 to 19-4029.05.

8 Sec. 309. Section 19-4022, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-4022 The business improvement board shall consist of five or more
11 members to serve such terms as the city council, by resolution,
12 determines. The mayor, with the approval of the city council, shall fill
13 any vacancy for the term vacated. A board member may serve more than one
14 term. The board shall select from its members a chairperson and a
15 secretary.

16 Sec. 310. Section 19-4026, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 19-4026 In the event that the city council has not acted to call a
19 hearing to create a business improvement district as provided in section
20 19-4029, it shall do so when presented with a petition signed by the
21 record owners of thirty percent of the assessable front footage in a
22 business area or by the users of thirty percent of space in a business
23 area.

24 Sec. 311. Section 19-4027, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 19-4027 Whenever a hearing is held under section 19-4029, the city
27 council shall:

28 (1) Hear all protests and receive evidence for or against the
29 proposed action;

30 (2) Rule upon all written protests received prior to the close of
31 the hearing, which ruling shall be final; and

1 (3) Continue the hearing from time to time as the city council may
2 deem necessary.

3 If a special assessment is to be used, proceedings shall terminate
4 if written protest is made prior to the close of the hearing by the
5 record owners of over fifty percent of the assessable units in the
6 proposed business improvement district. If an occupation tax is to be
7 used, proceedings shall terminate if protest is made by users of over
8 fifty percent of the space in the proposed business improvement district.

9 Sec. 312. Section 19-4028, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 19-4028 If the city council decides to change the boundaries of the
12 proposed business improvement district or to change the proposed
13 modifications to the boundaries of an existing business improvement
14 district or districts from those recommended by the business improvement
15 board, the hearing shall be continued to a time at least fifteen days
16 after such decision and the notice shall be given as prescribed in
17 section 19-4029.01, showing the boundary amendments. The city council may
18 not expand the proposed boundaries recommended by the business
19 improvement board without the city council's proposed boundaries being
20 considered by the business improvement board.

21 Sec. 313. Section 19-4029, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 19-4029 Upon receiving ~~a~~ the recommendation from ~~a~~ the business
24 improvement board, the city council may create one or more business
25 improvement districts. The city council, following a hearing, may
26 establish or reject any proposed business improvement district or
27 districts. If the city council decides to establish any business
28 improvement district, it shall adopt an ordinance to that effect. This
29 ordinance shall contain the following information:

30 (1) A statement that notice of hearing was given, including the date
31 or dates on which it was given, in accordance with section 19-4029.01;

1 (2) The time and place the hearing was held concerning the formation
2 of such business improvement district;

3 (3) A statement that a business improvement district has been
4 established;

5 (4) The purposes of the business improvement district, and the
6 public improvements and facilities to be included in such district;

7 (5) The description of the boundaries of the business improvement
8 ~~such~~ district;

9 (6) A statement that the businesses and users of space in the
10 business improvement district shall be subject to the general business
11 occupation tax or that the real property in the business improvement
12 district will be subject to the special assessment authorized by the
13 Business Improvement District Act;

14 (7) The proposed method of assessment to be imposed within the
15 business improvement district or the initial rate of the occupation tax
16 to be imposed; and

17 (8) Any penalties to be imposed for failure to pay the tax or
18 special assessment.

19 The ordinance shall recite that the method of raising revenue shall
20 be fair and equitable. In the use of a general occupation tax, the tax
21 shall be based primarily on the square footage of the owner's and user's
22 place of business. In the use of a special assessment, the assessment
23 shall be based upon the special benefit to the property within the
24 business improvement district.

25 Sec. 314. Section 19-4029.01, Revised Statutes Cumulative
26 Supplement, 2016, is amended to read:

27 19-4029.01 (1) At least ten days prior to the date of any hearing
28 under sections 19-4029, 19-4029.02, and 19-4029.03, notice of such
29 hearing shall be given by:

30 (a) One publication of the notice of hearing in a legal newspaper in
31 or of general circulation in the city;

1 (b) Mailing a copy of the notice of hearing to each owner of taxable
2 property as shown on the latest tax rolls of the county treasurer for
3 such county;

4 (c) Providing a copy of the notice of hearing to any neighborhood
5 association registered pursuant to subsection (2) of this section in the
6 manner requested by such neighborhood association; and

7 (d) If an occupation tax is to be imposed, mailing a copy of the
8 notice of hearing to each user of space in the proposed district.

9 (2) The notice required by subdivision (1)(c) of this section shall
10 be provided to any neighborhood association which is registered pursuant
11 to this subsection and whose area of concern is located, in whole or in
12 part, within a one-mile radius of the existing or proposed boundaries of
13 the district. Each neighborhood association desiring to receive such
14 notice shall register with the city the area of concern of such
15 association and provide the name of and contact information for the
16 individual who is to receive notice on behalf of such association and the
17 requested manner of service, whether by email or regular, certified, or
18 registered mail. The registration shall be in accordance with any rules
19 adopted and promulgated by the city.

20 (3) Any notice of hearing for any hearing required by section
21 19-4029 shall contain the following information:

22 (a) A description of the boundaries of the proposed business
23 improvement district;

24 (b) The time and place of a hearing to be held by the city council
25 to consider establishment of the business improvement district;

26 (c) The proposed public facilities and improvements to be made or
27 maintained within any business improvement ~~such~~ district; and

28 (d) The proposed or estimated costs for improvements and facilities
29 within the proposed business improvement district and the method by which
30 the revenue shall be raised. If a special assessment is proposed, the
31 notice shall also state the proposed method of assessment.

1 (4) Any notice of hearing for any hearing required by sections
2 19-4029.02 and 19-4029.03 shall contain the following information:

3 (a) A description of the boundaries of the area to be added to the
4 existing business improvement district and a description of the new
5 boundaries of the modified business improvement district;

6 (b) The time and place of a hearing to be held by the city council
7 to consider establishment of the modified business improvement district;

8 (c) The new public facilities and improvements, if any, to be made
9 or maintained within any business improvement ~~such~~ district; and

10 (d) The proposed or estimated costs for new and existing
11 improvements and facilities within the proposed modified business
12 improvement district and the method by which the revenue shall be raised.

13 If a special assessment is proposed, the notice shall also state the
14 proposed method of assessment.

15 Sec. 315. Section 19-4029.04, Revised Statutes Cumulative
16 Supplement, 2016, is amended to read:

17 19-4029.04 Whenever a hearing is held to expand business improvement
18 district boundaries under section 19-4029.02 or 19-4029.03, the city
19 council shall:

20 (1) Hear all protests and receive evidence for or against the
21 proposed action;

22 (2) Rule upon all written protests received prior to the close of
23 the hearing, which ruling shall be final; and

24 (3) Continue the hearing from time to time as the city council may
25 deem necessary.

