

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 873**

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

Read first time January 05, 2018

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend sections  
2 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412,  
3 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432,  
4 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606,  
5 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01,  
6 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646,  
7 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705,  
8 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903,  
9 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911,  
10 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918,  
11 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929,  
12 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303,  
13 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310,  
14 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501,  
15 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836,  
16 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105,  
17 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304,  
18 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412,  
19 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421,  
20 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429,  
21 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905,  
22 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303,

1 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310,  
2 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316,  
3 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323,  
4 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4017.01,  
5 19-4019, 19-4021, 19-4022, 19-4032, 19-4033, 19-4035, 19-4036,  
6 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638,  
7 19-4701, and 19-5001, Reissue Revised Statutes of Nebraska, sections  
8 16-238, 16-305, 16-308, 19-922, 19-2402, 19-2404, 19-2407, 19-2418,  
9 19-2427, 19-4017, 19-4018, 19-4026, 19-4027, 19-4028, 19-4029,  
10 19-4029.01, 19-4029.04, 19-4029.05, 19-4034, and 19-4037, Revised  
11 Statutes Cumulative Supplement, 2016, and sections 17-108.02,  
12 17-121, 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101, 19-1102,  
13 19-1827, 19-3501, 19-4030, 19-4031, 32-538, and 32-539, Revised  
14 Statutes Supplement, 2017; to change provisions relating to cities  
15 of particular classes and villages; to correct and include  
16 references as prescribed; to eliminate obsolete provisions; to  
17 repeal definitions; to harmonize provisions; to repeal the original  
18 sections; and to outright repeal sections 19-101, 19-104, 19-407,  
19 and 19-924, Reissue Revised Statutes of Nebraska, and sections  
20 19-102 and 19-103, Revised Statutes Supplement, 2017.

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

1 Section 1. 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. 2. Section 16-305, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 16-305 All officers and employees of the city shall receive such  
24 compensation as the mayor and city council may fix at the time of their  
25 appointment or employment, subject to the limitations set forth in this  
26 section. The city council may at its discretion by ordinance combine and  
27 merge any elective or appointive office or employment or any combination  
28 of duties of any such offices or employments, except mayor and city  
29 council member, with any other elective or appointive office or  
30 employment so that one or more of such offices or employments or any  
31 combination of duties of any such offices or employments may be held by

1 the same officer or employee at the same time. The city manager in a city  
2 under the city manager plan of government as provided in the City Manager  
3 Plan of Government Act Chapter 19, article 6, may in his or her  
4 discretion combine and merge any elective or appointive office or  
5 employment or any combination of duties of any such offices or  
6 employments, except mayor and city council member, with any other  
7 elective or appointive office or employment so that one or more of such  
8 offices or employments or any combination of duties of any such offices  
9 or employments may be held by the same officer or employee at the same  
10 time. The offices or employments so merged and combined shall always be  
11 construed to be separate, and the effect of the combination or merger  
12 shall be limited to a consolidation of official duties only. The salary  
13 or compensation of the officer or employee holding the merged and  
14 combined offices or employments or offices and employments shall not be  
15 in excess of the maximum amount provided by law for the salary or  
16 compensation of the office, offices, employment, or employments so merged  
17 and combined.

18 Sec. 3. Section 16-308, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

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

1 appointive office provided for in this section and section 16-325.

2 Sec. 4. Section 17-108.02, Revised Statutes Supplement, 2017, is  
3 amended to read:

4 17-108.02 (1) All officers and employees of a city of the second  
5 class shall receive such compensation as the mayor and city council may  
6 fix at the time of their appointment or employment subject to the  
7 limitations set forth in this section.

8 (2) The city council may at its discretion by ordinance combine and  
9 merge any elective or appointive office or employment or any combination  
10 of duties of any such offices or employments, except mayor and city  
11 council member, with any other elective or appointive office or  
12 employment so that one or more of such offices or employments or any  
13 combination of duties of any such offices or employments may be held by  
14 the same officer or employee at the same time.

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

24 (4) The offices or employments merged and combined under subsection  
25 (2) or (3) of this section shall always be construed to be separate, and  
26 the effect of the combination or merger shall be limited to a  
27 consolidation of official duties only. The salary or compensation of the  
28 officer or employee holding the merged and combined offices or  
29 employments or offices and employments shall not be in excess of the  
30 maximum amount provided by law for the salary or compensation of the  
31 office, offices, employment, or employments so merged and combined.

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

3 Sec. 5. Section 17-121, Revised Statutes Supplement, 2017, is  
4 amended to read:

5 17-121 (1) A city of the second class shall have the power to make  
6 regulations to prevent the introduction and spread of contagious,  
7 infectious, or malignant diseases into the city, to make quarantine laws  
8 for that purpose, and to enforce such regulations.

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

20 (3) In all other cities of the second class, a board of health shall  
21 be created consisting of four members: The mayor, who shall be  
22 chairperson, the president of the city council, and two other members.  
23 One member shall be a physician or health care provider, if one can be  
24 found who is willing to serve. Such physician or health care provider, if  
25 appointed, shall be the board's medical advisor. If the mayor has  
26 appointed a chief of police, the chief of police shall serve on the board  
27 as secretary and quarantine officer.

28 (4) A majority of the board of health shall constitute a quorum and  
29 shall enact rules and regulations, which shall have the force and effect  
30 of law, to safeguard the health of the people of such city, may enforce  
31 them, and may provide fines and punishments for the violation of such

1 rules and regulations. The board of health shall have power to and shall  
2 make all necessary rules and regulations relating to matters of  
3 sanitation of such city, including the removal of dead animals, the  
4 sanitary condition of the streets, alleys, vacant grounds, stockyards,  
5 wells, cisterns, privies, waterclosets, cesspools, and all buildings and  
6 places not specified where filth, nuisances, or offensive matter is kept  
7 or is liable to or does accumulate. The board of health may regulate,  
8 suppress, and prevent the occurrence of nuisances and enforce all laws of  
9 the state and ordinances of the city relating to nuisances or to matters  
10 of sanitation of such city. The board of health shall also have control  
11 of hospitals, dispensaries, places for treatment of sick, and related  
12 matters under such restrictions and provisions as may be provided by  
13 ordinance of such city.

14 Sec. 6. Section 19-201, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-201 The mayor and city council in any city of the metropolitan  
17 class or city of the first class shall have power to license and regulate  
18 the keeping of toll bridges within or terminating within the city, for  
19 the passage of persons and property over any river passing wholly or in  
20 part within or running by and adjoining the corporate limits of any such  
21 city, to fix and determine the rates of toll over any such bridge, or  
22 over the part thereof within the city, and to authorize the owner or  
23 owners of any such bridge to charge and collect the rates of toll so  
24 fixed and determined from all persons passing over or using the same.

25 Sec. 7. Section 19-401, Revised Statutes Supplement, 2017, is  
26 amended to read:

27 19-401 Sections 19-401 to 19-433 shall be known and may be cited as  
28 the Municipal Commission Plan of Government Act.

29 Any city in this state having not less than two thousand inhabitants  
30 as determined by the most recent federal decennial census or the most  
31 recent revised certified count by the United States Bureau of the Census

1 may adopt the commission plan ~~form~~ of government and be governed  
2 thereunder ~~by proceeding~~ as provided in the act ~~sections 19-401 to~~  
3 ~~19-433.~~

4 Sec. 8. Section 19-402, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 19-402 If a petition to adopt the commission plan of government is  
7 filed with the city clerk of any city meeting the requirements of section  
8 19-401, signed by registered voters equal in number to at least twenty-  
9 five percent of the votes cast for all candidates for mayor at the last  
10 preceding general city election, the mayor of the city shall, ~~by~~  
11 ~~appropriate proclamation and notice~~ within twenty days after such filing,  
12 call and proclaim a special election to be held upon a date fixed in such  
13 ~~proclamation and notice~~, which date shall not be less than fifteen nor  
14 more than sixty days after the date and issuance of such proclamation.  
15 After the filing of any petition provided for in this section, no signer  
16 of such petition ~~thereon~~ shall be permitted to withdraw his or her name  
17 from such petition ~~therefrom~~. At such special election the proposition of  
18 adopting the commission plan of government ~~provisions of sections 19-401~~  
19 ~~to 19-433~~ shall be submitted to the registered voters of the city, and  
20 such proposition shall be stated as follows: Shall the city of (name of  
21 city) adopt the ~~provisions of (naming the charter of the published law~~  
22 ~~containing such sections)~~ called the commission plan of city government?  
23 The special election shall be held and conducted, the vote canvassed, and  
24 the result declared in the same manner as provided for the holding and  
25 conducting of the general city election in any such city. All officers  
26 charged with any duty respecting the calling, holding, and conducting of  
27 such general city election shall perform such duties for and at such  
28 special election.

29 Sec. 9. Section 19-403, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-403 If the proposition of adopting the commission plan of



1 government is not adopted at the any such special election under section  
2 19-402 by a majority vote, the question of adopting it shall not be again  
3 submitted in ~~any~~ such city within two years thereafter.

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

6 19-404 If the proposition under section 19-402 is adopted for the  
7 commission plan of ~~city~~ government at least sixty days prior to the next  
8 general city election in the city, then at the next general city election  
9 provided by law in such city, city council members shall be elected as  
10 provided in section 32-539. If the proposition is not adopted at least  
11 sixty days prior to the date of holding the next general city election in  
12 such city, then such city shall continue to be governed under its  
13 existing laws until city council members are elected as provided in  
14 section 32-539 at the next general city election thereafter occurring in  
15 any such city.

16 Sec. 11. Section 19-405, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 19-405 (1) Any person desiring to become a candidate for the office  
19 of city council member under the commission plan of government ~~provided~~  
20 ~~for in section 19-404~~ shall file a candidate filing form as provided in  
21 sections 32-606 and 32-607 and pay the filing fee as provided in section  
22 32-608.

23 (2) Candidates for city council under the commission plan of  
24 government shall be nominated at large either at the statewide primary  
25 election or by filing a candidate filing form if there are not more than  
26 two candidates who have filed for each position or if the city council  
27 waives the requirement for a primary election.

28 (3) The city council may waive the requirement for a primary  
29 election by adopting an ordinance prior to January 5 of the year in which  
30 the primary election would have been held. If the city council waives the  
31 requirement for a primary election, all candidates filing candidate

1 filing forms by August 1 prior to the date of the general election as  
2 provided in subsection (2) of section 32-606 shall be declared nominated.  
3 If the city council does not waive the requirement for a primary election  
4 and if there are not more than two candidates filed for each position to  
5 be filled, all candidates filing candidate filing forms by the deadline  
6 prescribed in subsection (1) of section 32-606 shall be declared  
7 nominated as provided in subsection (1) of section 32-811 and their names  
8 shall not appear on the primary election ballot.

9 Sec. 12. Section 19-409, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-409 (1) In a city under the commission plan of government, the  
12 ~~The~~ two candidates for city council member receiving the highest number  
13 of votes at the primary election shall be placed upon the official ballot  
14 for such position at the statewide general election. If no candidates  
15 appeared on the primary election ballot or if the city council waived the  
16 primary election under section 19-405, all persons filing pursuant to  
17 section 19-405 shall be the only candidates whose names shall be placed  
18 upon the official ballot for such position at the statewide general  
19 election.

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

26 ~~(2) (3) Terms for~~ city council members under the commission plan of  
27 government shall begin on the date of the first regular meeting of the  
28 city council in December following the statewide general election. ~~The~~  
29 ~~terms of council members holding office on August 28, 1999, shall be~~  
30 ~~extended to the first regular meeting of the council in December~~  
31 ~~following the statewide general election.~~ The changes made to this

1 section by Laws 1999, LB 250, shall not change the staggering of the  
2 terms of city council members in cities that have adopted the commission  
3 plan of government prior to January 1, 1999.

4 Sec. 13. Section 19-411, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 19-411 The city council members in a city under the commission plan  
7 of government and ~~excise members~~ shall qualify and give bond in the  
8 manner and amount provided by the existing laws governing the city in  
9 which they are elected. If any vacancy occurs in the office of city  
10 council member, the vacancy shall be filled as provided in section  
11 32-568. ~~If any vacancy occurs in the office of excise members, the~~  
12 ~~remaining members of the excise board shall appoint a person to fill such~~  
13 ~~vacancy for the remainder of the term.~~ The terms of office of all other  
14 elective or appointive officers in force within or for any such city  
15 shall cease as soon as the city council selects or appoints their  
16 successors and such successors qualify and give bond as by law provided  
17 or as soon as such city council by resolution declares the terms of any  
18 such elective or appointive officers at an end or abolishes or  
19 discontinues any of such offices.

20 Sec. 14. Section 19-412, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 19-412 (1) The officers and employees of a the city under the  
23 commission plan of government shall receive such compensation as the  
24 mayor and city council shall fix by ordinance.

25 (2) The salary emoluments of any elective officer in a city under  
26 the commission plan of government shall not be increased or diminished  
27 during the term for which he or she was elected, except that when there  
28 are officers elected to a city council, board, or commission having more  
29 than one member and the terms of one or more members commence and end at  
30 different times, the compensation of all members of such city council,  
31 board, or commission may be increased or diminished at the beginning of

1 the full term of any member thereof. No person who has resigned or  
2 vacated any office shall be eligible to be elected or appointed to such  
3 office ~~the same~~ during the time for which he or she was elected when,  
4 during the same time, the salary has ~~emoluments have~~ been increased.

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

10 Sec. 15. Section 19-413, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 19-413 The city council in a city under the commission plan of  
13 government ~~herein provided for, upon taking office,~~ shall have, possess,  
14 and exercise, by itself or through such methods as it may provide, all  
15 executive or legislative or judicial powers and duties previously  
16 ~~theretofore~~ held, possessed, or exercised under the then existing laws  
17 governing any such city, by the mayor, ~~or~~ mayor and city council, ~~or~~  
18 water commissioners, ~~or~~ water board, ~~or~~ water and light commissioner, ~~or~~  
19 board of fire and police commissioners, ~~or~~ park commissioners, or park  
20 board. ~~The or excise board, or members thereof, or fire warden; and the~~  
21 powers, duties, and office of ~~such fire warden and of~~ all such boards and  
22 the members thereof shall ~~then and thereupon~~ cease and terminate, ~~;~~ and  
23 the powers and duties and officers of all other boards created by statute  
24 for the government of any such city shall also ~~thereupon~~ cease and  
25 terminate. ~~Nothing ; Provided, however, nothing herein contained in this~~  
26 section shall be so construed as to interfere with the powers, duties,  
27 authority, and privileges that have been, are, or may be hereafter  
28 conferred and imposed upon the water board in cities of the metropolitan  
29 class cities as prescribed by law ~~or shall affect the power of city~~  
30 ~~school or school district officers,~~ nor of any office or officer named in  
31 the state Constitution of Nebraska exercising office, powers, or

1 functions within any such city. Such city council, upon taking office,  
2 shall have and may exercise all executive or legislative or judicial  
3 powers possessed or exercised by any other officer or board ~~theretofore~~  
4 provided by law for or within any such city, except officers named in the  
5 ~~state Constitution of Nebraska ; Provided, however, the excise board~~  
6 ~~herein provided for, upon taking office, shall possess and exercise by~~  
7 ~~itself all of the duties and powers theretofore possessed or exercised by~~  
8 ~~the excise board under the existing laws governing any such city except~~  
9 ~~the appointment, removal and control of the police force, which power~~  
10 shall be vested in the council.