26 If a special assessment is to be used, proceedings shall terminate
27 if written protest is made prior to the close of the hearing by the
28 record owners of over fifty percent of the assessable units in the
29 modified business improvement district as proposed. If an occupation tax
30 is to be used, proceedings shall terminate if protest is made by users of
31 over fifty percent of space in the modified business improvement district

1 as proposed.

2 Sec. 316. Section 19-4029.05, Revised Statutes Cumulative
3 Supplement, 2016, is amended to read:

4 19-4029.05 The city council, following a hearing under section
5 19-4029.02 or 19-4029.03, may expand the boundaries of any business
6 improvement district or districts. If the city council decides to expand
7 the boundaries, it shall adopt an ordinance to that effect. This
8 ordinance shall contain the following information:

9 (1) The name of the business improvement district whose boundaries
10 will be expanded;

11 (2) A statement that notice of hearing was given, including the date
12 or dates on which it was given, in accordance with section 19-4029.01;

13 (3) The time and place the hearing was held concerning the new
14 boundaries of the business improvement ~~such~~ district;

15 (4) The purposes of the boundary expansion and any new public
16 improvements and facilities to be included in the business improvement
17 ~~such~~ district;

18 (5) The description of the new boundaries of the business
19 improvement ~~such~~ district;

20 (6) A statement that the businesses and users of space in the
21 modified business improvement district established by the ordinance shall
22 be subject to the general business occupation tax or that the real
23 property in the modified business improvement district will be subject to
24 the special assessment authorized by the Business Improvement District
25 Act;

26 (7) The proposed method of assessment to be imposed within the
27 business improvement district or the initial rate of the occupation tax
28 to be imposed; and

29 (8) Any penalties to be imposed for failure to pay the tax or
30 special assessment.

31 The ordinance shall recite that the method of raising revenue shall

1 be fair and equitable. In the use of a general occupation tax, the tax
2 shall be based primarily on the square footage of the owner's and user's
3 place of business. In the use of a special assessment, the assessment
4 shall be based upon the special benefit to the property within the
5 business improvement district.

6 Sec. 317. Section 19-4030, Revised Statutes Supplement, 2017, is
7 amended to read:

8 19-4030 A city may levy a special assessment against the real estate
9 located in a business improvement district, to the extent of the special
10 benefit thereto, for the purpose of paying all or any part of the total
11 costs and expenses of performing any authorized work, except maintenance,
12 repair, and reconstruction costs, within the business improvement such
13 district. The amount of each special assessment shall be determined by
14 the city council sitting as a board of equalization. Assessments shall be
15 levied in accordance with the method of assessment proposed in the
16 ordinance creating the business improvement district. If the city council
17 finds that the proposed method of assessment does not provide a fair and
18 equitable method of apportioning costs, then it may assess the costs
19 under such method as the city council finds to be fair and equitable.
20 Notice of a hearing on any special assessments to be levied under the
21 Business Improvement District Act shall be given to the landowners in the
22 business improvement ~~such~~ district by publication of the description of
23 the land, the amount proposed to be assessed, and the general purpose for
24 which such assessment is to be made one time each week for three weeks in
25 a legal ~~daily or weekly~~ newspaper in or of general circulation ~~published~~
26 in the city. The notice shall provide the date, time, and place of
27 hearing to hear any objections or protests by landowners in the business
28 improvement district as to the amount of assessment made against their
29 land. A direct appeal to the district court of the county in which such
30 city is located may be taken from the decision of the city council in the
31 same manner and under like terms and conditions as appeals may be taken

1 from the amount of special assessments levied in street improvement
2 districts in such city as now provided by law. All special assessments
3 levied under the act shall be liens on the property and shall be
4 certified for collection and collected in the same manner as special
5 assessments for improvements and street improvement districts of the city
6 are collected. If any part of a business improvement district overlaps
7 with a riverfront development district in which a special assessment is
8 already being levied pursuant to section 19-5313, the city creating the
9 business improvement district shall not impose the business improvement
10 district's special assessment within the overlapping area.

11 Sec. 318. Section 19-4031, Revised Statutes Supplement, 2017, is
12 amended to read:

13 19-4031 (1) In addition to or in place of the special assessments
14 authorized by the Business Improvement District Act, a city may levy a
15 general business occupation tax upon the businesses and users of space
16 within a business improvement district established for acquiring,
17 constructing, maintaining, or operating public offstreet parking
18 facilities and providing in connection therewith other public
19 improvements and facilities authorized by the Business Improvement
20 District Act, for the purpose of paying all or any part of the total cost
21 and expenses of any authorized improvement or facility within the
22 business improvement ~~such~~ district. Notice of a hearing on any such tax
23 levied under the Business Improvement District Act shall be given to the
24 businesses and users of space of the business improvement ~~such~~ districts,
25 and appeals may be taken, all in the manner provided in section 19-4030.

26 (2) After March 27, 2014, any occupation tax imposed pursuant to
27 this section shall make a reasonable classification of businesses, users
28 of space, or kinds of transactions for purposes of imposing such tax,
29 except that no occupation tax shall be imposed on any transaction which
30 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
31 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under

1 section 77-2704.24. The collection of a tax imposed pursuant to this
2 section shall be made and enforced in such a manner as the city council
3 shall by ordinance determine to produce the required revenue. The city
4 council may provide that failure to pay the tax imposed pursuant to this
5 section shall constitute a violation of the ordinance and subject the
6 violator to a fine or other punishment as provided by ordinance.

7 (3) If any part of a business improvement district overlaps with a
8 riverfront development district in which a general business occupation
9 tax is already being levied pursuant to section 19-5312, the city
10 creating the business improvement district shall not impose the business
11 improvement district's occupation tax within the overlapping area.

12 Sec. 319. Section 19-4032, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 19-4032 If, subsequent to the levy of taxes or assessments under the
15 Business Improvement District Act, the use of any parcel of land shall
16 change so that, had the new use existed at the time of making such levy,
17 the assessment or levy on such parcel would have been higher than the
18 levy or assessment actually made, an additional assessment or levy may be
19 made on such parcel by the city council taking into consideration the new
20 and changed use of the property. Reassessments or changes in the rate of
21 levy of assessments or taxes may be made by the city council after notice
22 and hearing as provided in section 19-4030. The city council shall adopt
23 a resolution of intention to change the rate of levy at least fifteen
24 days prior to the hearing required for changes. This resolution shall
25 specify the proposed change and shall give the time and place of the
26 hearing.