11 Sec. 16. Section 19-415, Revised Statutes Supplement, 2017, is  
12 amended to read:

13 19-415 In cities of the metropolitan class under the commission plan  
14 of government, the city council shall consist of the mayor who shall be  
15 superintendent of the department of public affairs, one city council  
16 member to be superintendent of the department of accounts and finances,  
17 one city council member to be superintendent of the department of police,  
18 sanitation, and public safety, one city council member to be  
19 superintendent of the department of fire protection and water supply, one  
20 city council member to be superintendent of the department of street  
21 cleaning and maintenance, one city council member to be superintendent of  
22 the department of public improvements, and one city council member to be  
23 superintendent of parks and public property.

24 In cities under the commission plan of government containing at  
25 least forty thousand and less than three hundred 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, the  
28 city council shall consist of the mayor who shall be superintendent of  
29 the department of public affairs, one city council member to be  
30 superintendent of the department of accounts and finances, one city  
31 council member to be superintendent of the department of public safety,

1 one city council member to be superintendent of the department of streets  
2 and public improvements, and one city council member to be superintendent  
3 of the department of parks and public property.

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

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

20 Sec. 17. Section 19-416, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 19-416 The city council in a city under the commission plan of  
23 government shall, at its first meeting, or as soon as possible  
24 thereafter, elect as many of the city officers provided for by the laws  
25 or ordinances governing any such city as may, in the judgment of the city  
26 council, be essential and necessary to the economical but efficient and  
27 proper conduct of the government of the city and shall at the same time  
28 fix the salaries of the officers so elected either by providing that such  
29 salaries shall remain the same as previously fixed by the laws or  
30 ordinances for such officers or may then raise or lower the existing  
31 salaries of any such officers. The city ; and the council may modify the

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

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

27       19-417 The city council in a city under the commission plan of  
28 government shall have power to discontinue any employment or abolish any  
29 office at any time, when, in the judgment of the city council, such  
30 employment or office is no longer necessary. The city council shall have  
31 power, at any time and at any meeting, to create any office or board it

1 deems necessary, including the office of city manager, and fix salaries.  
2 The city council ; ~~and it~~ may create a board of three or more members  
3 composed of other officers of the city, and confer upon such board any  
4 power not required to be exercised by the city council itself. The city  
5 council ~~It~~ may require such officers to serve upon any such board and  
6 perform the services required of it with or without any additional pay  
7 for such additional service.

8 Sec. 19. Section 19-418, Revised Statutes Supplement, 2017, is  
9 amended to read:

10 19-418 In cities under the commission plan of government, the The  
11 regular meetings of the city council in cities of the metropolitan class  
12 shall be held at least once in each week and upon such day and hour as  
13 the city council may designate. In all other cities under the commission  
14 plan of government having a population of two thousand or more as  
15 determined by the most recent federal decennial census or the most recent  
16 revised certified count by the United States Bureau of the Census, the  
17 regular meetings of the city council shall be held at such intervals and  
18 upon such day and hour as the city council may by ordinance or resolution  
19 designate. Special ; ~~and special~~ meetings of the city council in any of  
20 such cities may be called, from time to time, by the mayor or two city  
21 council members, giving notice in such manner as may be fixed or defined  
22 by law or ordinance in any of such cities or as shall be fixed by  
23 ordinance or resolution by such city council. A majority of such city  
24 council shall constitute a quorum for the transaction of any business,  
25 but it shall require a majority vote of the city council in any such city  
26 to pass any measure or transact any business.

27 Sec. 20. Section 19-419, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-419 The mayor and city council members in a city under the  
30 commission plan of government shall maintain offices at the city hall, ;  
31 and the mayor shall regularly , ~~in a general way,~~ constantly investigate



1 all public affairs concerning the interest of the city and investigate  
2 and ascertain, ~~in a general way,~~ the efficiency and manner in which all  
3 departments of the city government are being conducted. The ~~;~~ ~~and the~~  
4 mayor shall recommend to the city council all such matters as in his or  
5 her judgment should receive the investigation, consideration, or action  
6 of the city council ~~that body.~~

7 Sec. 21. Section 19-421, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 19-421 All petitions provided for in the Municipal Commission Plan  
10 of Government Act ~~sections 19-401 to 19-433~~ shall be subject to and meet  
11 the requirements of sections 32-628 to 32-630. Upon the filing of a  
12 petition ~~or supplementary petition,~~ a city, upon passage of a resolution  
13 by the city council, and the county clerk or election commissioner of the  
14 county in which such city is located may by mutual agreement provide that  
15 the county clerk or election commissioner shall ascertain whether the  
16 petition ~~or supplementary petition~~ is signed by the requisite number of  
17 legal voters. The city shall reimburse the county for any costs incurred  
18 by the county clerk or election commissioner.

19 Sec. 22. Section 19-422, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 19-422 All general state laws governing cities described in section  
22 19-401 shall, according to the classification of such city class within  
23 ~~which it is embraced,~~ apply to and govern any city under the commission  
24 plan of government adopting sections 19-401 to 19-433 ~~and electing~~  
25 ~~officers thereunder so far, and only so far,~~ as such laws are applicable  
26 and not inconsistent with the provisions, intents, and purposes of the  
27 Municipal Commission Plan of Government Act ~~said sections.~~

28 Sec. 23. Section 19-423, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-423 If at the beginning of the term of office of the first city  
31 council elected under sections 19-401 to 19-409 the appropriations or

1 distribution of the expenditures of the city government for the current  
2 fiscal year have been made, the city council shall have power, by  
3 ordinance, to revise, repeal, or change such distribution or to make  
4 additional appropriation, within the limit of the total taxes levied for  
5 such year.

6 Sec. 24. Section 19-432, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 19-432 Any city which shall have operated for more than four years  
9 under the commission plan of government ~~provisions of sections 19-401 to~~  
10 ~~19-433~~ may abandon organization thereunder, and accept the provisions of  
11 the general law of the state then applicable to cities of its population,  
12 by proceeding as follows: Upon a petition, signed by such number of the  
13 qualified electors of ~~any~~ such city as equals at least twenty-five  
14 percent of the highest vote cast for any of the city council members  
15 elected at the last preceding general or regular election in ~~any~~ such  
16 city, being filed with and found sufficient by the city clerk ~~or clerk of~~  
17 ~~such council~~, a special election shall be called in ~~any~~ such city, at  
18 which special election the following proposition only shall be submitted:  
19 Shall the city of (name of city) abandon its organization under the  
20 commission plan of government ~~Chapter 19, article 4,~~ and become a city  
21 under the general laws of the state governing cities of like population?  
22 If a majority of the votes cast at any such special election are in favor  
23 of such proposition, the officers elected at the next succeeding general  
24 city election in any such city shall be those then prescribed by the  
25 general laws of the state for cities of like population, and upon the  
26 qualification of such officers, according to the terms of such general  
27 state law, such city shall become a city governed by and under such  
28 general state law. ~~If ; Provided,~~ if such special election is not held  
29 and the result thereof declared at least sixty days before the election  
30 date in any such city, then such city shall continue to be governed under  
31 the commission plan of government ~~provisions of said sections~~ until the

1 second general city election occurring after the date of such special  
2 election, and at such general city election the officers provided by such  
3 general state law for the government of any such city shall be elected,  
4 and, upon their qualification, the terms of office of the city council  
5 members elected under the commission plan of government provisions of  
6 ~~this article~~ shall cease and terminate.

7 Sec. 25. Section 19-433, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 19-433 (1) Within ten days after the date of filing the petition  
10 asking for a special election on the issue of discontinuing the  
11 commission plan of government, the city clerk shall examine it and, with  
12 the assistance of the election commissioner or county clerk, ascertain  
13 whether the petition is signed by the requisite number of registered  
14 voters. If necessary, the city council shall allow the city clerk extra  
15 help for the purpose of examining the petition. No new signatures may be  
16 added after the initial filing of the petition. If the petition contains  
17 the requisite number of signatures, the city clerk shall promptly submit  
18 the petition to the city council.

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

26 Sec. 26. Section 19-502, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-502 The city clerk shall not begin the publication of any  
29 proposed charter or amendments, as required by the Constitution of  
30 Nebraska constitution, in less than thirty days from the time of the  
31 completion of the work of the said charter convention, ~~;~~ and the work of

1 ~~the~~ said charter convention shall be deemed completed whenever its  
2 certified copy of charter or amendments shall be delivered to the city  
3 clerk, together with twenty-five correct copies thereof. Such ~~said~~ copies  
4 shall when filed be open to the inspection of any elector of such ~~said~~  
5 city.

6 Sec. 27. Section 19-503, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 19-503 Whenever any petition, as ~~above~~ provided in section 19-501,  
9 shall be filed with the city clerk and shall contain the required number  
10 of ~~bona fide electoral~~ signatures of qualified electors, asking for the  
11 submission of additional or alternative articles or sections in the  
12 complete form in which such articles or sections are to read as amended,  
13 such articles or sections ~~they~~ shall be deemed to be proposed for  
14 adoption by the qualified electors of the ~~said~~ city with the same force  
15 and effect as if proposed by the charter ~~said~~ convention, and the article  
16 or section which receives the majority of all the votes cast for and  
17 against such ~~said~~ additional or alternative articles or sections shall be  
18 declared adopted, and certified to the Secretary of State, a copy  
19 deposited in the archives of the city, and shall become the charter or  
20 part thereof, of such ~~said~~ city.

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

23 19-601 (1) Sections 19-601 to 19-648 shall be known and may be  
24 cited as the City Manager Plan of Government Act.

25 (2) For purposes of the act, city means ~~The term city as used in~~  
26 ~~sections 19-601 to 19-648~~ includes any city having a population of one  
27 thousand or more and less than two hundred thousand.

28 Sec. 29. Section 19-602, Revised Statutes Supplement, 2017, is  
29 amended to read:

30 19-602 For ~~the~~ purposes of the City Manager Plan of Government Act  
31 ~~sections 19-601 to 19-648~~, the population of a city shall be the number

1 of inhabitants as determined by the most recent federal decennial census  
2 or the most recent revised certified count by the United States Bureau of  
3 the Census.

4 Sec. 30. Section 19-603, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 19-603 In any city which adopts the city manager plan of government  
7 as provided in the City Manager Plan of Government Act, the ~~The~~ charter  
8 and all general laws governing such any city shall continue in full force  
9 and effect, except that if insofar as any provisions of such charter or  
10 laws thereof are inconsistent with the act sections 19-601 to 19-648, the  
11 same shall be superseded ~~in any city upon the taking effect of sections~~  
12 ~~19-601 to 19-648 therein.~~

13 Sec. 31. Section 19-604, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 19-604 All valid ordinances, resolutions, orders, or other  
16 regulations of a city which adopts the city manager plan of government,  
17 or any authorized body or official of such city thereof, existing at the  
18 time the city manager plan becomes ~~sections 19-601 to 19-648 become~~  
19 applicable in to the city, and not inconsistent with the City Manager  
20 Plan of Government Act ~~their provisions,~~ shall continue in full force and  
21 effect until amended, repealed, or otherwise superseded.

22 Sec. 32. Section 19-605, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 19-605 Whenever the electors of any city, equal in number to twenty  
25 percent of those who voted at the last regular city election, shall file  
26 a petition with the city clerk, asking that the question of organizing  
27 the city under the city manager plan of government ~~provided in sections~~  
28 ~~19-601 to 19-648~~ be submitted to the electors of such city, the city  
29 ~~thereof,~~ said clerk shall within one week certify that fact to the city  
30 ~~council of the city,~~ and the city council shall, within thirty days,  
31 adopt a resolution to provide for submitting such question at a special

1 election to be held not less than thirty days after the adoption of the  
2 resolution except as provided in this section. Any such election shall be  
3 conducted in accordance with the Election Act ~~general election laws of~~  
4 ~~the state~~ except as otherwise provided in the City Manager Plan of  
5 Government Act ~~sections 19-601 to 19-648~~. If such petition is filed not  
6 more than one hundred eighty days nor less than seventy days prior to the  
7 regular municipal statewide primary or statewide general election, the  
8 city council shall adopt a resolution to provide for submitting such  
9 question at the next such election.

10 Sec. 33. Section 19-606, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 19-606 The proposition to adopt or to abandon the city manager plan  
13 of government ~~provided in sections 19-601 to 19-648~~, shall not be  
14 submitted to the electors of any city later than sixty days before a  
15 regular municipal election. If, in any city, a sufficient petition is  
16 filed requiring that the question of adopting the commission plan of ~~city~~  
17 government, or the question of choosing a convention to frame a city  
18 charter, be submitted to the electors of such city thereof, or if an  
19 ordinance providing for the election of ~~such~~ a charter convention is  
20 passed by the city council, the proposition to adopt the city manager  
21 plan of government ~~provided in sections 19-601 to 19-648~~ shall not be  
22 submitted in such ~~that~~ city so long as the question of adopting the  
23 commission ~~such~~ plan of government, or of choosing a charter ~~such~~  
24 convention, or adopting a charter framed by such convention ~~it~~, is  
25 pending.

26 Sec. 34. Section 19-607, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-607 In submitting the question of adopting the city manager plan  
29 of government, ~~provided in sections 19-601 to 19-648~~ the city council  
30 shall cause to be printed on the ballots the following question: Shall  
31 the city manager plan of government as provided in the City Manager Plan

1 ~~of Government Act (giving the legal designation of sections 19-601 to~~  
2 ~~19-648 as published)~~ be adopted? Immediately following such question  
3 there shall be printed on the ballots the following propositions in the  
4 order here set forth: For the adoption of the city manager plan of  
5 government and Against the adoption of the city manager plan of  
6 government. Immediately to the left of each proposition shall be placed  
7 an oval or a square in which the electors may vote by making a cross (X)  
8 or other clear, intelligible mark.

9       Sec. 35. Section 19-608, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       19-608 If the city manager plan of government ~~provided in sections~~  
12 ~~19-601 to 19-648~~ is approved by a majority of the electors voting  
13 thereon, such plan ~~it~~ shall go into effect immediately, ~~insofar~~ as it  
14 applies to the nomination and election of officers provided for in  
15 sections 19-612 to 19-613.01 herein, and in all other respects such plan  
16 ~~it~~ shall go into effect on the first Monday following the next regular  
17 municipal election. If the proposition to adopt the city manager plan of  
18 government ~~provisions of sections 19-601 to 19-648~~ is rejected by the  
19 electors, it shall not again be submitted in such ~~that~~ city within two  
20 years after the proposition is rejected thereafter.

21       Sec. 36. Section 19-609, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       19-609 Any city which has ~~shall have~~ operated ~~four~~ years under the  
24 city manager plan of government for at least four years ~~provided in~~  
25 ~~sections 19-601 to 19-648~~ may abandon such organization and either accept  
26 the provisions of the general law applicable to such city, or adopt any  
27 other optional plan or organization open to such city ~~thereto~~. The  
28 petition for abandonment shall designate the plan desired, and the  
29 following proposition shall be submitted: Shall the city of  
30 (.....) abandon the city manager plan of government and adopt the  
31 (name of plan) as provided in (giving the legal designation of the law as

1 published)? If a majority of the votes cast thereon be in favor of such  
2 proposition, the officers elected at the next regular municipal election  
3 shall be those prescribed by the laws designated in the petition, and  
4 upon the qualification of such officers the city shall become organized  
5 under such said law. Such change shall not affect the property right or  
6 ability of any nature of such city, but shall extend merely to its form  
7 of government.

8 Sec. 37. Section 19-610, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 19-610 Nothing in the City Manager Plan of Government Act sections  
11 ~~19-601 to 19-648~~ shall be construed to interfere with or prevent any city  
12 at any time from framing and adopting a charter for its own government as  
13 provided by the state Constitution of Nebraska. In exercising the right  
14 to frame its own charter, it shall not be obligatory upon any city to  
15 adopt or retain the city manager plan of government ~~any of the provisions~~  
16 ~~of sections 19-601 to 19-648~~.

17 Sec. 38. Section 19-611, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

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

24 Sec. 39. Section 19-612, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-612 City council members in a city under the city manager plan of  
27 government shall be nominated and elected as provided in section 32-538.  
28 The terms of office of all such members shall commence on the first  
29 regular meeting of such city council ~~board~~ in December following their  
30 election.

31 Sec. 40. Section 19-613, Reissue Revised Statutes of Nebraska, is



1 amended to read:

2 19-613 Members of the city council in a city under the city manager  
3 plan of government shall be residents and registered voters of the city  
4 and shall hold no other employment with the city. Any city council member  
5 who ceases to possess any of the qualifications required by this section  
6 or who has been convicted of a felony or of any public offense involving  
7 the violation of the oath of office of such member while in office shall  
8 forthwith forfeit such office.

9 Sec. 41. Section 19-613.01, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-613.01 Any city council member in a city under the city manager  
12 plan of government to be elected from a ward, or an appointed successor  
13 in the event of a vacancy, shall be a resident and a registered voter of  
14 such ward. The city council member shall be nominated and elected in the  
15 same manner as provided for at-large candidates, except that only  
16 residents and registered voters of the ward may participate in the  
17 signing of nomination petitions. All nominating petitions and ballots  
18 shall clearly identify the ward from which such person shall be a  
19 candidate. The ballots within a ward shall not contain the names of ward  
20 candidates from other wards.

21 Sec. 42. Section 19-615, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-615 At the first regular meeting in December following the  
24 general election in every even-numbered year, the city council in a city  
25 under the city manager plan of government shall meet in the usual place  
26 for holding meetings and the newly elected city council members shall  
27 assume the duties of their office. Thereafter the city council shall meet  
28 at such time and place as it may prescribe by ordinance, but not less  
29 frequently than twice each month in cities of the first class. The mayor,  
30 any two city council members, or the city manager may call special  
31 meetings of the city council upon at least six hours' written notice. The

1 meetings of the city council and sessions of committees of the city  
2 council shall be public. A majority of the members shall constitute a  
3 quorum, but a majority vote of all the members elected shall be required  
4 to pass any measure or elect to any office.

5 Sec. 43. Section 19-616, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 19-616 The annual compensation of the mayor and city a council  
8 ~~members member~~ in cities under the city manager plan of government  
9 ~~adopting sections 19-601 to 19-648~~ shall be payable quarterly in equal  
10 installments and shall be fixed by the city council. The salary  
11 ~~emoluments~~ of any appointive or elective officer shall not be increased  
12 or diminished during the term for which such officer was elected or  
13 appointed, except that when there are officers elected or appointed to  
14 the city council, or a board or commission having more than one member  
15 and the terms of one or more members commence and end at different times,  
16 the compensation of all members of such city council, board, or  
17 commission may be increased or diminished at the beginning of the full  
18 term of any member thereof. No person who has resigned or vacated any  
19 office shall be eligible to be elected or appointed to such office ~~the~~  
20 ~~same~~ during the time for which he or she ~~such person~~ was elected or  
21 appointed when, during the same time, the salary has ~~emoluments have~~ been  
22 increased. For each absence from regular meetings of the city council,  
23 unless authorized by a two-thirds vote of all members of the city council  
24 ~~thereof~~, there shall be deducted a sum equal to two percent of such  
25 annual salary.

26 Sec. 44. Section 19-617, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-617 At the first regular meeting in December following the  
29 general election in every even-numbered year, the city council in a city  
30 under the city manager plan of government shall elect one of its members  
31 as president, who shall be ex officio mayor, and another as vice

1 president, who shall serve in the absence of the president. In the  
2 absence of the president and the vice president, the city council may  
3 elect a temporary chairperson. The president shall preside over the city  
4 council and have a voice and vote in its proceedings but no veto. The  
5 president shall be recognized as the official head of the city for all  
6 ceremonial purposes, by the courts for the purpose of serving civil  
7 process, and by the Governor for military purposes. In addition, the  
8 president shall exercise such other powers and perform such duties, not  
9 inconsistent with the City Manager Plan of Government Act sections 19-601  
10 ~~to 19-648~~, as are conferred upon the mayor of the city.

11 Sec. 45. Section 19-618, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 19-618 The city council in a city under the city manager plan of  
14 government shall choose a city manager, a city clerk, and, where  
15 required, a civil service commission, but no member of the city council  
16 shall be chosen as manager or as a member of the civil service  
17 commission. Neither the city council nor any of its committees or members  
18 shall dictate the appointment of any person to office or employment by  
19 the city manager or in any manner seek to prevent him or her from  
20 exercising his or her own judgment in the appointment of officers and  
21 employees in the administrative service. Except for the purpose of  
22 inquiry, the city council and its members shall deal with the  
23 administrative service solely through the city manager, and neither the  
24 city council nor any member thereof shall give orders to any of the  
25 subordinates of the city manager, either publicly or privately. The city  
26 council, or a committee thereof, may investigate the affairs of any  
27 department or the official acts and conduct of any city officer. The city  
28 council ~~It~~ shall have power to administer oaths and compel the attendance  
29 of witnesses and the production of books and papers and may punish for  
30 contempt any person failing to obey its subpoena or refusing to testify.  
31 No person shall be excused from testifying, but his or her testimony

1 shall not be used against him or her in any criminal proceeding other  
2 than for perjury.

3 Sec. 46. Section 19-619, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 19-619 If, at the beginning of the term of office of the first city  
6 council elected under the city manager plan of government ~~sections 19-601~~  
7 ~~to 19-648~~, the appropriations or distribution of the expenditures of the  
8 city government for the current fiscal year have been made, the city  
9 council shall have power, by ordinance, to repeal or revise such  
10 distribution, or to make additional appropriations within the limit of  
11 the total taxes levied for the year.

12 Sec. 47. Section 19-620, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 19-620 The city council in a city under the city manager plan of  
15 government shall have authority, subject to the City Manager Plan of  
16 Government Act ~~provisions of sections 19-601 to 19-648~~, to create and  
17 discontinue departments, offices, and employments, and by ordinance or  
18 resolution to prescribe, limit, or change the compensation of such  
19 officers and employees. ~~Nothing in this section ; Provided, however, that~~  
20 ~~nothing herein contained~~ shall be so construed as to interfere with or to  
21 affect the office or powers of ~~city school or school district officers,~~  
22 ~~or of any officer named in the state Constitution of Nebraska.~~

23 Sec. 48. Section 19-645, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-645 The chief executive officer of a the city under the city  
26 manager plan of government shall be a city manager, who shall be  
27 responsible for the proper administration of all affairs of the city. He  
28 or she shall be chosen by the city council for an indefinite period,  
29 solely on the basis of administrative qualifications, and need not be a  
30 resident of the city or state when appointed. He or she shall hold office  
31 at the pleasure of the city council, and receive such salary as the city

1 ~~council~~ it shall fix by ordinance. During the absence or disability of  
2 the city manager, the city council shall designate some properly  
3 qualified person to perform the duties of the city manager office.

4 Sec. 49. Section 19-646, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

23 Sec. 50. Section 19-647, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-647 The city manager may investigate at any time the affairs of  
26 any city department or the conduct of any officer or employee of the  
27 city. The city manager He, or any person or persons appointed by him or  
28 her for such ~~the~~ purpose, shall have the same power to compel the  
29 attendance of witnesses and the production of books and papers and other  
30 evidence, and to punish for contempt, granted to which has herein been  
31 ~~conferred upon~~ the city council pursuant to section 19-618.

1           Sec. 51. Section 19-648, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-648 Before taking office the city manager shall file with the  
4 city clerk a surety company bond, conditioned upon the honest and  
5 faithful performance of his or her duties, in such sum as shall be fixed  
6 by the city council. The premium of such ~~this~~ bond shall be paid by the  
7 city.

8           Sec. 52. Section 19-662, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           19-662 Whenever electors of any city under the city manager plan of  
11 government, equal in number to thirty percent of those who voted at the  
12 last regular city election, shall file a petition with the city clerk,  
13 asking that the question of abandoning the city manager plan of  
14 government ~~provided by the provisions of Chapter 19, article 6,~~ be  
15 submitted to the electors thereof, the city ~~such~~ clerk shall within one  
16 week certify that fact to the city council ~~of the city~~, and the city  
17 council shall, within thirty days, adopt a resolution to provide for  
18 submitting such question at the next regular municipal election after  
19 adoption of the resolution. When such a petition is filed with the city  
20 clerk within a seventy-day period prior to a regular municipal election,  
21 the resolution adopted by the city council shall provide for the  
22 submission of such question at the second regular municipal election  
23 thereafter as provided by law.

24           Sec. 53. Section 19-701, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           19-701 Whenever the qualified electors of any city of the primary  
27 class, city of the first class, city of the second class, or village  
28 shall vote at any general or special election to acquire and appropriate,  
29 by an exercise of the power of eminent domain, any waterworks, waterworks  
30 system, electric light plant, electric light and power plant, heating  
31 plant, street railway, or street railway system, located or operating

1 within or partly within and partly without such city or village, together  
2 with real and personal property needed or useful in connection therewith,  
3 if the main part of such works, plant, or system be within ~~any~~ such city  
4 or village and even though a franchise for the construction and operating  
5 of any such works, plant, or system may or may not have expired, then ~~any~~  
6 such city or village shall possess and have the power and authority, by  
7 an exercise of the power of eminent domain to appropriate and acquire,  
8 for the public use of ~~any~~ such city or village, any such works, plant,  
9 railway, pipelines, or system. If any public utility properties supplying  
10 different kinds of service to such a city or village are operated as one  
11 unit and under one management, the right to acquire and appropriate, as  
12 provided in sections 19-701 to 19-707, shall cover and extend to the  
13 entire property and not to any divided or segregated part thereof, and  
14 the duly constituted authorities of ~~any~~ such city or village shall have  
15 the power to submit such question or proposition, in the usual manner, to  
16 the qualified electors of any such city or village at any general city or  
17 village election or at any special city or village election and may  
18 submit the proposition in connection with any city or village special  
19 election called for any other purpose, and the votes cast thereon shall  
20 be canvassed and the result found and declared as in any other city or  
21 village election. Such city or village authorities shall submit such  
22 question at any such election whenever a petition asking for such  
23 submission, signed by the legal voters of such a city or village equaling  
24 in number fifteen percent of the votes cast at the last general city or  
25 village election, and filed in the city clerk's or village clerk's office  
26 at least sixty days before the election at which the submission is  
27 presented ~~asked~~, but if the question of acquiring any particular plant or  
28 system has been submitted once, the same question shall not again be  
29 submitted to the voters of such a city or village until two years shall  
30 have elapsed from and after the date of the findings by the board of  
31 appraisers regarding the value of the property and the city's or

1 village's rejection of such question ~~the same~~.

2 Sec. 54. Section 19-702, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 19-702 If the election at which the question is submitted pursuant  
5 to section 19-701 is a special election and sixty percent of the votes  
6 cast upon such proposition are in favor thereof, or if the election at  
7 which the question is submitted is a general election and a majority of  
8 the votes cast upon such proposition are in favor thereof, then the city  
9 council or village board of trustees or officer possessing the power and  
10 duty to ascertain and declare the result of such election shall certify  
11 such result immediately to the Supreme Court ~~of the state~~. The Supreme  
12 Court shall, within thirty days after the receipt of such certificate,  
13 appoint three district judges from three of the judicial districts of the  
14 state, and such ~~said~~ ~~three~~ judges shall constitute a court of  
15 condemnation for the ascertainment and finding of the value of any such  
16 plant, works, or system, and the ~~said~~ Supreme Court shall enter an order  
17 requiring such judges to attend as a court of condemnation at the county  
18 seat in which such city or village is located within such time as may be  
19 stated in such order. The ~~Said~~ district judges shall ~~so~~ attend as  
20 ordered, and such court of condemnation ~~at such time it meets~~ shall  
21 organize and proceed with its duties. The court of condemnation ~~It~~ may  
22 adjourn from time to time, and it shall fix a time for the appearance  
23 before it of all such corporations or persons as the court may deem  
24 necessary to be made parties to such condemnation proceedings or which  
25 the city, the village, or the corporation or persons owning any such  
26 plant, system, or works may desire to have made a party to such  
27 proceedings. If such time of appearance shall occur after any proceedings  
28 have begun, they shall be reviewed by the court, as it may direct, to  
29 give all parties full opportunity to be heard. All corporations or  
30 persons, including all mortgagees, bondholders, trustees for bondholders,  
31 and leaseholders, or any other party or person claiming any interest in



1 or lien upon any such works, plant, or system may be made parties to such  
2 condemnation proceedings, and shall be served with notice of such  
3 proceedings and the time and place of the meeting of the court of  
4 condemnation in the same manner and for such length of time as the  
5 service of a summons in cases begun in the district court of the state,  
6 either by personal service or service by publication, and actual personal  
7 service of notice within or without the state shall supersede the  
8 necessity of notice by publication.

9 Sec. 55. Section 19-703, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-703 ~~Any such~~ court of condemnation appointed pursuant to section  
12 19-702 shall have full power to summon and swear witnesses, take  
13 evidence, order the taking of depositions, and require the production of  
14 any and all books and papers deemed necessary for a full investigation  
15 and ascertainment of the value of any ~~such~~ works, plant, or system to be  
16 acquired pursuant to section 19-701. When any ; Provided, that when part  
17 of the public utilities appropriated under sections 19-701 to 19-707  
18 extends beyond the territory within which the city or village exercising  
19 the right of eminent domain has a right to operate such utilities ~~the~~  
20 ~~same~~, the court of condemnation, in determining the damages caused by the  
21 appropriation thereof, shall take into consideration the fact that such  
22 portion of the utility beyond such territory is being detached and not  
23 appropriated by the city or village, and the court of condemnation shall  
24 award damages by reason of such detachment and the destruction in value  
25 and usefulness of the detached and unappropriated property as it will  
26 remain and be left after the detachment and appropriation. Such court of  
27 condemnation may appoint a reporter of its proceedings who shall report  
28 and preserve all evidence introduced before it. Such court of  
29 condemnation shall have all the powers and perform all the duties of  
30 commissioners in the condemnation and ascertainment of the value and in  
31 making of an award of all property of any such works, plant, or system.

1 The clerk of the district court, in the county where such city or village  
2 is located, shall attend upon such ~~said~~ court of condemnation and perform  
3 such duties, as the clerk thereof, as such condemnation court may direct.  
4 The sheriff of any such county, ~~r~~ or any of his or her deputies shall  
5 attend upon such ~~said~~ court of condemnation and shall have power to serve  
6 summons, subpoenas, and all other orders or papers ordered to be served  
7 by such court of condemnation ~~court~~. In case of vacancy in such ~~said~~  
8 court of condemnation, such vacancy shall be filled by the Supreme Court  
9 if the vacancy occurs while the court is in session, and if it occurs  
10 while the court is not in session, then by the Chief Justice of the  
11 Supreme Court ~~said court~~.