27 Sec. 320. Section 19-4033, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 19-4033 The total amount of special assessments or general business
30 occupation taxes levied under the Business Improvement District Act shall
31 not exceed the total costs and expenses of performing the authorized

1 work. The levy of any additional assessment or tax shall not reduce or
2 affect in any manner the assessments previously levied. The assessments
3 or taxes levied must be for the purposes specified in the ordinances and
4 the proceeds shall not be used for any other purpose.

5 Sec. 321. Section 19-4034, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 19-4034 A city may levy a general business occupation tax, or a
8 special assessment against the real estate located in a business
9 improvement district to the extent of special benefit to such real
10 estate, for the purpose of paying all or any part of the cost of
11 maintenance, repair, and reconstruction, including utility costs of any
12 improvement or facility in the business improvement district. Districts
13 created for taxation or assessment of maintenance, repair, and
14 reconstruction costs, including utility costs of improvements or
15 facilities which are authorized by the Business Improvement District Act,
16 but which were not acquired or constructed pursuant to the act, may be
17 taxed or assessed as provided in the act. Any occupation tax levied under
18 this section shall be limited to those improvements and facilities
19 authorized by section 19-4030. After March 27, 2014, any occupation tax
20 imposed pursuant to this section shall make a reasonable classification
21 of businesses, users of space, or kinds of transactions for purposes of
22 imposing such tax, except that no occupation tax shall be imposed on any
23 transaction which is subject to tax under section 53-160, 66-489,
24 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is
25 exempt from tax under section 77-2704.24. The city council may levy such
26 taxes or assessments under either of the following methods:

27 (1) The city council, sitting as a board of equalization, may, not
28 more frequently than annually, determine the costs of maintenance or
29 repair, and reconstruction, of a facility. Such costs shall be either
30 assessed to the real estate located in the business improvement such
31 district in accordance with the proposed method of assessment, or taxed

1 against the businesses and users of space in the business improvement
2 district, whichever may be applicable as determined by the ordinance
3 creating the business improvement district. However, if the city council
4 finds that the method of assessment proposed in the ordinance creating
5 the business improvement district does not provide a fair and equitable
6 method of apportioning such costs, then it may assess the costs under
7 such method as the city council finds to be fair and equitable. At the
8 hearing on such taxes or assessments, objections may be made to the total
9 cost and the proposed allocation of such costs among the parcels of real
10 estate or businesses in the business improvement ~~such~~ district; or

11 (2) After notice is given to the owners or businesses as provided in
12 section 19-4030 the city council may establish and may change from time
13 to time, the percentage of such costs for maintenance, repair, and
14 reconstruction which each parcel of real estate or each business or user
15 of space in any business improvement district shall pay. The city council
16 shall annually determine the total amount of such costs for each period
17 since costs were last taxed or assessed, and shall, after a hearing, tax
18 or assess such costs to the real estate in the business improvement
19 district in accordance with the percentages previously established at
20 such hearing. Notice of such hearing shall be given as provided in
21 section 19-4030 and shall state the total costs and percentage to be
22 taxed or assessed to each parcel of real estate. Unless objections are
23 filed with the city clerk at least five days before the hearing, all
24 objections to the amount of total costs and the assessment percentages
25 should be deemed to have been waived and the assessments shall be levied
26 as stated in such notice, except that the city council may reduce any
27 assessment percentage.

28 Sec. 322. Section 19-4035, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-4035 The city council may dissolve ~~disestablish~~ a business
31 improvement district by ordinance after a hearing before the city

1 council. The city council shall adopt a resolution of intention to
2 ~~dissolve~~ ~~disestablish~~ the business improvement district area at least
3 fifteen days prior to the hearing required by this section. The
4 resolution shall give the time and place of the hearing.

5 Sec. 323. Section 19-4036, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 19-4036 Upon ~~dissolution~~ ~~disestablishment~~ of a business improvement
8 district, any proceeds of any general business occupation ~~the~~ tax or the
9 special assessment, or assets acquired with such proceeds, shall be
10 subject to disposition as the city council shall determine.

11 Sec. 324. Section 19-4037, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 19-4037 ~~Any~~ ~~The~~ city which has established one or more business
14 improvement districts is authorized to receive, administer, and disburse
15 donated funds or grants of federal or state funds for the purposes of and
16 in the manner authorized by the Business Improvement District Act.

17 Sec. 325. Section 19-4629, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 19-4629 (1) ~~A~~ ~~The~~ resolution of intent pursuant to section 19-4628
20 shall describe the property subject to the proposed condemnation,
21 including the types of property and facilities to be subject to the
22 condemnation and the extent and amount of property to be appropriated.
23 The resolution of intent shall set forth one or more of the following:

24 (a) A description of the acts and omissions of the utility regarding
25 natural gas safety which the city believes have created or may create a
26 material threat to the health and safety of the public in the city and a
27 description of the nature of the threat;

28 (b) A description of the acts and omissions of the utility regarding
29 the terms, conditions, and quality of natural gas service to natural gas
30 ratepayers in the city which the city believes fail to meet generally
31 accepted standards of customer service within the natural gas industry;

1 (c) A comparison of the rates for natural gas charged by the utility
2 to ratepayers in the city and of the rates charged to similarly situated
3 ratepayers in comparably sized cities in Nebraska and neighboring states
4 which are served by the same or different utilities, which comparison the
5 city believes shows that the rates charged in the city are excessive; or

6 (d) A description of recent or contemporaneous events or disclosures
7 regarding the utility, including, but not limited to, changes in
8 ownership, corporate structure, financial stability, or debt rating or
9 any other factor which the city believes indicates financial instability
10 in the utility which may materially impair its ability to maintain
11 appropriate levels of safety and consumer service in the city.

12 (2) If the resolution of intent contains provisions as set out in
13 subdivision (1)(a) or (b) of this section, the resolution shall describe
14 the efforts by the city to inform the utility of the utility's acts or
15 omissions regarding safety or service and shall describe the
16 opportunities afforded the utility to remedy the stated defects.

17 (3) The resolution of intent shall not contain any provision
18 regarding nor make any references to any expected or anticipated revenue
19 to be derived by the city in consequence of the city's condemnation or
20 operation of the gas system.

21 Sec. 326. Section 19-4630, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-4630 (1) A The resolution of intent to pursue condemnation
24 pursuant to section 19-4628 shall be presented to the governing body of
25 the city at a regular meeting of such governing body. At that meeting the
26 governing body may adopt the resolution of intent and, if it does so,
27 shall set a time at least forty-five days after the date of the meeting
28 at which the resolution of intent was adopted at which time the governing
29 body of the city shall hold a public hearing.