12 Sec. 56. Section 19-704, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 19-704 Upon the determination and filing of a finding of the value  
15 of any ~~such~~ plant, works, or system by a ~~the~~ ~~said~~ court of condemnation  
16 pursuant to section 19-702, the ~~such~~ city or village shall then have the  
17 right and power by ordinance duly passed by the city council or village  
18 board of trustees ~~its duly constituted authorities~~, to elect to abandon  
19 such condemnation proceedings. If such city or village ~~it~~ does not elect  
20 to abandon such proceedings within ninety days after the finding and  
21 filing of value, then the person or corporation owning any such plant,  
22 works, or system may appeal from the finding of value and award by the  
23 ~~said~~ court of condemnation to the district court by filing within twenty  
24 days from the expiration of such ~~the~~ ~~said~~ time given the city or village  
25 to exercise its rights of abandonment, with the city clerk of ~~any~~ such  
26 city or the village clerk of ~~any~~ such village, a bond, to be approved by  
27 such clerk ~~him~~, conditioned for the payment of all costs which may be  
28 made on any such appeal, and by filing in the ~~said~~ district court, within  
29 ninety days after such bond is filed, a transcript of the proceedings  
30 before such condemnation court including the evidence taken before it  
31 certified by the clerk, reporter, and judges of such court. The appeal in

1 the district court shall be tried and determined upon the pleadings,  
2 proceedings, and evidence embraced in such transcript. ~~If ; Provided,~~  
3 ~~that~~ if such appeal is taken the city or village, upon tendering the  
4 amount of the value and award made by such condemnation court, to the  
5 party owning any such plant, works, or system, shall, notwithstanding  
6 such appeal, have the right and power to take immediate possession of any  
7 such plant, works, or system, and the city or village authorities,  
8 without vote of the people, shall have the power, if necessary, to issue  
9 and sell bonds of the city or village to provide funds to make such  
10 tender.

11 Sec. 57. Section 19-705, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 19-705 Upon the hearing of an ~~such~~ appeal in the district court  
14 pursuant to section 19-704, judgment shall be pronounced, as in ordinary  
15 cases, for the value of any such works, plant, or system. The city,  
16 village, party, or corporation owning any such plant, works, or system  
17 may appeal to the Court of Appeals. Upon a final judgment being  
18 pronounced as to the value of any such plant, works, or system, the city  
19 council of duly constituted authorities of any such city or village board  
20 of trustees of such village shall issue and sell bonds of the any ~~such~~  
21 city or village to pay the amount of such value and judgment without a  
22 vote of the people.

23 Sec. 58. Section 19-706, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-706 The district judges constituting the ~~aforesaid~~ court of  
26 condemnation appointed pursuant to section 19-702 shall each receive from  
27 and be paid by such city or village fifteen dollars per day for their  
28 services and their necessary traveling expenses, hotel bills, and all  
29 other necessary expenses incurred while in attendance upon the sittings  
30 of such court of condemnation, with reimbursement for expenses to be made  
31 as provided in sections 81-1174 to 81-1177 ~~for state employees~~, and the

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

28 Sec. 59. Section 19-707, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-707 The powers ~~herein~~ vested in cities and villages under  
31 sections 19-701 to 19-707 ~~the city or village~~ shall be conferred upon

1 cities of the primary class, cities of the first class, cities of the  
2 second class, and , ~~first or second classes~~ or villages, whether or not  
3 such city or village is operating under a home rule charter adopted  
4 pursuant to Article XI, Constitution of Nebraska.

5 Sec. 60. Section 19-708, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 19-708 Whenever the local distribution system of any public utility,  
8 has been acquired by any city or village under the provisions of Chapter  
9 19, article 7, the condemnee, if it is also the owner of any transmission  
10 system, whether by wire, pipeline, or otherwise, from any other point to  
11 such city or village shall, at the option of such city or village, be  
12 required to render wholesale service to such city or village whether  
13 otherwise acting as wholesaler or not. If ; ~~Provided, that~~ if the  
14 condemnee is a public power district subject to the provisions of section  
15 70-626.01, the obligations of the public power district to the condemner  
16 under this section shall be no greater than to other cities and villages  
17 under ~~said~~ section 70-626.01.

18 Sec. 61. Section 19-709, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 19-709 The mayor and city council of any city of the first class or  
21 city of the second class or the chairperson and members of the village  
22 board of trustees of any village shall have power to purchase or  
23 appropriate private property or school lands for the use of the city or  
24 village for streets, alleys, avenues, parks, parkways, boulevards,  
25 sanitary sewers, storm water sewers, public squares, public auditoriums,  
26 public fire stations, training facilities for firefighters, market  
27 places, public heating plants, power plants, gas works, electric light  
28 plants, wells, or waterworks, including mains, pipelines, and settling  
29 basins therefor, and to acquire outlets and the use of streams for sewage  
30 disposal. When necessary for the proper construction of any of the works  
31 described in this section ~~above provided~~, the right of appropriation

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

27       Sec. 62. Section 19-710, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       19-710 In cases of appeal from an action of the city council  
30 condemning real property as a nuisance or as dangerous under the police  
31 powers of the city, the owners of ~~the~~ adjoining property may intervene in

1 the action at any time before trial.

2 Sec. 63. Section 19-901, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 19-901 (1) For the purpose of promoting health, safety, morals, or  
5 the general welfare of the community, the city council of a city  
6 ~~legislative bodies in cities~~ of the first class or city of the and second  
7 class or the village board of trustees of a village and ~~in villages~~ may  
8 adopt zoning regulations which regulate and restrict the height, number  
9 of stories, and size of buildings and other structures, the percentage of  
10 lots ~~lot~~ that may be occupied, the size of yards, courts, and other open  
11 spaces, the density of population, and the location and use of buildings,  
12 structures, and land for trade, industry, residence, or other purposes.

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

27 (3) A comprehensive development plan as defined in section 19-903  
28 which has been adopted and not rescinded by a city council or village  
29 board of trustees ~~such legislative body~~ prior to May 17, 1967, shall be  
30 deemed to have been recommended and adopted in compliance with the  
31 procedural requirements of this section when, prior to the adoption of

1 the plan by the city council or village board of trustees legislative  
2 ~~body~~, a recommendation thereon had been made to the city council or  
3 village board of trustees legislative body by a zoning commission in  
4 compliance with the provisions of section 19-906, or by a planning  
5 commission appointed under the provisions of Chapter 19, article 9,  
6 regardless of whether the planning commission had been appointed as a  
7 zoning commission.

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

15 Sec. 64. Section 19-902, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 19-902 (1) For any or all of the purposes designated in section  
18 19-901, the city council or village board of trustees may divide the  
19 municipality into districts of such number, shape, and area as may be  
20 deemed best suited to carry out the purposes of sections 19-901 to 19-914  
21 and may regulate and restrict the erection, construction, reconstruction,  
22 alteration, repair, or use of buildings, structures, or land within such  
23 ~~the~~ districts. All such regulations shall be uniform for each class or  
24 kind of buildings throughout each district, but the regulations  
25 applicable to one district may differ from those applicable to other  
26 districts. If a regulation affects the Niobrara scenic river corridor as  
27 defined in section 72-2006 and is not incorporated within the boundaries  
28 of the municipality, the Niobrara Council shall act on the regulation as  
29 provided in section 72-2010.

30 (2)(a) The city council or village board of trustees shall not adopt  
31 or enforce any zoning ordinance or regulation which prohibits the use of



1 land for a proposed residential structure for the sole reason that the  
2 proposed structure is a manufactured home if such manufactured home bears  
3 an appropriate seal which indicates that it was constructed in accordance  
4 with the standards of the Uniform Standard Code for Manufactured Homes  
5 and Recreational Vehicles, the Nebraska Uniform Standards for Modular  
6 Housing Units Act, or the United States Department of Housing and Urban  
7 Development. The city council or village board of trustees may require  
8 that a manufactured home be located and installed according to the same  
9 standards for foundation system, permanent utility connections, setback,  
10 and minimum square footage which would apply to a site-built, single-  
11 family dwelling on the same lot. The city council or village board of  
12 trustees may also require that manufactured homes meet the following  
13 standards:

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

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

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

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

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

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

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

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

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

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

15           Sec. 65. Section 19-903, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           19-903 The regulations and restrictions authorized by sections  
18 19-901 to 19-915 shall be in accordance with a comprehensive development  
19 plan which shall consist of both graphic and textual material and shall  
20 be designed to accommodate anticipated long-range future growth which  
21 shall be based upon documented population and economic projections. The  
22 comprehensive development plan shall, among other possible elements,  
23 include:

24           (1) A land-use element which designates the proposed general  
25 distributions, general location, and extent of the uses of land for  
26 agriculture, housing, commerce, industry, recreation, education, public  
27 buildings and lands, and other categories of public and private use of  
28 land;

29           (2) The general location, character, and extent of existing and  
30 proposed major roads, streets, and highways, and air and other  
31 transportation routes and facilities;

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

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

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

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

31 Such regulations shall be made with reasonable consideration, among

1 other things, for the character of the district and its peculiar  
2 suitability for particular uses and with a view to conserving the value  
3 of buildings and encouraging the most appropriate use of land throughout  
4 such municipality.

5 Sec. 66. Section 19-904, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

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

24 Sec. 67. Section 19-904.01, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-904.01 The use of a building, structure, or land, existing and  
27 lawful at the time of the adoption of a zoning regulation, or at the time  
28 of an amendment of a regulation, may, except as provided in this section,  
29 be continued, although such use does not conform with provisions of such  
30 regulation or amendment. Such ~~;~~ ~~and such~~ use may be extended throughout  
31 the same building if no structural alteration of such building is

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

17 Sec. 68. Section 19-905, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

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

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

1 or different types of zoning districts are proposed, whether or not such  
2 additional or different districts are made applicable to areas, or parts  
3 of areas, already within a zoning district of the municipality, but only  
4 the requirements of section 19-904 shall be applicable.

5 Sec. 69. Section 19-907, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

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

13 Sec. 70. Section 19-908, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

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

1 adjustment shall reside outside of the corporate boundaries of the city  
2 or village but within its extraterritorial zoning jurisdiction. The board  
3 of adjustment shall adopt rules in accordance with the provisions of any  
4 ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the  
5 board of adjustment shall be held at the call of the chairperson and at  
6 such other times as the board may determine. Such chairperson, or in his  
7 or her absence the acting chairperson, may administer oaths and compel  
8 the attendance of witnesses. All meetings of the board of adjustment  
9 shall be open to the public. The board of adjustment shall keep minutes  
10 of its proceedings, showing the vote of each member upon each question,  
11 or, if absent or failing to vote, indicating such fact, and shall keep  
12 records of its examinations and other official actions, all of which  
13 shall be immediately filed in the office of the board and shall be a  
14 public record.

15 Sec. 71. Section 19-909, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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



1 a restraining order which may be granted by the board of adjustment or by  
2 a court of record on application on notice to the officer from whom the  
3 appeal is taken and on due cause shown. The board of adjustment shall fix  
4 a reasonable time for the hearing of the appeal, give public notice  
5 thereof, as well as due notice to the parties in interest, and decide the  
6 same within a reasonable time. Upon the hearing any party may appear in  
7 person or by agent or by attorney.

8 Sec. 72. Section 19-910, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

1 substantial detriment to the public good and without substantially  
2 impairing the intent and purpose of any zoning regulation ordinance or  
3 resolution.

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

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

29 Sec. 73. Section 19-911, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-911 Notwithstanding the provisions of sections 19-907 and 19-908,

1 the village board of trustees ~~legislative body of a village~~ may, except  
2 as set forth in section 19-912.01, provide by ordinance that it shall  
3 constitute a board of adjustment, and in the regulations and restrictions  
4 adopted pursuant to the authority of sections 19-901 to 19-905 may  
5 provide that as such board of adjustment it may exercise only the powers  
6 granted to boards of adjustment by section 19-910. As such board of  
7 adjustment, the village board of trustees ~~it~~ shall adopt rules and  
8 procedures that are in harmony with sections 19-907 to 19-910, and shall  
9 have the powers and duties therein provided for the board of adjustment,  
10 and other parties shall have all the rights and privileges therein  
11 provided for. The concurring vote of two-thirds of the members of the  
12 village board of trustees ~~legislative body~~ acting as a board of  
13 adjustment shall decide any question upon which it is required to pass as  
14 such board of adjustment.

15 Sec. 74. Section 19-912, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 19-912 Any person or persons, jointly or severally, aggrieved by any  
18 decision of the board of adjustment, or any taxpayer, or any officer,  
19 department, board, or bureau of the municipality, may present to the  
20 district court a petition duly verified, setting forth that such decision  
21 is illegal, in whole or in part, and specifying the grounds of such  
22 illegality. Such petition must be presented to the court within fifteen  
23 days after the filing of the decision in the office of the board of  
24 adjustment. Upon the filing of such petition a summons shall be issued  
25 and be served upon the board of adjustment, together with a copy of the  
26 petition. Return of service shall be made within four days after the  
27 issuance of the summons. Within ten days after the return day of such  
28 summons, the board of adjustment shall file an answer to such said  
29 petition which shall admit or deny the substantial allegations ~~averments~~  
30 of the petition, and shall state the contentions of the board of  
31 adjustment with reference to the matters in dispute as disclosed by the

1 petition. The answer shall be verified in like manner as required for the  
2 petition. At the expiration of the time for filing answer, the court  
3 shall proceed to hear and determine the cause without delay and shall  
4 render judgment thereon according to the forms of law. If, upon the  
5 hearing, it shall appear to the court that testimony is necessary for the  
6 proper disposition of the matter, the court ~~it~~ may take evidence or  
7 appoint a referee to take such evidence as it may direct and report the  
8 same to the court with his or her findings of fact and conclusions of  
9 law, which shall constitute a part of the proceedings upon which the  
10 determination of the court shall be made. The court may reverse or  
11 affirm, wholly or partly, or may modify the decision brought up for  
12 review. Such ~~Said~~ appeal to the district court shall not stay proceedings  
13 upon the decision appealed from, but the court may, on application, on  
14 notice to the board of adjustment and on due cause shown, grant a  
15 restraining order. Any appeal from such judgment of the district court  
16 shall be prosecuted in accordance with the general laws of the state  
17 regulating appeals in actions at law.

18 Sec. 75. Section 19-912.01, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

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

1 area of the municipality is located, and the jurisdiction of such county  
2 zoning board of adjustment shall include all portions of the municipality  
3 and its ~~area of extraterritorial zoning jurisdiction control,~~ regardless  
4 of county lines. In a county in which ~~where there is~~ a city of the  
5 primary class is located, the board of zoning appeals, created under  
6 section 23-174.09, may serve in the same capacity for all cities of the  
7 second class and villages in place of a zoning board of adjustment.

8 Sec. 76. Section 19-913, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

1           Sec. 77. Section 19-914, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-914 Whenever the regulations made pursuant to ~~under authority of~~  
4 sections 19-901 to 19-905 require a greater width or size of yards,  
5 courts, or other open spaces, or require a lower height of building or  
6 less number of stories, or require a greater percentage of lot to be left  
7 unoccupied, or impose other higher standards than are required in any  
8 other statute, local ordinance, or regulation, the provisions of the  
9 regulations made under authority of such ~~said~~ sections shall govern.  
10 Wherever the provisions of any other statute or local ordinance or  
11 regulation require a greater width or size of yards, courts, or other  
12 open spaces, or require a lower height of building or a less number of  
13 stories, or require a greater percentage of lot to be left unoccupied, or  
14 impose other higher standards than are required by the regulations made  
15 under authority of such ~~said~~ sections, the provisions of such statute,  
16 local ordinance, or regulation shall govern.