30 (2) At the public hearing, the sole item of business to be conducted
31 shall be the public hearing on the resolution of intent at which the

1 public shall be permitted to comment on the proposed condemnation, the
2 utility shall be permitted to respond to the statements set out in the
3 resolution of intent and any comments made at the public hearing, and the
4 governing body may act as provided in section 19-4631.

5 (3) The city clerk ~~of the city~~ shall transmit a copy of the
6 resolution of intent and notice of the date and time of the public
7 hearing to the utility by United States registered mail with signature
8 confirmation within seven days after the meeting at which the resolution
9 of intent was adopted. At least thirty days prior to the public hearing,
10 the city shall publish notice of the time and place of the public hearing
11 and a summary of the resolution of intent in a legal newspaper published
12 in or of general circulation in the city.

13 (4) The utility may present to the city a description of portions of
14 the gas system which (a) are not described as part of the gas system
15 being condemned by the city and (b) are served through the town border
16 station of the city. The utility may require the city to include in its
17 description of the gas system being condemned any or all of those
18 portions of the system if the proposed condemnation would sever those
19 portions of the system from the utility's distribution facilities and
20 would require the utility to create new infrastructure to link these
21 portions to its existing delivery system outside the city. If the utility
22 chooses to require the city to include additional portions of the gas
23 system in the description of the property being condemned, it shall do so
24 prior to the adjournment of the public hearing.

25 Sec. 327. Section 19-4632, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-4632 Following the adoption of a the motion pursuant to section
28 19-4631, including an override of any veto, if necessary, the city clerk
29 ~~of the city~~ shall transmit to the Chief Justice of the Supreme Court
30 notice of the decision of the city to pursue condemnation of the gas
31 system. The Supreme Court shall, within thirty days after the receipt of

1 such notice, appoint three judges of the district court from three of the
2 judicial districts of the state to constitute a court of condemnation to
3 ascertain and find the value of the gas system being taken. The Supreme
4 Court shall enter an order requiring the judges to attend as a court of
5 condemnation at the county seat of the county in which the city is
6 located, within such time as may be stated in the order, except upon
7 stipulation by all necessary parties as to the value of the gas system
8 filed with the Supreme Court prior to such date. The judges shall attend
9 as ordered and at the first meeting shall select a presiding judge,
10 organize, and proceed with the court's duties. The court may adjourn from
11 time to time and shall fix a time for the appearance before it of all
12 such corporations or persons as the court may deem necessary to be made
13 parties to such condemnation proceedings or which the city or the utility
14 may desire to have made a party to the proceedings. If such time of
15 appearance shall occur after any proceedings have begun, the proceedings
16 shall be reviewed by the court, as it may direct, to give all parties
17 full opportunity to be heard. All corporations or persons, including all
18 mortgagees, bondholders, trustees for bondholders, leaseholders, or other
19 parties or persons claiming any interest in or lien upon the gas system,
20 may be made parties to the proceedings. All parties shall be served with
21 notice of the proceedings and the time and place of the meeting of the
22 court of condemnation in the same manner and for such length of time as
23 the service of a summons in cases begun in the district court, either by
24 personal service or service by publication, and actual personal service
25 of notice within or without the state shall supersede the necessity of
26 notice by publication.

27 Sec. 328. Section 19-4633, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 19-4633 In all proceedings before it, the court of condemnation
30 shall appoint a reporter of its proceedings who shall report and preserve
31 all evidence introduced before it. The clerk of the district court, in

1 the county where the city is located, shall attend upon the court of
2 condemnation and perform the duties of the clerk thereof, as the court of
3 condemnation may direct. The sheriff of the county or any of his or her
4 deputies shall attend upon the court of condemnation and shall have power
5 to serve summonses, subpoenas, and all other orders or papers ordered to
6 be served by the court. In case of a vacancy on the court, the vacancy
7 shall be filled by the Supreme Court if the vacancy occurs while the
8 Supreme Court is in session, and if it occurs while the Supreme Court is
9 not in session, then by the Chief Justice. The judges constituting the
10 court of condemnation shall be paid by the city a per diem for their
11 services in an amount to be established by rule of the Supreme Court and
12 the city shall pay their necessary traveling expenses, accommodation
13 bills, and all other necessary expenses incurred while in attendance upon
14 the sittings of the court of condemnation, with reimbursement for
15 expenses to be made as provided in sections 81-1174 to 81-1177. The city
16 shall pay the reporter that is appointed by the court of condemnation the
17 amount that is set by such the court. The sheriff shall serve all
18 summonses, subpoenas, or other orders or papers ordered issued or served
19 by the court of condemnation at the same rate and compensation for which
20 he or she serves like papers issued by the district court, but shall
21 account to the county for all compensation as required of him or her
22 under the law governing his or her duties as sheriff.

23 Sec. 329. Section 19-4634, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-4634 (1) In ascertaining the value of the gas system, the court
26 of condemnation shall have full power to summon witnesses, administer
27 oaths, take evidence, order the taking of depositions, and require the
28 production of any and all books and papers deemed necessary for a full
29 investigation and ascertainment of the value of any portion of the gas
30 system. When part of the gas system appropriated under the Municipal
31 Natural Gas System Condemnation Act extends beyond the territory within

1 which the city exercising the power of eminent domain has a right to
2 operate the gas system, the court of condemnation, in determining the
3 damages caused by the appropriation, shall take into consideration the
4 fact that the portion of the gas system beyond that territory is being
5 detached and not appropriated by the city, and the court of condemnation
6 shall award damages by reason of the detachment and the destruction in
7 value and usefulness of the detached and unappropriated property as it
8 will remain and be left after the detachment and appropriation. The court
9 of condemnation shall have all the necessary powers and perform all the
10 necessary duties in the condemnation and ascertainment of the value and
11 in making an award of the value of the gas system.

12 (2) The court of condemnation shall have power to apportion the
13 costs of the proceedings before it between the city and the utility and
14 the city shall provide for and pay the costs as ordered by such the
15 court. The city shall make provisions for the necessary funds and
16 expenses to carry on the proceedings of the court of condemnation while
17 the proceedings are in progress. If the governing body of the city elects
18 to abandon the condemnation proceedings, the city shall pay all the costs
19 made before the court of condemnation.