17           Sec. 78. Section 19-915, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

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

1 section or ordinance adopting the rezoning maps, or a part of the zoning  
2 map, as a part of the amendatory action, notwithstanding the provisions  
3 of section 16-404 or 17-614.

4 (2) When any city of the first class, city of the ~~or~~ second class,  
5 or ~~any~~ village has, prior to March 21, 1969, changed the boundaries of a  
6 zoning or building district without compliance with section 16-404 or  
7 17-614, any such amendments of the zoning ordinances shall stand as valid  
8 ~~and subsisting~~ amendments until repealed and the action of any such city  
9 or village in executing any such amendment is expressly ratified by the  
10 Legislature.

11 Sec. 79. Section 19-916, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

1 of the second class or village pursuant to subsection (1) of section  
2 17-1002, shall be recorded or have any force or effect, unless the plat  
3 or instrument is approved by the city council or village board of  
4 trustees legislative body, or its designated agent, and the ~~legislative~~  
5 ~~body's or agent's approval of the city council or village board of~~  
6 trustees, or its agent, is endorsed on such plat or instrument.

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

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



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

1           Sec. 80. Section 19-917, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-917 A city of the first class, city of the second class, or  
4 village may vacate ~~Power is hereby given to such municipality through its~~  
5 ~~governing body by proper ordinance therefor duly enacted to vacate any~~  
6 ~~such~~ existing plat and addition to such ~~the~~ municipality or such part or  
7 parts thereof as such municipality may deem advantageous and best for its  
8 interests, and the power hereby granted shall be exercised by such  
9 municipality upon the petition of the owner or all the owners of lots or  
10 lands in such plat or addition. Such ordinance vacating such plat or  
11 addition shall specify whether, and, if any, what public highways,  
12 streets, alleys, and public grounds thereof are to be retained by such  
13 municipality. Any ~~;~~ ~~otherwise~~ such ways, streets, and public grounds not  
14 retained shall upon such vacation revert to the owner or owners of lots  
15 or lands abutting such ways, streets, and public grounds ~~the same~~ in  
16 proportion to the respective ownerships of such lots or grounds. In case  
17 of total or partial vacation of such plat or addition, the ordinance  
18 providing therefor shall be, at the cost of the owner or owners,  
19 certified to the office of the register of deeds and be there recorded by  
20 the owner or owners. The register of deeds ~~whereupon said officer~~ shall  
21 note such total or partial vacation of such plat or addition by writing  
22 in plain and legible letters upon such plat or portion thereof so vacated  
23 the word vacated, and also make on the same reference to the volume and  
24 page in which such ~~said~~ ordinance of vacation is recorded, ; and the  
25 owner or owners of the lots and lands in a plat so vacated shall cause  
26 the same and the proportionate part of the abutting highway, streets,  
27 alleys, and public grounds so vacated to be replatted and numbered by the  
28 city surveyor or county surveyor. When such replat so executed is  
29 acknowledged by such owner or owners and is recorded in the office of the  
30 register of deeds of such county, such property so replatted may be  
31 conveyed and assessed by the numbers given in such replat.

1           Sec. 81. Section 19-918, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-918 No owner of real estate within the corporate limits of a city  
4 of the first class, city of the second class, or village such  
5 ~~municipality~~ shall be permitted to subdivide, plat, or lay out such said  
6 real estate into blocks, lots, streets, or other portions of the same  
7 intended to be dedicated for public use, or for the use of the purchasers  
8 or owners of lots fronting thereon or adjacent thereto, without first  
9 having obtained the approval thereof of the city council or village board  
10 of trustees governing ~~body~~ of such municipality or its agent designated  
11 pursuant to section 19-916. Any and all additions to be made to the  
12 municipality shall be made, so far as such additions ~~the same~~ relate to  
13 the avenues, streets, and alleys therein, under and in accordance with  
14 the provisions of sections 19-916 to 19-918.

15           Sec. 82. Section 19-919, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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

30           Sec. 83. Section 19-920, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           19-920 The city council of any city of the first class or city of  
2 the second class or the board of trustees of any village governing body  
3 shall have power to compel the owner of any real property described in  
4 section 19-918 in subdividing, platting, or laying out the same to  
5 conform to the requirements of the ordinance and to lay out and dedicate  
6 the avenues, streets, and alleys in accordance therewith.

7           Sec. 84. Section 19-921, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

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

18           Sec. 85. Section 19-922, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

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

27           Sec. 86. Section 19-923, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           19-923 (1) In order to provide for orderly school planning and  
30 development, a city of the first class, city of the second class, or  
31 village municipality considering the adoption or amendment of a zoning

1 ordinance or approval of the platting or replatting of any development of  
2 real estate shall notify the board of education of each school district  
3 in which the real estate, or some part thereof, to be affected by such a  
4 proposal lies, of the next regular meeting of the planning commission at  
5 which such proposal is to be considered and shall submit a copy of the  
6 proposal to the board of education at least ten days prior to such  
7 meeting.

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

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

26 Sec. 87. Section 19-925, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-925 Any city of the first class, city of the second class, or  
29 village municipality is hereby authorized and empowered to make, adopt,  
30 amend, extend, and carry out a municipal plan as provided in sections  
31 19-925 ~~19-924~~ to 19-933 and to create by ordinance a planning commission

1 with the powers and duties set forth in such sections. The planning  
2 commission of a city shall be designated the city planning commission or  
3 city plan commission, and the planning commission of a village shall be  
4 designated the village planning commission or village plan commission.

5 Sec. 88. Section 19-926, Revised Statutes Supplement, 2017, is  
6 amended to read:

7 19-926 (1) The planning commission of a city of the first class,  
8 city of the second class, or village shall consist of nine regular  
9 members who shall represent, ~~insofar as~~ as far as is possible, the different  
10 professions or occupations in the city or village municipality and shall  
11 be appointed by the mayor, ~~by and with the approval of a majority vote of~~  
12 the members of elected to the city council or by the chairperson of the  
13 village board by and with the approval of a majority vote of the members  
14 of the village board of trustees. Two of the regular members may be  
15 residents of the area designated pursuant to section 16-902 or 17-1001  
16 over which the city or village is exercising extraterritorial zoning  
17 jurisdiction area over which the municipality is authorized to exercise  
18 ~~extraterritorial zoning and subdivision regulation.~~ When there is a  
19 sufficient number of residents in such area over which the city or  
20 village is exercising the area over which the municipality exercises  
21 extraterritorial zoning jurisdiction ~~and subdivision regulation,~~ one  
22 regular member of the commission shall be a resident from such area. If  
23 it is determined by the city council or village board of trustees that a  
24 sufficient number of residents reside in such area ~~the area subject to~~  
25 ~~extraterritorial zoning or subdivision regulation,~~ and no such resident  
26 is a regular member of the commission, the first available vacancy on the  
27 commission shall be filled by the appointment of such an individual. For  
28 purposes of this section, a sufficient number of residents shall mean:  
29 (a) For a village, two hundred residents; (b) for a city of the second  
30 class, five hundred residents; and (c) for a city of the first class, one  
31 thousand residents. A number of commissioners equal to a majority of the

1 number of regular members appointed to the commission shall constitute a  
2 quorum for the transaction of any business. All regular members of the  
3 commission shall serve without compensation. The term of each regular  
4 member shall be three years, except that three regular members of the  
5 first commission to be so appointed shall serve for terms of one year,  
6 three for terms of two years, and three for terms of three years. All  
7 regular members shall hold office until their successors are appointed.  
8 Any member may, after a public hearing before the city council or village  
9 board of trustees, be removed by the mayor with the consent of a majority  
10 vote of the members of elected to the city council or by the chairperson  
11 of the village board with the consent of a majority vote of the members  
12 of the village board of trustees for inefficiency, neglect of duty or  
13 malfeasance in office, or other good and sufficient cause. Vacancies  
14 occurring otherwise than through the expiration of term shall be filled  
15 for the unexpired portion of the term by appointment by the mayor or the  
16 chairperson of the village board of trustees.

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

25 (3) A city of the first class, city of the ~~or~~ second class, or a  
26 village may, by ordinance, provide for the appointment of one alternate  
27 member to the planning commission who shall be chosen by the mayor with  
28 the approval of a majority vote of the ~~elected~~ members of the city  
29 council or by the chairperson of the village board with the approval of a  
30 majority vote of the members of the village board of trustees. The  
31 alternate member shall serve without compensation. The term of the

1 alternate member shall be three years, and he or she shall hold office  
2 until his or her successor is appointed and approved. The alternate  
3 member may be removed from office in the same manner as a regular member.  
4 If the alternate member position becomes vacant other than through the  
5 expiration of the term, the vacancy shall be filled for the unexpired  
6 portion of the term by the mayor with the approval of a majority vote of  
7 the ~~elected~~ members of the city council or by the chairperson of the  
8 village board with the approval of a majority vote of the members of the  
9 village board of trustees. The alternate member may attend any meeting  
10 and may serve as a voting and participating member of the commission at  
11 any time when less than the full number of regular commission members is  
12 present and capable of voting.

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

19 Sec. 89. Section 19-927, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

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



1 transactions, findings, and determinations, which shall be a public  
2 record.

3 Sec. 90. Section 19-928, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

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

12 Sec. 91. Section 19-929, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

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

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

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

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

27 (3) The planning commission may grant conditional uses or special  
28 exceptions to property owners for the use of their property if the city  
29 council or village board of trustees ~~municipal governing body~~ has,  
30 through a zoning ordinance or special ordinance, generally authorized the  
31 commission to exercise such powers and has approved the standards and

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

20       Sec. 92. Section 19-930, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       19-930 (1) For any matter within the jurisdiction of a  
23 ~~municipality's~~ planning commission of a city of the first class, city of  
24 the second class, or village relating to that portion of the  
25 extraterritorial ~~municipality's~~ zoning jurisdiction of the city or  
26 village as defined in section 16-901 or 17-1001 ~~outside the corporate~~  
27 ~~limits of the municipality~~ which is within a county other than the county  
28 in which the city or village ~~municipality~~ is located, the powers, duties,  
29 responsibilities, and functions of the planning commission of the city or  
30 village ~~municipality~~ with regard to such matter shall be assumed by the  
31 ~~municipality's~~ interjurisdictional planning commission of the city or

1 village established under section 19-931 when the formation of such a  
2 commission is requested by either the city or village municipality or the  
3 county within which the city or village municipality is not located as  
4 provided in subsection (2) of this section.

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

16 Sec. 93. Section 19-931, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 19-931 The interjurisdictional planning commission of a city of the  
19 first class, city of the second class, or village municipality shall  
20 consist of six members. Three members shall be chosen from the membership  
21 of the planning commission of the city or village by the mayor ~~of the~~  
22 ~~municipality~~ with the approval of the city council or by the chairperson  
23 of the village board of trustees with the approval of the village board  
24 of trustees from the membership of the municipality's planning  
25 ~~commission~~. Three members shall be chosen by the county board of the  
26 county within which the city or village municipality exercises zoning  
27 jurisdiction under the circumstances specified in section 19-930. The  
28 three members chosen by the county board shall be members of the county  
29 planning commission as described in section 23-114.01. Members of the  
30 interjurisdictional planning commission shall serve without compensation  
31 and without reimbursement for expenses incurred pursuant to carrying out

1 sections 19-930 to 19-933 for terms of one year. Members shall hold  
2 office until their successors are appointed and qualified. Vacancies  
3 shall be filled by appointment by the body which appointed the member  
4 creating the vacancy.

5 Sec. 94. Section 19-932, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

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

20 Sec. 95. Section 19-1101, Revised Statutes Supplement, 2017, is  
21 amended to read:

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

1 and paid for such publication.

2 Sec. 96. Section 19-1102, Revised Statutes Supplement, 2017, is  
3 amended to read:

4 19-1102 It shall be the duty of each ~~village~~ or city clerk or  
5 village clerk in every village or city or village having a population of  
6 not more than one hundred thousand inhabitants as determined by the most  
7 recent federal decennial census or the most recent revised certified  
8 count by the United States Bureau of the Census to prepare and publish  
9 the official proceedings of the ~~village~~ or city ~~board,~~ council, or  
10 village board of trustees ~~commission~~ within thirty days after any meeting  
11 of the ~~city board,~~ council, or village board of trustees ~~commission~~. The  
12 publication shall be in a legal newspaper in or of general circulation in  
13 the ~~village~~ or city or village, shall set forth a statement of the  
14 proceedings of the meeting, and shall also include the amount of each  
15 claim allowed, the purpose of the claim, and the name of the claimant,  
16 except that the aggregate amount of all payroll claims may be included as  
17 one item. Between July 15 and August 15 of each year, the employee job  
18 titles and the current annual, monthly, or hourly salaries corresponding  
19 to such job titles shall be published. Each job title published shall be  
20 descriptive and indicative of the duties and functions of the position.  
21 The charge for the publication shall not exceed the rates provided for in  
22 section 23-122.

23 Sec. 97. Section 19-1103, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

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

1 ~~village or city or village.~~

2       Sec. 98. Section 19-1104, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       19-1104 Any ~~village or city clerk, village clerk, city treasurer, or~~  
5 ~~village treasurer,~~ failing or neglecting to comply with ~~the provisions of~~  
6 sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and  
7 shall, upon conviction, be fined, not to exceed twenty-five dollars, and  
8 be liable, in addition to removal from office for such failure or  
9 neglect.

10       Sec. 99. Section 19-1301, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

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

27       Sec. 100. Section 19-1302, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       19-1302 The city council ~~local governing body~~ of any city of the  
30 first class or city of the second class or the village board of trustees  
31 of any village, subject to all the limitations set forth in sections

1 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed  
2 ten and five-tenths cents on each one hundred dollars in any one year  
3 upon the taxable value of all the taxable property within such  
4 municipality for a term of not to exceed ten years, in addition to the  
5 amount of tax which may be annually levied for the purposes of the  
6 adopted budget statement of such municipality, for the purpose of  
7 establishing a sinking fund for the construction, purchase, improvement,  
8 extension, original equipment, or repair, not including maintenance, of  
9 any one or more of the following public improvements, including  
10 acquisition of any land incident to the making thereof: Municipal  
11 libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses  
12 ~~house~~ for social or recreational purposes; city or village halls ~~hall~~;  
13 municipal public libraries ~~library~~, auditoriums ~~auditorium~~, or community  
14 houses ~~house~~ in a single building; municipal swimming pools ~~pool~~ and  
15 ~~appurtenances~~ thereto; municipal jails ~~jail~~; municipal fire stations  
16 ~~building to house equipment or personnel of a fire department~~, together  
17 with firefighting equipment or apparatus; municipal parks ~~park~~; municipal  
18 cemeteries ~~cemetery~~; municipal medical buildings ~~clinic~~ ~~building~~,  
19 together with furnishings and equipment; or municipal hospitals ~~hospital~~.  
20 No such city or village shall be authorized to levy the tax or to  
21 establish the sinking fund as provided in this section if, having bonded  
22 indebtedness, such city or village has been in default in the payment of  
23 interest thereon or principal thereof for a period of ten years prior to  
24 the date of the passage of the resolution providing for the submission of  
25 the proposition for establishment of the sinking fund as required in  
26 section 19-1303.

27 Sec. 101. Section 19-1303, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-1303 Before any sinking fund or funds shall be established or  
30 before any annual tax shall be levied for planned municipal improvements  
31 ~~improvement~~ mentioned in section 19-1302, by a ~~any~~ such city or village,



1 ~~the city council or village board of trustees its local governing body~~  
2 shall declare its purpose by resolution to submit to the qualified  
3 electors of the city or village at the next general municipal election  
4 the proposition to provide such city or village with the specific  
5 municipal improvement planned ~~for consummation~~ under sections 19-1301 to  
6 19-1304. Such resolution of submission shall, among other things, set  
7 forth a clear description of the improvement planned, the estimated cost  
8 according to the prevailing costs, the amount of annual levy over a  
9 definite period of years, not exceeding ten years, required to provide  
10 such cost, and the specific name or designation for the sinking fund  
11 sought to be established to carry out the planned improvement, together  
12 with a statement of the proposition for placement upon the ballot at such  
13 election. Notice of the submission of the proposition, together with a  
14 copy of the official ballot containing such proposition ~~the same~~, shall  
15 be published in its entirety three successive weeks before the day of the  
16 election in a legal newspaper in or of general circulation ~~published~~ in  
17 the municipality or, if no legal newspaper is in or of general  
18 circulation in the municipality ~~published therein~~, in a some legal  
19 newspaper in or of general circulation ~~published~~ in the county in which  
20 such city or village is located ~~and of general circulation. If no legal~~  
21 ~~newspaper is published in the county, such notice shall be published in~~  
22 ~~some legal newspaper of general circulation in the county in which the~~  
23 ~~municipality is located.~~ No such sinking fund shall be established unless  
24 the same shall have been authorized by a majority or more of the legal  
25 votes of such city or village cast for or against the proposition. If  
26 less than a majority of the legal votes favor the establishment of the  
27 sinking fund, the planned improvement shall not be made, no annual tax  
28 shall be levied therefor, and no sinking fund or sinking funds shall be  
29 established in connection therewith, but such resolution of submission  
30 shall immediately be repealed. If the proposition shall carry at such  
31 election in the manner prescribed in this section, the city council or

1 ~~village board of trustees local governing body~~ and its successors in  
2 office shall proceed to do all things authorized under such resolution of  
3 submission but never inconsistent with sections 19-1301 to 19-1304. The  
4 election provided for under this section shall be conducted as provided  
5 under the Election Act Provisions of the statutes of this state relating  
6 to election of officers, voting places, election apparatus and blanks,  
7 preparation and form of ballots, information to voters, delivery of  
8 ballots, conduct of elections, manner of voting, counting of votes,  
9 records and certificates of elections, and recounts of votes, so far as  
10 applicable, shall apply to voting on the proposition under this section.

11       Sec. 102. Section 19-1304, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

1 ~~said~~ sinking fund or sinking funds, when it shall fail to carry, shall  
2 not be resubmitted in substance for a period of one year from and after  
3 the date of such ~~said~~ election.

4 Sec. 103. Section 19-1305, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

21 Sec. 104. Section 19-1306, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-1306 The city council or village board of trustees of a governing  
24 ~~body of such~~ city or village seeking to issue revenue bonds pursuant to  
25 section 19-1305 shall first cause plans and specifications for such ~~said~~  
26 proposed extensions and improvements and an estimate of the cost thereof  
27 to be made by the city engineer or village engineer or by a special  
28 engineer employed for that purpose. Such plans, specifications, and  
29 estimate of cost, after being approved and adopted by the city council or  
30 village board of trustees governing body, shall be filed with the city  
31 clerk or village clerk and be open to public inspection. The city council

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

1 previously included is to be combined with the bonds contemplated to be  
2 issued.

3 Sec. 105. Section 19-1307, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

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

28 Sec. 106. Section 19-1308, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-1308 Sections 19-1305 to 19-1308 are supplementary to existing  
31 statutes and confer upon and give to cities of the first class, cities of

1 ~~the and~~ second class, and villages powers not heretofore granted, and  
2 sections 19-1305 to 19-1308 shall not be construed as repealing or  
3 amending any existing statute.

4 Sec. 107. Section 19-1309, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

20 Sec. 108. Section 19-1310, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

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

28 Sec. 109. Section 19-1311, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-1311 Should any municipality ~~of such municipalities~~ elect to  
31 follow the method provided in section 19-1309, such municipality ~~it~~ shall

1 be bound by that election during the ensuing fiscal year but may abandon  
2 such method in succeeding fiscal years.

3 Sec. 110. Section 19-1312, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 19-1312 If it is necessary to certify the amount of an all-purpose  
6 levy under section 19-1309 to county officers for collection, such levy  
7 ~~the same~~ shall be certified as a single amount for general fund purposes.

8 Sec. 111. Section 19-1401, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

15 Sec. 112. Section 19-1402, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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

27 Sec. 113. Section 19-1403, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-1403 The question of issuing bonds for any of the purposes  
30 mentioned in section 19-1401 shall be submitted to the electors at an  
31 election held for that purpose after not less than thirty days' notice

1 thereof has been given (1) by publication in a legal ~~some~~ newspaper  
2 published in or ~~and~~ of general circulation in the ~~such~~ municipality or  
3 (2) if no legal newspaper is published in or of general circulation in  
4 such municipality ~~therein~~, by posting in five or more public places in  
5 such municipality ~~therein~~. Such bonds may be issued only when a majority  
6 of the electors voting on the question favor their issuance. Such bonds  
7 ~~They~~ shall bear interest, payable annually or semiannually, and shall be  
8 payable at any time the municipality may determine at the time of their  
9 issuance but in not more than twenty years after their issuance. The  
10 aggregate amount of bonds that may be issued for the construction or the  
11 purchase of a heating or lighting plant shall not exceed four percent of  
12 the taxable value of the assessed property and, for the construction or  
13 purchase of an ice plant, shall not exceed one percent of the taxable  
14 value of the assessed property within such municipality, as shown by the  
15 last annual assessment. The city council or village board of trustees  
16 shall levy annually a sufficient tax to maintain, operate, and extend any  
17 system or plant and to provide for the payment of the interest on and  
18 principal of any bonds that may have been or shall be issued as provided  
19 in this section.

20       Sec. 114. Section 19-1404, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       19-1404 When any ~~such~~ utility shall have been established pursuant  
23 to section 19-1401, the municipality shall provide by ordinance for the  
24 management thereof, the rates to be charged, and the manner of payment  
25 for service or for the product.

26       Sec. 115. Section 19-1501, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28       19-1501 In all cases where a primary city of the primary class, a  
29 city of the first class, city of the ~~or~~ second class, or village has  
30 ~~heretofore~~ entered into a contract for paving or otherwise improving a  
31 street or streets ~~therein~~, or for the construction or improvement of a



1 system of waterworks or sanitary or storm sewers, and the contract has  
2 not been completed on account of any order or regulation issued by the  
3 United States or any board or agency thereof, such city or village may  
4 accept that part of the work which has been completed, levy special  
5 assessments and taxes, and issue bonds to pay the cost of the work so  
6 completed and accepted, in the same manner and on the same conditions as  
7 if such ~~said~~ contract had been fully completed.

8 Sec. 116. Section 19-1502, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 19-1502 Section 19-1501 shall be construed as granting additional  
11 authority and not as repealing any existing statutory authority ~~law now~~  
12 ~~in force~~.

13 Sec. 117. Section 19-1826, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 19-1826 As used in the Civil Service Act, unless the context  
16 otherwise requires:

17 (1) Agreement means an agreement pursuant to the Interlocal  
18 Cooperation Act;

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

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

30 (3) Appointment means ~~shall mean~~ all means of selecting, appointing,  
31 or employing any person to hold any position or employment subject to

1 civil service;

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

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

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

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

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

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

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

27 (9) Governing body means: (a) In a mayor and council form of  
28 government, the mayor and city council; (b) in a commission form of  
29 government, the mayor and city council or village board of trustees; (c)  
30 in a village form of government, the village board of trustees; and (d)  
31 in a city manager plan of government, the mayor and city council;

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

3        (11) Municipality means all cities and villages specified in  
4 subsection (1) of section 19-1827 having full-time police officers or  
5 full-time firefighters;

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

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

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

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

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

18        ~~(10) Merged commission shall mean a civil service commission~~  
19 ~~resulting from the merger of two or more commissions pursuant to section~~  
20 ~~19-1848;~~

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

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

26        Sec. 118. Section 19-1827, Revised Statutes Supplement, 2017, is  
27 amended to read:

28        19-1827 (1) There is hereby created, in cities ~~in the State of~~  
29 ~~Nebraska~~ having a population of more than five thousand inhabitants as  
30 determined by the most recent federal decennial census or the most recent  
31 revised certified count by the United States Bureau of the Census and

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

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

1 a period of six years. If the commission is comprised of five members,  
2 the term of office of such members shall be for five years, except that  
3 the first members of such commission shall be appointed for different  
4 terms, as follows: One to serve for a period of one year, one to serve  
5 for a period of two years, one to serve for a period of three years, one  
6 to serve for a period of four years, and one to serve for a period of  
7 five years. If the city or village municipality determines by ordinance  
8 to change from a three-member commission to a five-member commission, or  
9 from a five-member commission to a three-member commission, the members  
10 of the commission serving before the effective date of such ordinance  
11 shall hold office until reappointed or their successors are appointed.

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

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

1 member commission, or three commissioners of a five-member commission,  
2 including the one or ones to be appointed, shall be registered electors  
3 of the same political party.

4 Sec. 119. Section 19-1829, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

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

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

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

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

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

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

31 Sec. 120. Section 19-1830, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-1830 (1) Immediately after the appointment of the commission, and  
3 annually thereafter, the commission shall organize by electing one of its  
4 members chairperson. The commission shall hold meetings as may be  
5 required for the proper discharge of its duties. The commission shall  
6 appoint a secretary and a chief examiner who shall keep the records of  
7 the commission, preserve all reports made to it, superintend and keep a  
8 record of all examinations held under its direction, and perform such  
9 other duties as the commission may prescribe. The commission may merge  
10 the positions of secretary and chief examiner and appoint one person to  
11 perform the duties of both positions. If the municipality has a personnel  
12 officer, the commission shall appoint such personnel officer as secretary  
13 and chief examiner, if requested to do so by the appointing authority.  
14 The secretary and chief examiner shall be subject to suspension or  
15 discharge upon the vote of a majority of the appointed members of the  
16 commission.

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

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

31 (4) The commission shall provide, by the rules and regulations, for

1 a credit of ten percent in favor of all applicants for an appointment  
2 under civil service who, in time of war or in any expedition of the armed  
3 forces of the United States, have served in and been discharged or  
4 otherwise separated with a characterization of honorable or general  
5 (under honorable conditions) from the armed forces of the United States  
6 and who have equaled or exceeded the minimum qualifying standard  
7 established by the appointing authority. These credits shall only apply  
8 to entry-level positions as defined by the appointing authority.

9 (5) The commission may conduct an investigation concerning and  
10 report upon all matters regarding the enforcement and effect of the Civil  
11 Service Act and the rules and regulations prescribed. The commission may  
12 inspect all institutions, departments, positions, and employments  
13 affected by such act to determine whether such act and all such rules and  
14 regulations are being obeyed. Such investigations may be conducted by the  
15 commission or by any commissioner designated by the commission for that  
16 purpose. The commission shall also make a like investigation on the  
17 written petition of a citizen, duly verified, stating that irregularities  
18 or abuses exist or setting forth, in concise language, the necessity for  
19 such an investigation. The commission may be represented in such  
20 investigations by the city attorney or village ~~municipal~~ attorney, if  
21 authorized by the appointing authority. If the city attorney or village  
22 ~~municipal~~ attorney does not represent the commission, the commission may  
23 be represented by special counsel appointed by the commission in any such  
24 investigation. In the course of such an investigation, the commission,  
25 designated commissioner, or chief examiner shall have the power to  
26 administer oaths, to issue subpoenas to require the attendance of  
27 witnesses and the production by them of books, papers, documents, and  
28 accounts appertaining to the investigation, and to cause the deposition  
29 of witnesses, residing within or without the state, to be taken in the  
30 manner prescribed by law for like depositions in civil actions in the  
31 courts of this state. The oaths administered and subpoenas issued shall



1 have the same force and effect as the oaths administered by a district  
2 judge in a judicial capacity and subpoenas issued by the district courts  
3 of Nebraska. The failure of any person so subpoenaed to comply shall be  
4 deemed a violation of the Civil Service Act and be punishable as such. No  
5 investigation shall be made pursuant to this section if there is a  
6 written accusation concerning the same subject matter against a person in  
7 the civil service. Such accusations shall be handled pursuant to section  
8 19-1833.

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

21 (7) The commission shall establish and maintain a roster of officers  
22 and employees.

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

27 (9) The commission shall make recommendations concerning a  
28 reduction-in-force policy to the governing body or city manager in a city  
29 manager plan of government. The governing body or city manager in a city  
30 manager plan of government shall consider such recommendations, but shall  
31 not be bound by them in establishing a reduction-in-force policy. Prior

1 to the adoption of a reduction-in-force policy, the governing body or, in  
2 the case of a city manager plan, the city manager and the governing body  
3 shall, after giving reasonable notice to each police officer and  
4 firefighter by first-class mail, conduct a public hearing.

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

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

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

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

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

16 (e) Required federal, state, or local certifications or licenses;  
17 and

18 (f) Seniority.

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

21 Sec. 121. Section 19-1833, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

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

28 (2) The governing body of the municipality shall establish by  
29 ordinance procedures for acting upon such written accusations and the  
30 manner by which suspensions, demotions, removals, discharges, or other  
31 disciplinary actions may be imposed by the appointing authority. At least

1 one copy of the rules and regulations, and any amendments to such rules  
2 and regulations, shall be made available for examination and reproduction  
3 by members of the public. One copy of the rules and regulations and any  
4 such amendments shall be given to each full-time firefighter and full-  
5 time police officer.

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

28 (4) After such investigation, the commission shall hold a public  
29 hearing after giving reasonable notice to the accused of the time and  
30 place of such hearing. Such hearing shall be held not less than ten or  
31 more than twenty days after filing of the written demand for an

1 investigation and a decision shall be rendered no later than ten days  
2 after the hearing. At such hearing the accused shall be permitted to  
3 appear in person and by counsel and to present his or her defense. The  
4 commission may affirm the action taken if such action of the appointing  
5 authority is supported by a preponderance of the evidence. If it shall  
6 find that the removal, suspension, demotion, or discharge was made for  
7 political or religious reasons or was not made in good faith for cause,  
8 it shall order the immediate reinstatement or reemployment of such person  
9 in the position or employment from which such person was removed,  
10 suspended, demoted, or discharged, which reinstatement shall, if the  
11 commission in its discretion so provides, be retroactive and entitle such  
12 person to compensation and restoration of benefits and privileges from  
13 the time of such removal, suspension, demotion, or discharge. The  
14 commission upon such hearing, in lieu of affirming the removal,  
15 suspension, demotion, or discharge, may modify the order of removal,  
16 suspension, demotion, or discharge by directing a suspension, with or  
17 without pay, for a given period and the subsequent restoration to duty or  
18 demotion in position or pay. The findings of the commission shall be  
19 certified in writing to and enforced by the appointing authority.

20 (5) If such judgment or order be concurred in by the commission or a  
21 majority thereof, the accused or governing body may appeal to the  
22 district court. Such appeal shall be taken within forty-five days after  
23 the entry of such judgment or order by serving the commission with a  
24 written notice of appeal stating the grounds and demanding that a  
25 certified transcript of the record and all papers, on file in the office  
26 of the commission affecting or relating to such judgment or order, be  
27 filed by the commission with such court. The commission shall, within ten  
28 days after the filing of such notice, make, certify, and file such  
29 transcript with and deliver such papers to the district court. The  
30 district court shall proceed to hear and determine such appeal in a  
31 summary manner. The hearing shall be confined to the determination of

1 whether or not the judgment or order of removal, discharge, demotion, or  
2 suspension made by the commission was made in good faith for cause which  
3 shall mean that the action of the commission was based upon a  
4 preponderance of the evidence, was not arbitrary or capricious, and was  
5 not made for political or religious reasons. No appeal to such court  
6 shall be taken except upon such ground or grounds.