20 (3) If the services of expert witnesses or attorneys are secured by
21 the utility, their fees or compensation as billed to the utility are to
22 be taxed and paid as costs by the city to the extent that the court of
23 condemnation determines that the fees and compensation sought (a) reflect
24 the prevailing industry or professional charges for such services in
25 cases of the size involved in the condemnation and (b) were reasonably
26 necessary to a just and accurate determination of the value of the gas
27 system. The costs of any appeal shall be adjudged against the party
28 defeated in the appeal in the same degree and manner as is done under the
29 general court practice relating to appellate proceedings.

30 Sec. 330. Section 19-4636, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 19-4636 Upon the hearing of ~~an~~ the appeal pursuant to section
2 19-4635 in the district court, judgment shall be pronounced, as in
3 ordinary cases, for the value of the gas system. The city or utility may
4 appeal the judgment to the Supreme Court. All actions and proceedings
5 under the Municipal Natural Gas System Condemnation Act which are heard
6 by the district court or the Supreme Court shall be expedited for hearing
7 and decision by the appropriate court as soon as the issues and parties
8 are properly before such court. Such proceedings and actions shall be
9 preferred over all other civil cases irrespective of their position on
10 the calendar.

11 Sec. 331. Section 19-4638, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 19-4638 If ~~an~~ the election pursuant to section 19-4637 at which the
14 question is submitted is a special election and sixty percent of the
15 votes cast upon such proposition are in favor, or if such ~~the~~ election at
16 which the question is submitted is a general election and a majority of
17 the votes cast upon such proposition are in favor, then the officer
18 possessing the power and duty to ascertain and declare the result of the
19 election shall certify the result immediately to the governing body of
20 the city. The governing body of the city may then proceed to tender the
21 amount of the value and award made by the court of condemnation, the
22 district court, or the Supreme Court to the utility owning the gas system
23 and shall have the right and power to take immediate possession of the
24 gas system upon the tender.

25 Sec. 332. Section 19-4701, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 19-4701 A city of the metropolitan class or primary class may
28 acquire, purchase, and operate a professional baseball organization.

29 Sec. 333. Section 19-5001, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-5001 (1) A city of the first class, city of the ~~or~~ second class,

1 or village shall provide written notice of a proposed annexation to the
2 owners of property within the area proposed for annexation in the manner
3 set out in this section.

4 (2) Initial notice of the proposed annexation shall be sent to the
5 owners of property within the area proposed for annexation by regular
6 United States mail, postage prepaid, to the address of each owner of such
7 property as it appears in the records of the office of the register of
8 deeds or as the address is determined from another official source,
9 postmarked at least ten working days prior to the planning commission's
10 public hearing on the proposed change with a certified letter to the
11 clerk of any sanitary and improvement district if the annexation includes
12 property located within the boundaries of such district. Such notice
13 shall describe the area proposed for annexation, including a map showing
14 the boundaries of the area proposed for annexation, and shall contain the
15 date, time, and location of the planning commission's hearing and how
16 further information regarding the annexation can be obtained, including
17 the telephone number of the pertinent city or village official and an
18 electronic mail or Internet address if available.

19 (3) A second notice of the proposed annexation shall be sent to the
20 same owners of property who were provided with notice under subsection
21 (2) of this section. Such notice shall be sent by regular United States
22 mail, postage prepaid, to the owner's address as it appears in the
23 records of the office of the register of deeds or as the address is
24 determined from another official source, postmarked at least ten working
25 days prior to the public hearing of the city council or village board of
26 trustees on the annexation. Such notice shall describe the area proposed
27 for annexation, including a map showing the boundaries of the area
28 proposed for annexation, and shall contain the date, time, and location
29 of the hearing and how further information regarding the annexation can
30 be obtained, including the telephone number of the pertinent city or
31 village official and an electronic mail or Internet address if available.

1 (4) No additional or further notice beyond that required by
2 subsections (2) and (3) of this section shall be necessary if the
3 scheduled public hearing by the planning commission or city council or
4 village board of trustees on the proposed annexation is adjourned,
5 continued, or postponed until a later date.

6 (5) Except for a willful or deliberate failure to cause notice to be
7 given, no annexation decision made by a city of the first class, city of
8 the ~~or~~ second class, or village to accept or reject a proposed
9 annexation, either in whole or in part, shall be void, invalidated, or
10 affected in any way because of any irregularity, defect, error, or
11 failure on the part of the city or village or its employees to cause
12 notice to be given as required by this section if a reasonable attempt to
13 comply with this section was made. No action to challenge the validity of
14 the acceptance or rejection of a proposed annexation on the basis of this
15 section shall be filed more than one year following the date after the
16 formal acceptance or rejection of the annexation by the city council or
17 village board of trustees.

18 (6) Except for a willful or deliberate failure to cause notice to be
19 given, the city of the first class, city of the ~~or~~ second class, or
20 village and its employees shall not be liable for any damage to any
21 person resulting from failure to cause notice to be given as required by
22 this section if a reasonable attempt was made to provide such notice. No
23 action for damages resulting from the failure to cause notice to be
24 provided as required by this section shall be filed more than one year
25 following the date of the formal acceptance or rejection of the proposed
26 annexation, either in whole or in part, by the city council or village
27 board of trustees.

28 (7) For purposes of this section, owner means the owner of a piece
29 of property as indicated on the records of the office of the register of
30 deeds as provided to or made available to the city of the first class,
31 city of the ~~or~~ second class, or village no earlier than the last business

1 day before the twenty-fifth day preceding the public hearing by the
2 planning commission on the annexation proposed for the subject property.

3 Sec. 334. Section 19-5203, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 19-5203 For purposes of the Nebraska Municipal Land Bank Act:

6 (1) Board means the board of directors of a land bank;

7 (2) Land bank means a land bank established in accordance with the
8 act;

9 (3) Municipality means any city or village of this state ~~that is~~
10 ~~located (a) within a county in which a city of the metropolitan class is~~
11 ~~located or (b) within a county in which at least three cities of the~~
12 ~~first class are located;~~ and

13 (4) Real property means lands, lands under water, structures, and
14 any and all easements, air rights, franchises, and incorporeal
15 hereditaments and every estate and right therein, legal and equitable,
16 including terms for years and liens by way of judgment, mortgage, or
17 otherwise, and any and all fixtures and improvements located thereon.

18 Sec. 335. Section 19-5205, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 19-5205 (1) If a land bank is created by a single municipality, the
21 board of such land bank shall meet the following requirements:

22 (a) The board shall consist of:

23 (i) Seven voting members appointed by the mayor or chairperson of
24 the village board of trustees of the municipality that created the land
25 bank and confirmed by a two-thirds vote of the governing body of such
26 municipality;

27 (ii) The planning director of the municipality that created the land
28 bank or his or her designee, or in the case of a village, a person
29 designated by the village board of trustees, as a nonvoting, ex officio
30 member;

31 (iii) One member of the governing body of the municipality that

1 created the land bank, appointed by such governing body, as a nonvoting,
2 ex officio member; and

3 (iv) Such other nonvoting members as are appointed by the mayor or
4 chairperson of the village board of trustees of the municipality that
5 created the land bank;

6 (b) The seven voting members of the board shall be residents of the
7 municipality that created the land bank;

8 (c) If the governing body of the municipality creating the land bank
9 has any of its members elected by district or ward, then at least one
10 voting member of the board shall be appointed from each such district or
11 ward. Such voting members shall represent, to the greatest extent
12 possible, the racial and ethnic diversity of the municipality creating
13 the land bank;

14 (d) The seven voting members of the board shall have, collectively,
15 verifiable skills, expertise, and knowledge in market-rate and affordable
16 residential, commercial, industrial, and mixed-use real estate
17 development, financing, law, purchasing and sales, asset management,
18 economic and community development, and the acquisition of tax sale
19 certificates;

20 (e) The seven voting members of the board shall include:

21 (i) At least one member representing a chamber of commerce;

22 (ii) At least one member with experience in banking;

23 (iii) At least one member with experience in real estate
24 development;

25 (iv) At least one member with experience as a realtor;

26 (v) At least one member with experience in nonprofit or affordable
27 housing; and

28 (vi) At least one member with experience in large-scale residential
29 or commercial property rental; and

30 (f) A single voting member may satisfy more than one of the
31 requirements provided in subdivision (1)(e) of this section if he or she

1 has the required qualifications. It is not necessary that there be a
2 different member to fulfill each such requirement.

3 (2) If a land bank is created by more than one municipality pursuant
4 to an agreement under the Interlocal Cooperation Act, the board of such
5 land bank shall meet the following requirements:

6 (a) The board shall consist of:

7 (i) An odd number of voting members, totaling at least seven,
8 appointed by the mayors or chairpersons of the village boards of trustees
9 of the municipalities that created the land bank, as mutually agreed to
10 by such mayors or chairpersons, and confirmed by a two-thirds vote of the
11 governing body of each municipality that created the land bank;

12 (ii) The planning director of each municipality that created the
13 land bank or his or her designee, or in the case of a village, a person
14 designated by the village board of trustees, as nonvoting, ex officio
15 members;

16 (iii) One member of the governing body of each municipality that
17 created the land bank, appointed by the governing body on which such
18 member serves, as nonvoting, ex officio members; and

19 (iv) Such other nonvoting members as are appointed by the mayors or
20 chairpersons of the village boards of trustees of the municipalities that
21 created the land bank, as mutually agreed to by such mayors or
22 chairpersons;

23 (b) Each voting member of the board shall be a resident of one of
24 the municipalities that created the land bank, with at least one voting
25 member appointed from each such municipality;

26 (c) If the governing body of the largest municipality creating the
27 land bank has any of its members elected by district or ward, then at
28 least one voting member of the board shall be appointed from each such
29 district or ward. Such voting members shall represent, to the greatest
30 extent possible, the racial and ethnic diversity of the largest
31 municipality creating the land bank;

1 (d) The voting members of the board shall have, collectively,
2 verifiable skills, expertise, and knowledge in market-rate and affordable
3 residential, commercial, industrial, and mixed-use real estate
4 development, financing, law, purchasing and sales, asset management,
5 economic and community development, and the acquisition of tax sale
6 certificates;

7 (e) The voting members of the board shall include:

8 (i) At least one member representing a chamber of commerce;

9 (ii) At least one member with experience in banking;

10 (iii) At least one member with experience in real estate
11 development;

12 (iv) At least one member with experience as a realtor;

13 (v) At least one member with experience in nonprofit or affordable
14 housing; and

15 (vi) At least one member with experience in large-scale residential
16 or commercial property rental; and

17 (f) A single voting member may satisfy more than one of the
18 requirements provided in subdivision (2)(e) of this section if he or she
19 has the required qualifications. It is not necessary that there be a
20 different member to fulfill each such requirement.

21 (3) The members of the board shall select annually from among
22 themselves a chairperson, a vice-chairperson, a treasurer, and such other
23 officers as the board may determine.

24 (4) A public official or public employee shall be eligible to be a
25 member of the board.

26 (5) A vacancy on the board among the appointed board members shall
27 be filled in the same manner as the original appointment.

28 (6) Board members shall serve without compensation.

29 (7) The board shall meet in regular session according to a schedule
30 adopted by the board and shall also meet in special session as convened
31 by the chairperson or upon written notice signed by a majority of the

1 voting members. The presence of a majority of the voting members of the
2 board shall constitute a quorum.

3 (8) Except as otherwise provided in subsections (9) and (11) of this
4 section and in sections 19-5210 and 19-5214, all actions of the board
5 shall be approved by the affirmative vote of a majority of the voting
6 members present and voting.

7 (9) Any action of the board on the following matters shall be
8 approved by a majority of the voting members:

9 (a) Adoption of bylaws and other rules and regulations for conduct
10 of the land bank's business;

11 (b) Hiring or firing of any employee or contractor of the land bank.
12 This function may, by majority vote of the voting members, be delegated
13 by the board to a specified officer or committee of the land bank, under
14 such terms and conditions, and to the extent, that the board may specify;

15 (c) The incurring of debt;

16 (d) Adoption or amendment of the annual budget; and

17 (e) Sale, lease, encumbrance, or alienation of real property,
18 improvements, or personal property with a value of more than fifty
19 thousand dollars.

20 (10) Members of a board shall not be liable personally on the bonds
21 or other obligations of the land bank, and the rights of creditors shall
22 be solely against such land bank.