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

15 Sec. 122. Section 19-1834, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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

25 Sec. 123. Section 19-1836, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 19-1836 All positions subject to the Civil Service Act shall be  
28 created or eliminated by the governing body of the municipality. The  
29 Civil Service Act shall not be construed to infringe upon the power and  
30 authority of (1) the governing body of the municipality to establish  
31 pursuant to section 16-310, 17-108, or 17-209 the salaries and

1 compensation of all employees employed hereunder or (2) the city manager,  
2 pursuant to the City Manager Plan of Government Act Chapter 19, ~~article~~  
3 ~~6,~~ to establish the salaries and compensation of employees within the  
4 compensation schedule or ranges established by the governing body for the  
5 positions.

6 Sec. 124. Section 19-1839, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

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

16 Sec. 125. Section 19-1846, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

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

27 Sec. 126. Section 19-2101, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-2101 Cities of the first class, cities of the second class, and  
30 villages shall have the power to purchase, construct, maintain, and  
31 improve garbage disposal plants or ~~or~~ systems or solid waste disposal

1 areas, and purchase equipment for the operation thereof, for the use of  
2 their respective municipalities and the inhabitants thereof, and are  
3 hereby authorized and empowered to lease or to take land in fee within  
4 their corporate limits or without their corporate limits by donation,  
5 gift, devise, purchase, or appropriation for rights-of-way and for  
6 construction and operation of such a disposal plant, system, or solid  
7 waste disposal area.

8 Sec. 127. Section 19-2102, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

17 Sec. 128. Section 19-2103, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

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

1 garbage disposal plant or ~~7~~ system or solid waste disposal area shall not  
2 exceed five percent of the taxable value of the property within such  
3 municipality as shown by the last annual assessment.

4 Sec. 129. Section 19-2104, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

14 Sec. 130. Section 19-2105, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-2105 In a city of the first class, city of the second class, or  
17 village which purchases, constructs, maintains, or improves garbage  
18 disposal plants or systems or solid waste disposal areas pursuant to  
19 section 19-2101, the city ~~The council or~~ village board of trustees of  
20 ~~such municipality~~ may also make and enter into a contract or contracts  
21 with any person, firm, or corporation for the construction, maintenance,  
22 or operation of a garbage disposal plant or ~~7~~ system or solid waste  
23 disposal area.

24 Sec. 131. Section 19-2106, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-2106 When a garbage disposal plant or system or solid waste  
27 disposal area ~~such system~~ shall have been established pursuant to section  
28 19-2101, the municipality may provide by ordinance for the management and  
29 operation thereof, the rates to be charged for such service, including  
30 collection and disposal, and the manner of payment and collection  
31 thereof, ~~and~~ prescribe penalties for the violation of such ordinance, and



1 do whatever is necessary to protect the general health in the matter of  
2 removal and disposal of garbage.

3 Sec. 132. Section 19-2201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

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

29 Sec. 133. Section 19-2202, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-2202 The application presented pursuant to section 19-2201 to the

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

22 Sec. 134. Section 19-2203, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 19-2203 If it shall appear to the judge of the district court that  
25 the such application presented pursuant to section 19-2201 is properly  
26 filed, he or she shall make an order directing all persons owning real  
27 estate or having an interest in real estate situated in such part of such  
28 city or village, giving the name of the plat as recorded as well as a  
29 general description of the territory affected by the proposed correction  
30 and reestablishment of corporate limits, to appear before him or her at a  
31 time and place to be specified, not less than four and not more than ten

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

18 Sec. 135. Section 19-2302, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

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

31 Sec. 136. Section 19-2303, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2303 As used in sections 19-2301 to 19-2304, unless the context  
3 otherwise requires: Proceeds shall mean any money collected from or by  
4 reason of parking meters or other similar mechanical devices installed by  
5 any city of the first class, city of the ~~or~~ second class, or village,  
6 including revenue received by reason of any schedule of accelerated  
7 charges, to be fixed by ordinance. Accelerated charges may include, but  
8 need not be limited to, charges fixed by ordinance for parking in  
9 controlled or regulated areas without payment in advance of required  
10 parking fees or payments, but shall not include judicially imposed fines  
11 and penalties.

12 Sec. 137. Section 19-2304, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

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

20 Sec. 138. Section 19-2401, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

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

29 (2) The published notice may set forth the engineer's lump-sum  
30 estimate of the total cost for the aggregate of all work to be performed  
31 in the combined districts and shall (a) enumerate the estimated

1 quantities of work to be done in each separate district; and (b) call for  
2 an aggregate bid on all work to be performed in the combined districts,  
3 broken down in such a manner as will accurately reflect unit prices for  
4 such estimated quantities, so that, notwithstanding that such a submitted  
5 aggregate or alternate aggregate bid may be accepted, the actual cost of  
6 the construction of each of such projects may be allocated by any such  
7 city or village to the improvement district in which it is located for  
8 the purpose of levying any authorized special assessments to defray, in  
9 whole or in part, such cost of construction of such projects.

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

12 Sec. 139. Section 19-2402, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

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

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

31 (3) If creation of such ~~the~~ district is not initiated by petition, a

1 vote of at least three-fourths of all the members of the city council or  
2 village board of trustees shall be required to adopt the ordinance  
3 creating the district.

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

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

21 Sec. 140. Section 19-2403, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

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

29 (2) In case any property owner neglects or fails, for ten days after  
30 notice, either by personal service or by publication in a legal ~~some~~  
31 newspaper in or published ~~and~~ of general circulation in the municipality,

1 to comply with municipal regulations pertaining to municipal water  
2 service or municipal sanitary service extensions or to make connections  
3 of his or her property with such utility service, the city council or  
4 village board of trustees may cause the same to be done, assess the cost  
5 thereof against the property, and collect the same in the manner provided  
6 for the collection of general municipal taxes.

7 Sec. 141. Section 19-2404, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 19-2404 (1) Except as provided in subsection (2) of this section,  
10 special assessments for sanitary sewer extension mains or water extension  
11 mains in a district shall be levied at one time and shall become  
12 delinquent in equal annual installments over a period of years equal to  
13 the number of years for which the bonds for such project were issued  
14 pursuant to section 19-2405. The first installment becomes delinquent  
15 fifty days after the making of such levy. Subsequent installments become  
16 delinquent on the anniversary date of the levy. Each installment, except  
17 the first, shall draw interest at the rate set by the city council or  
18 village board of trustees from the time of such levy until such  
19 installment becomes delinquent. After an installment becomes delinquent,  
20 interest at the rate specified in section 45-104.01, as such rate may  
21 from time to time be adjusted by the Legislature, shall be paid thereon  
22 until such installment is collected and paid. Such special assessments  
23 shall be collected and enforced as in the case of general municipal taxes  
24 and shall be a lien on such real estate from and after the date of the  
25 levy. If three or more of such installments become delinquent and unpaid  
26 on the same property, the city council or the village board of trustees  
27 may by resolution declare all future installments on such delinquent  
28 property to be due on a future fixed date. The resolution shall set forth  
29 the description of the property and the name of its record title owner  
30 and shall provide that all future installments shall become delinquent  
31 upon the date fixed. A copy of such resolution shall be published one

1 time in a legal newspaper in or of general circulation ~~published~~ in the  
2 municipality ~~or, if none is published in such municipality, in a legal~~  
3 ~~newspaper of general circulation in the municipality.~~ After the fixed  
4 date such future installments shall be deemed to be delinquent and the  
5 municipality may proceed to enforce and collect the total amount due  
6 including all future installments.

7 (2) If the city or village incurs no new indebtedness pursuant to  
8 section 19-2405 for any water service extension or sanitary sewer  
9 extension in a district, the special assessments for such improvements  
10 shall be levied at one time and shall become delinquent in equal annual  
11 installments over such period of years as the city council or village  
12 board of trustees determines at the time of making the levy to be  
13 reasonable and fair.

14 Sec. 142. Section 19-2405, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-2405 For the purpose of paying the cost of any ~~such~~ water service  
17 extension or sanitary sewer service extension, in an extension ~~any such~~  
18 district created pursuant to section 19-2402, the city council or village  
19 board of trustees may, by ordinance, cause bonds of the municipality to  
20 be issued, called district water service extension bonds of district  
21 No. .... or district sanitary sewer service extension bonds of district  
22 No. ...., payable in not exceeding twenty years from date and to bear  
23 interest payable annually or semiannually with interest coupons attached.  
24 The ordinance effectuating the issuance of such bonds shall provide that  
25 the special tax and assessments shall constitute a sinking fund for the  
26 payment of such bonds and interest. If a written protest, signed by  
27 owners of the property located in the improvement district and  
28 representing a majority of the front footage which may become subject to  
29 assessment for the cost of the improvement, is filed with the city  
30 ~~municipal~~ clerk or village clerk within three days before the date of the  
31 meeting for the consideration of such ordinance, such ordinance shall not



1 be passed. The entire cost of such water extension mains or sanitary  
2 sewer extension mains in any such street, avenue, or alley may be  
3 chargeable to the private property therein and may be paid by the owner  
4 of such property within fifty days from the levy of such special taxes  
5 and assessments, and thereupon such property shall be exempt from any  
6 lien for the special taxes and assessments. The bonds shall not be sold  
7 for less than their par value. If the assessment or any part thereof  
8 fails or for any reason is invalid, the city council or village board of  
9 trustees ~~governing body of the municipality~~ may, without further notice,  
10 make such other and further assessments on the lots and lands as may be  
11 required to collect from the lots and lands the cost of the improvement,  
12 properly chargeable as provided in this section. In lieu of such general  
13 obligation bonds, the municipality may issue revenue bonds as provided in  
14 section 18-502, to pay all or part of the cost of the construction of  
15 such improvement.

16 Sec. 143. Section 19-2406, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 19-2406 For the purpose of making partial payments as ~~the~~ work  
19 progresses in an extension district created pursuant to section 19-2402,  
20 warrants may be issued by the mayor and city council or the chairperson  
21 ~~chairman~~ and village board of trustees, as the case may be, upon  
22 certificates of the engineer in charge showing the amount of work  
23 completed and materials necessarily purchased and delivered for the  
24 orderly and proper continuation of the project, in a sum not exceeding  
25 ninety-five percent of the cost thereof and upon the completion and  
26 acceptance of the work issue a final warrant for the balance due the  
27 contractor, which warrants shall be redeemed and paid upon the sale of  
28 the bonds issued and sold as provided in section 19-2405, and which shall  
29 bear interest at such rate as the mayor and city council or chairperson  
30 ~~chairman~~ and village board of trustees, ~~as the case may be,~~ shall order.  
31 The city or village shall pay to the contractor interest at the rate of

1 eight percent per annum on the amounts due on partial and final payments  
2 beginning forty-five days after the certification of the amounts due by  
3 the engineer in charge and approval by the city council or village board  
4 of trustees governing body, and running until the date that the warrant  
5 is tendered to the contractor. Such ~~Said~~ warrants shall be registered in  
6 the manner provided for the registration of other warrants, and called  
7 and paid whenever there are funds available for that purpose in the  
8 manner provided for the calling and paying of other warrants. For the  
9 purpose of paying such ~~said~~ warrants and the interest thereon from the  
10 time of their registration until paid, the special assessments as  
11 ~~hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are  
12 paid and collected in a fund to be designated as the sewer and water  
13 service extension fund.

14 Sec. 144. Section 19-2407, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 19-2407 Special assessments may be levied by the mayor and city  
17 council or chairperson and village board of trustees, as the case may be,  
18 for the purpose of paying the cost of constructing extension water mains  
19 or sanitary service connections, as provided in sections 19-2402 to  
20 19-2407. Such assessments shall be levied on the real property lying and  
21 being within the utility main district in which such extension mains may  
22 be situated to the extent of benefits to such property by reason of such  
23 improvement. The benefits to such property shall be determined by the  
24 mayor and city council, or chairperson and village board of trustees, ~~as~~  
25 ~~the case may be~~, sitting as a board of equalization after notice to  
26 property owners, as provided in other cases of special assessment. After  
27 the mayor and city council, or chairperson and village board of trustees,  
28 sitting as such board of equalization, shall find such benefits to be  
29 equal and uniform, such levy may be made according to the front footage  
30 of the lots or real estate within such utility district, or according to  
31 such other rule as the board of equalization may adopt for the

1 distribution or adjustment of such cost upon the lots or real estate in  
2 such district benefited by such improvement. All such special assessments  
3 shall be collected in the same manner as general municipal taxes and  
4 shall be subject to the same penalty.

5 Sec. 145. Section 19-2410, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 19-2410 Whenever a petition, signed by sixty percent of the owners  
8 of all real property in a ~~the~~ proposed improvement district, is presented  
9 to the city council or village board of trustees ~~of the village~~ setting  
10 forth (1) the property to be included in the improvement district, (2)  
11 the improvement or improvements authorized by the Combined Improvement  
12 Act which they desire made in such district in reasonable detail and  
13 stating the location of each, and (3) an estimate of the cost of the  
14 improvement or improvements, which estimate does not exceed the dollar  
15 limitations in section 19-2408, the city council or village board of  
16 trustees ~~of the village~~ shall cause the petition to be examined and the  
17 estimate of cost of the improvement or improvements verified. If the  
18 petition is found correct, the city council or village board of trustees  
19 ~~of the village~~ shall by ordinance create an improvement district  
20 consecutively numbered, known as Improvement District No. ...., and  
21 cause the improvements to be made if such can be done within such dollar  
22 limitations.

23 Sec. 146. Section 19-2411, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-2411 The city council or village board of trustees ~~of a village~~  
26 may without petition create an improvement district and cause one or more  
27 of the improvements specified in section 19-2409 to be made in such ~~the~~  
28 district. The ordinance shall designate the property included within the  
29 district or the outer boundaries thereof, the improvement or improvements  
30 to be made in the district, and the total estimated cost of the  
31 improvements, which shall not exceed the dollar limitations in section

1 19-2408. After passage, approval, and publication of the ordinance, the  
2 city clerk or village clerk shall cause notice of the creation of such  
3 district to be published for two consecutive weeks in a legal newspaper  
4 ~~in published~~ or of general circulation in the city or village, or in lieu  
5 of publication cause such notice to be served personally or by certified  
6 mail on all owners of real property located within the district. If a  
7 majority of the owners of all the real property in the district file  
8 written objections to the creation of the district with the city clerk or  
9 village clerk within twenty days after the first publication of such  
10 notice or within twenty days after the date of mailing or service of  
11 written notice on the property owners in the district, the city or  
12 village shall not proceed further and shall repeal such ordinance. If no  
13 such objections are filed, the city shall proceed with making the  
14 improvements.