23 (11) The board shall adopt policies and procedures to specify the
24 conditions that must be met in order for the land bank to give an
25 automatically accepted bid as authorized in sections 19-5217 and 19-5218.
26 The adoption of such policies and procedures shall require the approval
27 of two-thirds of the voting members of the board. At a minimum, such
28 policies and procedures shall ensure that the automatically accepted bid
29 shall only be given for one of the following reasons:

30 (a) The real property substantially meets more than one of the
31 following criteria as determined by two-thirds of the voting members of

1 the board:

2 (i) The property is not occupied by the owner or any lessee or
3 licensee of the owner;

4 (ii) There are no utilities currently being provided to the
5 property;

6 (iii) Any buildings on the property have been deemed unfit for human
7 habitation, occupancy, or use by local housing officials;

8 (iv) Any buildings on the property are exposed to the elements such
9 that deterioration of the building is occurring;

10 (v) Any buildings on the property are boarded up;

11 (vi) There have been previous efforts to rehabilitate any buildings
12 on the property;

13 (vii) There is a presence of vermin, uncut vegetation, or debris
14 accumulation on the property;

15 (viii) There have been past actions by the municipality to maintain
16 the grounds or any building on the property; or

17 (ix) The property has been out of compliance with orders of local
18 housing officials;

19 (b) The real property is contiguous to a parcel that meets more than
20 one of the criteria in subdivision (11)(a) of this section or that is
21 already owned by the land bank; or

22 (c) Acquisition of the real property by the land bank would serve
23 the best interests of the community as determined by two-thirds of the
24 voting members of the board. In determining whether the acquisition would
25 serve the best interests of the community, the board shall take into
26 consideration the hierarchical ranking of priorities for the use of real
27 property conveyed by a land bank established pursuant to subsection (5)
28 of section 19-5210, if any such hierarchical ranking is established.

29 Sec. 336. Section 19-5207, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 19-5207 (1) A land bank shall have the following powers:

1 (a) To adopt, amend, and repeal bylaws for the regulation of its
2 affairs and the conduct of its business;

3 (b) To sue and be sued in its own name and plead and be impleaded in
4 all civil actions;

5 (c) To borrow money from private lenders, from municipalities, from
6 the state, or from federal government funds as may be necessary for the
7 operation and work of the land bank;

8 (d) To issue negotiable revenue bonds and notes according to the
9 provisions of the Nebraska Municipal Land Bank Act;

10 (e) To procure insurance or guarantees from the state or federal
11 government of the payments of any debts or parts thereof incurred by the
12 land bank and to pay premiums in connection therewith;

13 (f) To enter into contracts and other instruments necessary,
14 incidental, or convenient to the performance of its duties and the
15 exercise of its powers, including, but not limited to, agreements under
16 the Interlocal Cooperation Act for the joint administration of multiple
17 land banks or the joint exercise of powers under the Nebraska Municipal
18 Land Bank Act;

19 (g) To enter into contracts and other instruments necessary,
20 incidental, or convenient to the performance of functions by the land
21 bank on behalf of municipalities or agencies or departments of
22 municipalities, or the performance by municipalities or agencies or
23 departments of municipalities of functions on behalf of the land bank;

24 (h) To make and execute contracts and other instruments necessary or
25 convenient to the exercise of the powers of the land bank;

26 (i) To provide foreclosure prevention counseling and re-housing
27 assistance;

28 (j) To procure insurance against losses in connection with the real
29 property, assets, or activities of the land bank;

30 (k) To invest money of the land bank, at the discretion of the
31 board, in instruments, obligations, securities, or property determined

1 proper by the board and name and use depositories for its money;

2 (l) To enter into contracts for the management of, the collection of
3 rent from, or the sale of real property of the land bank;

4 (m) To design, develop, construct, demolish, reconstruct,
5 rehabilitate, renovate, relocate, and otherwise improve real property or
6 rights or interests in real property of the land bank;

7 (n) To fix, charge, and collect fees and charges for services
8 provided by the land bank;

9 (o) To fix, charge, and collect rents and leasehold payments for the
10 use of real property of the land bank for a period not to exceed twelve
11 months, except that such twelve-month limitation shall not apply if the
12 real property of the land bank is subject to a lease with a remaining
13 term of more than twelve months at the time such real property is
14 acquired by the land bank;

15 (p) To grant or acquire a license, easement, lease, as lessor and as
16 lessee, or option with respect to real property of the land bank;

17 (q) To enter into partnerships, joint ventures, and other
18 collaborative relationships with municipalities and other public and
19 private entities for the ownership, management, development, and
20 disposition of real property; and

21 (r) To do all other things necessary or convenient to achieve the
22 objectives and purposes of the land bank or other laws that relate to the
23 purposes and responsibilities of the land bank.

24 (2) A land bank shall neither possess nor exercise the power of
25 eminent domain.

26 Sec. 337. Section 23-206, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 23-206 In the event any city having one thousand inhabitants or more
29 as determined by the most recent federal decennial census or the most
30 recent revised certified count by the United States Bureau of the Census
31 shall have enough inhabitants to form one supervisor district, then such

1 city shall constitute one district, or in case the number of inhabitants
2 is less than the number in the other districts, then so much contiguous
3 territory shall be added to such city to give it sufficient inhabitants
4 for one supervisor district. Villages may be enumerated with general
5 districts, counting all the inhabitants therein as being within the
6 districts wherein such town or village is situated. ~~No ; Provided, no~~
7 village, or any part thereof, shall be included in or made a part of any
8 supervisor district containing a city having one thousand inhabitants or
9 more as determined by the most recent federal decennial census or the
10 most recent revised certified count by the United States Bureau of the
11 Census, or containing any part of such city.

12 Sec. 338. Section 23-339, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 23-339 The county board of any county in which any city or cities
15 are located having over twenty-five thousand and less than one hundred
16 thousand inhabitants as determined by the most recent federal decennial
17 census or the most recent revised certified count by the United States
18 Bureau of the Census ~~is situated~~ is hereby authorized and empowered,
19 whenever the road fund or funds of such ~~said~~ county will warrant it, to
20 aid in the grading, paving, or otherwise improving of any street, avenue,
21 or boulevard leading into such ~~said~~ city and within the corporate limits
22 thereof, by providing for the payment of not exceeding one-half of the
23 cost of such grading, and not exceeding the cost of the paving of
24 intersections. It shall also be authorized and empowered to grade, pave,
25 or otherwise improve any street, avenue, boulevard, or road, or any
26 portion thereof leading into or adjacent to any such city outside, or
27 partly inside and partly outside the corporate limits thereof, including
28 any portion thereof leading into or across any village or town, and for
29 such improvements outside of the corporate limits of any such city as
30 herein authorized and directed.

31 Sec. 339. Section 31-505, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 31-505 Upon the organization of any such sanitary district, the
3 county board shall call an election for the election of trustees, who
4 shall hold their offices until their successors are elected and
5 qualified. Where such sanitary district does not contain a city of more
6 than forty thousand inhabitants as determined by the most recent federal
7 decennial census or the most recent revised certified count by the United
8 States Bureau of the Census, there shall be three trustees, and where
9 such sanitary district contains a city of more than forty thousand
10 inhabitants as so determined, there shall be five trustees. In districts
11 having three trustees, at the first general state election held in
12 November after the organization of the district, there shall be elected
13 one trustee for a term of two years and two trustees for a term of four
14 years, and thereafter their respective successors shall be elected for a
15 term of four years at the general state election held in November
16 immediately prior to the expiration of their respective terms. In
17 districts having five trustees, at the first general state election held
18 in November after the organization of the district, there shall be
19 elected two trustees for a term of two years and three trustees for a
20 term of four years, and thereafter their respective successors shall be
21 elected for a term of four years at the general state election held in
22 November immediately prior to the expiration of their respective terms.
23 At the first meeting after election of one or more members, the board
24 shall elect one of their number president and, in case they fail to
25 elect, then the member who at his or her election received the highest
26 number of votes shall be president of such board. Such district shall be
27 a body corporate and politic by name of Sanitary District
28 of, with power to sue, be sued, contract, acquire and hold
29 property, and adopt a common seal.

30 Sec. 340. Section 32-538, Revised Statutes Supplement, 2017, is
31 amended to read:

1 32-538 (1) In a city which adopts the city manager plan of
2 government pursuant to the City Manager Plan of Government Act sections
3 ~~19-601 to 19-610~~, the number of city council members shall be determined
4 by the class and population of the city. In cities having one thousand or
5 more but not more than forty thousand inhabitants as determined by the
6 most recent federal decennial census or the most recent revised certified
7 count by the United States Bureau of the Census, there shall be five
8 members, and in cities having more than forty thousand but less than two
9 hundred thousand inhabitants as determined by the most recent federal
10 decennial census or the most recent revised certified count by the United
11 States Bureau of the Census, there shall be seven members, except that in
12 cities having between twenty-five thousand and forty thousand inhabitants
13 as determined by the most recent federal decennial census or the most
14 recent revised certified count by the United States Bureau of the Census,
15 the city council may by ordinance provide for seven members. Council
16 members shall be elected from the city at large unless the city council
17 by ordinance provides for the election of all or some of its council
18 members by wards, the number and boundaries of which are provided for in
19 section 16-104. Council members shall serve for terms of four years or
20 until their successors are elected and qualified. The council members
21 shall meet the qualifications found in sections 19-613 and 19-613.01.

22 The first election under an ordinance changing the number of council
23 members or their manner of election shall take place at the next regular
24 city election. Council members whose terms of office expire after the
25 election shall continue in office until the expiration of the terms for
26 which they were elected and until their successors are elected and
27 qualified. At the first election under an ordinance changing the number
28 of council members or their manner of election, one-half or the bare
29 majority of council members elected at large, as the case may be, who
30 receive the highest number of votes shall serve for four years and the
31 other or others, if needed, for two years. At such first election, one-

1 half or the bare majority of council members, as the case may be, who are
2 elected by wards shall serve for four years and the other or others, if
3 needed, for two years, as provided in the ordinance. If only one council
4 member is to be elected at large at such first election, such member
5 shall serve for four years.

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

10 Sec. 341. Section 32-539, Revised Statutes Supplement, 2017, is
11 amended to read:

12 32-539 (1) In a city which adopts the commission plan of government
13 pursuant to the Municipal Commission Plan of Government Act sections
14 ~~19-401 to 19-433~~, the number of city council members shall be determined
15 by the class and population of the city. In cities having two thousand or
16 more but not more than forty thousand inhabitants as determined by the
17 most recent federal decennial census or the most recent revised certified
18 count by the United States Bureau of the Census, there shall be five
19 members, in cities of the primary class, there shall be five members, and
20 in cities of the metropolitan class, there shall be seven members.
21 Council members shall be elected from the city at large. ~~In cities of the~~
22 ~~primary class, three excise members shall be elected in addition to the~~
23 ~~five council members.~~ Nomination and election of all council members
24 shall be by nonpartisan ballot. The mayor shall be elected for a four-
25 year term.

26 (2) ~~In cities containing two thousand or more but not more than~~
27 ~~forty thousand inhabitants as determined by the most recent federal~~
28 ~~decennial census or the most recent revised certified count by the United~~
29 ~~States Bureau of the Census, at the city council election in 1980, the~~
30 ~~council member elected as the commissioner of the department of public~~
31 ~~works and the council member elected as the commissioner of the~~

1 ~~department of parks and recreation shall each serve a term of four years.~~
2 If a city elects to adopt the commission plan of government ~~after 1980,~~
3 the council member elected as the commissioner of the department of
4 public works and the council member elected as the commissioner of the
5 department of public accounts and finances shall each serve a term of
6 four years and the council member elected as the commissioner of the
7 department of streets, public improvements, and public property and the
8 council member elected as the commissioner of the department of parks and
9 recreation shall each serve a term of two years. Upon the expiration of
10 such terms, all council members shall serve terms of four years and until
11 their successors are elected and qualified.

12 (3) Commencing with the statewide primary election in 2000, and
13 every two years thereafter, candidates shall be nominated at the
14 statewide primary election and elected at the statewide general election
15 except as otherwise provided in section 19-405.

16 Sec. 342. Original sections 8-205, 13-1302, 14-403.01, 15-1102,
17 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629,
18 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, 16-808, 18-1720,
19 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413,
20 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502,
21 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609,
22 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617,
23 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701,
24 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710,
25 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908,
26 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915,
27 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927,
28 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301,
29 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309,
30 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501,
31 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839,

1 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201,
2 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405,
3 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417,
4 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426,
5 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904,
6 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303,
7 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311,
8 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317,
9 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325,
10 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035,
11 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638,
12 19-4701, 19-5001, 23-206, 23-339, and 31-505, Reissue Revised Statutes of
13 Nebraska, sections 16-119, 16-238, 16-304, 16-305, 16-308, 16-309,
14 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322,
15 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405,
16 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621,
17 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647,
18 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662, 16-664,
19 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01, 16-692,
20 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712, 16-713,
21 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723, 16-727,
22 16-728, 18-2705, 19-922, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427,
23 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028,
24 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4033, 19-4034, 19-4037,
25 19-5203, 19-5205, and 19-5207, Revised Statutes Cumulative Supplement,
26 2016, and sections 13-2705, 17-108.02, 17-121, 18-2709, 19-401, 19-415,
27 19-418, 19-602, 19-926, 19-1101, 19-1102, 19-1827, 19-3501, 19-4030,
28 19-4031, 32-538, and 32-539, Revised Statutes Supplement, 2017, are
29 repealed.

30 Sec. 343. The following sections are outright repealed: Sections
31 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska,

1 and sections 19-102 and 19-103, Revised Statutes Supplement, 2017.