15 Sec. 147. Section 19-2412, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 19-2412 Contracts for improvements made under the Combined  
18 Improvement Act ~~The contract~~ shall be let and the improvements made in  
19 the same manner as required for street improvements. The city council or  
20 village board of trustees ~~of the village~~ may direct the improvements to  
21 be made under a single contract or that separate bids be taken for the  
22 street improvement, installation of water mains, and installation of  
23 sewers, but the aggregate of such ~~said~~ contracts shall not exceed the  
24 estimate as shown in the ordinance creating the district. For the purpose  
25 of making partial payment as the work progresses, warrants may be issued  
26 by the mayor and city council or the village board of trustees ~~of the~~  
27 ~~village~~ upon certificate of the engineer in charge showing the amount of  
28 the work completed and materials necessarily purchased and delivered for  
29 the orderly and proper continuance of the project in an amount not  
30 exceeding ninety-five percent of the cost thereof, which warrants shall  
31 be redeemed and paid from the amounts received on the special assessments

1 or from the sale of bonds issued to pay the cost of the project as  
2 provided in section 19-2414. The city or village shall pay to the  
3 contractor interest, at the rate of eight percent per annum on the  
4 amounts due on partial and final payments, beginning forty-five days  
5 after the certification of the amounts due by the engineer in charge and  
6 approval by the city council or village board of trustees ~~governing body~~  
7 and running until the date that the warrant is tendered to the  
8 contractor.

9 Sec. 148. Section 19-2413, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-2413 On the completion and acceptance of the improvement or  
12 improvements made under the Combined Improvement Act, the mayor and city  
13 council or the village board of trustees ~~of the village~~ may cause special  
14 assessments to be levied against the property in the district specially  
15 benefited by the improvement or improvements to the extent that such ~~said~~  
16 property is specially benefited in the manner and form provided for  
17 levying special assessments for street improvements under the provisions  
18 of sections 16-617 to 16-655 or 17-509 to 17-515, and the special  
19 assessments shall mature and bear interest the same as provided for  
20 special assessments for paving.

21 Sec. 149. Section 19-2414, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-2414 After the completion and acceptance of the improvement or  
24 improvements made under the Combined Improvement Act, the city or village  
25 may issue and sell its negotiable coupon bonds to be known as public  
26 improvement bonds in an amount not exceeding the balance of the unpaid  
27 cost of the improvement or improvements. The bonds shall be payable in  
28 not to exceed twenty years from date and bear interest payable annually  
29 or semiannually. All money collected from the special assessments shall  
30 be placed in a sinking fund to pay the cost of the improvement or  
31 improvements and the bonds issued under the Combined Improvement Act.

1           Sec. 150. Section 19-2416, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-2416 The governing body of any city of the first class, city of  
4 the ~~or~~ second class, or of any village may by ordinance create a limited  
5 street improvement district for the sole purpose of grading, curbing, and  
6 guttering any unpaved street or streets or curbing and guttering any  
7 paved or unpaved street or streets in the city or village and each  
8 district shall be designated as Street Grading, Curbing, and Guttering  
9 District No. . . . . or as Curbing and Guttering District No. . . . ., as the  
10 case may be. The city clerk or village ~~mayor or chairman of the board of~~  
11 ~~trustees and~~ clerk shall, after the passage, approval, and publication of  
12 such ordinance, publish notice of the creation of any such district or  
13 districts one time each week for three weeks in a legal daily or weekly  
14 newspaper in or of general circulation in the city or village. After the  
15 passage, approval, and publication of such ordinance and the publication  
16 of such notice, the procedure of the mayor and city council or  
17 chairperson ~~chairman~~ and village board of trustees in reference to such  
18 improvement shall be in accordance with the applicable provisions of  
19 sections 16-620 to 16-655 or 17-508 to 17-520.

20           Sec. 151. Section 19-2417, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           19-2417 The mayor and city council of any city of the first class or  
23 city of the second class or the village board of trustees of any village  
24 shall have the power to construct, replace, repair, or otherwise improve  
25 sidewalks within such city or village. Whenever the mayor and city  
26 ~~council of a city~~ or village board of trustees ~~of a village~~ shall by  
27 resolution passed by a three-fourths vote of all members of such city  
28 council or village board of trustees determine the necessity for sidewalk  
29 improvements, the mayor and city council or village board of trustees  
30 shall by ordinance create a sidewalk district, ~~and~~ shall cause such  
31 improvements to be made, and shall contract therefor.

1           Sec. 152. Section 19-2418, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           19-2418 The mayor and city council or village board of trustees  
4 shall levy special assessments on the lots and parcels of land abutting  
5 on or adjacent to the sidewalk improvements specially benefited thereby  
6 in any sidewalk district created pursuant to section 19-2417 such  
7 ~~district~~ in proportion to the benefits, to pay the cost of such  
8 improvements ~~improvement~~. All special assessments shall be a lien on the  
9 property on which levied from the date of the levy until paid. The  
10 special assessment for the sidewalk improvement shall be levied at one  
11 time and shall become delinquent as follows: One-seventh of the total  
12 assessment shall become delinquent in ten days after such levy; one-  
13 seventh in one year; one-seventh in two years; one-seventh in three  
14 years; one-seventh in four years; one-seventh in five years; and one-  
15 seventh in six years. Each of such installments, except the first, shall  
16 draw interest at the rate of not exceeding the rate of interest specified  
17 in section 45-104.01, as such rate may from time to time be adjusted by  
18 the Legislature, from the time of the levy until the installment becomes  
19 delinquent. If the installment becomes delinquent, interest at the rate  
20 specified in section 45-104.01, as such rate may from time to time be  
21 adjusted by the Legislature, shall be paid thereon as in the case of  
22 other special assessments. All such special assessments shall be made and  
23 collected in accordance with the procedure established for paving  
24 assessments for such ~~the particular~~ city or village.

25           Sec. 153. Section 19-2419, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           19-2419 For the purpose of paying the cost of sidewalk improvements  
28 in any sidewalk district created pursuant to section 19-2417, the mayor  
29 and city council or village board of trustees shall have the power and  
30 may, by ordinance, cause to be issued bonds of the city or village, to be  
31 called Sidewalk Bonds of District No. . . . ., payable in not exceeding six

1 years from date, and to bear interest annually or semiannually, with  
2 interest coupons attached. Such bonds shall be general obligations of the  
3 city or village, with principal and interest payable from a fund made up  
4 of the special assessments collected and supplemented by transfers from  
5 the general fund to make up any deficiency in the collection of the  
6 special assessments. For the purpose of making partial payments as the  
7 work progresses, warrants bearing interest may be issued by the mayor and  
8 city council, or the village board of trustees, upon certificate of the  
9 engineer in charge showing the amount of the work completed and materials  
10 necessarily purchased and delivered for the orderly and proper  
11 continuance of the project, in a sum not exceeding ninety-five percent of  
12 the cost thereof, which warrants shall be redeemed and paid upon the sale  
13 of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay  
14 to the contractor interest, at the rate of eight percent per annum on the  
15 amounts due on partial and final payments, beginning forty-five days  
16 after the certification of the amounts due by the engineer in charge and  
17 approval by the city council or village board of trustees ~~governing body~~  
18 and running until the date that the warrant is tendered to the  
19 contractor.

20 Sec. 154. Section 19-2420, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 19-2420 A city of the first class or city of the second class may  
23 acquire by gift or purchase from the federal government or any agency  
24 thereof sewer lines and sewage disposal systems, waterworks, and water  
25 distribution systems, whether within or without the corporate limits, and  
26 operate and extend the same, even though such system or systems are or  
27 may be and continue to be wholly disconnected and separate from any such  
28 utility system already belonging to such city, when, in the judgment of  
29 the mayor and city council of such a city not having a board of public  
30 works or of its board of public works in such a city having such board,  
31 it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring,



1 maintaining, operating, and extending any such system, any such city of  
2 ~~the first or second class~~ may use funds from any sewer, water, or  
3 electrical system presently owned and operated by it, without prior  
4 appropriation of such funds, and any other funds lawfully available for  
5 such purpose.

6 Rates charged for the use of any system or works so acquired under  
7 this section shall be reasonable and based on cost properly allocable to  
8 the customers of any such system.

9 Sec. 155. Section 19-2421, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-2421 The mayor and city council of any city of the first class or  
12 city of the second class, and the chairperson ~~chairman~~ and village board  
13 of trustees of any village, in addition to other powers granted by law,  
14 may enter into contracts for lease of real or personal property for any  
15 purpose for which the city or village is authorized by law to purchase  
16 property or construct improvements. Such leases shall not be restricted  
17 to a single year, and may provide for the purchase of the property in  
18 installment payments.

19 Sec. 156. Section 19-2422, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 19-2422 Any owner of real property who feels aggrieved by the levy  
22 of any special assessment by any city of the first class, city of the or  
23 second class, or village may appeal from such assessment, both as to the  
24 validity and amount thereof, to the district court of the county where  
25 such assessed real property is located. The issues on such appeal shall  
26 be tried de novo. The district court may affirm, modify, or vacate the  
27 special assessment, or may remand the case to the local board of  
28 equalization for rehearing.

29 Sec. 157. Section 19-2423, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-2423 The owner appealing a special assessment pursuant to section

1 19-2422 shall, within ten days from the levy of such special assessment,  
2 file a notice of appeal with the city clerk or village clerk, and shall  
3 post a bond in the amount of two hundred dollars conditioned that such  
4 appeal shall be prosecuted without delay and the appellant shall pay all  
5 costs charged against him or her.

6 Sec. 158. Section 19-2424, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 19-2424 (1) Upon the request of the owner appealing a special  
9 assessment pursuant to section 19-2422 and the payment by him or her of  
10 the estimated cost of preparation of the transcript to the city clerk or  
11 village clerk or such clerk's designee, the city clerk or village clerk  
12 shall cause a complete transcript of the proceedings before such city or  
13 village to be prepared. The cost of preparing the transcript shall be  
14 calculated in the same manner as the calculation of the fee for a court  
15 reporter for the preparation of a bill of exceptions as specified by  
16 rules of practice prescribed by the Supreme Court. At such time as the  
17 completed transcript is provided to the appellant, the appellant shall  
18 pay the amount of the cost of preparation which is in excess of the  
19 estimated cost already paid or shall receive a refund of any amount in  
20 excess of the actual cost. An appellant determined to be indigent shall  
21 not be required to pay any costs associated with such transcript  
22 preparation.

23 (2) For purposes of this section, indigent means the inability to  
24 financially pursue the appeal without prejudicing the appellant's ability  
25 to provide economic necessities for the appellant or the appellant's  
26 family. Indigency shall be determined by the court having jurisdiction  
27 over the appeal upon motion of the appellant. The court shall make a  
28 reasonable inquiry to determine the appellant's financial condition and  
29 shall consider such factors as the appellant's income, the availability  
30 to the appellant of other resources, including real and personal  
31 property, bank accounts, social security benefits, and unemployment or

1 other benefits, the appellant's normal living expenses, the appellant's  
2 outstanding debts, the number and age of the appellant's dependents, and  
3 other relevant circumstances.

4 Sec. 159. Section 19-2425, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 19-2425 The owner appealing a special assessment pursuant to section  
7 19-2422 appellant shall file his or her petition on appeal in the  
8 district court, together with a transcript of the proceedings before the  
9 ~~such~~ city or village, within thirty days from the date of the levy of  
10 such special assessment.

11 Sec. 160. Section 19-2426, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 19-2426 Any ~~first--or second-class~~ city of the first class, city of  
14 the second class, or village may wall, enclose, or cover in a manner that  
15 will not restrict or impair the intended purpose, function, or operation  
16 of a segment of any irrigation or drainage ditch, canal, or lateral,  
17 whether on public or private property, which lies within the corporate  
18 limits of such city or village, and for this purpose may acquire and hold  
19 land or an interest in land. Nothing in this section shall be construed  
20 to authorize the taking of property without payment of compensation when  
21 required by law. Such city or village may undertake and finance a project  
22 authorized by this section either independently or jointly with any  
23 person owning or operating such irrigation ditch, canal, or lateral. If ÷  
24 ~~Provided, that~~ if such project is undertaken independently, the owner or  
25 operator of such irrigation ditch, canal, or lateral shall approve the  
26 design of the project prior to any construction.

27 Sec. 161. Section 19-2427, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 19-2427 Any city of the first class, city of the ~~or~~ second class, or  
30 village may include land adjacent to such city or village when creating  
31 an improvement district, such as a sewer, paving, water, water extension,

1 or sanitary sewer extension district. The city council or village board  
2 of trustees may levy a special assessment for the costs of such  
3 improvements upon the properties found specially benefited thereby,  
4 except as provided in sections 19-2428 to 19-2431.

5 Sec. 162. Section 19-2428, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 19-2428 (1) Whenever the city council governing body of a city of  
8 the first class or city of the second class or the village board of  
9 trustees of a village creates an improvement district as specified in  
10 section 19-2427 which includes land adjacent to such city or village and  
11 such adjacent land is within an agricultural use zone and is used  
12 exclusively for agricultural use, the owners of record title of such  
13 adjacent land may apply for a deferral from special assessments pursuant  
14 to sections 19-2428 to 19-2431.

15 (2) For purposes of sections 19-2428 to 19-2431:

16 (a) Agricultural use means the use of land as described in section  
17 77-1359, so that incidental use of the land for nonagricultural or  
18 nonhorticultural purposes shall not disqualify the land; and

19 (b) Agricultural use zone means designation of any land  
20 predominantly for agricultural or horticultural use by any political  
21 subdivision pursuant to sections 19-925 ~~19-924~~ to 19-933, Chapter 14,  
22 article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17,  
23 article 10, or Chapter 23, article 1. The primary objective of the  
24 agricultural use zoning shall be to preserve and protect agricultural  
25 activities and the potential for the agricultural, horticultural, or open  
26 use of land. Uses to be allowed on such lands include primarily  
27 agricultural-related or horticultural-related uses, and nonagricultural  
28 or nonhorticultural industrial, commercial, or residential uses allowed  
29 on such lands shall be restricted so that they do not conflict with or  
30 detract from this objective.

31 Sec. 163. Section 19-2429, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2429 (1) Any owner of record title eligible for the deferral  
3 granted by section 19-2428 shall, to secure such assessment, make  
4 application to the city council ~~or board of trustees~~ of any city of the  
5 first class or city of the second class or the village board of trustees  
6 of any village within ninety days after creation of an improvement  
7 district as specified in section 19-2427 which includes land adjacent to  
8 such city or village which is within an agricultural use zone and is used  
9 exclusively for agricultural use.

10 (2) Any owner of record title who makes application for the deferral  
11 provided by sections 19-2428 to 19-2431 shall notify the county register  
12 of deeds of such application in writing prior to approval by the city  
13 council or village board of trustees.

14 (3) The city council or village board of trustees shall approve the  
15 application of any owner of record title upon determination that the  
16 property (a) is within an agricultural use zone and is used exclusively  
17 for agricultural use and (b) the owner has complied with subsection (2)  
18 of this section.

19 Sec. 164. Section 19-2430, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 19-2430 The deferral provided for in sections 19-2428 to 19-2431  
22 shall be terminated upon any of the following events:

23 (1) Notification by the owner of record title to the city council or  
24 village board of trustees to remove such deferral;

25 (2) Sale or transfer to a new owner who does not make a new  
26 application within sixty days of the sale or transfer, except as provided  
27 in subdivision (3) of this section;

28 (3) Transfer by reason of death of a former owner to a new owner who  
29 does not make application within one hundred twenty-five days of the  
30 transfer;

31 (4) The land is no longer being used as agricultural land; or

1 (5) Change of zoning to other than an agricultural zone.

2 Sec. 165. Section 19-2432, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 19-2432 (1) Whenever a tract of land against which a special  
5 assessment has been levied is divided or subdivided by any platting,  
6 replatting, or other form of division creating separate lots or tracts,  
7 the city council governing body of any city of the first class ~~or~~ city  
8 of the second class ~~,~~ or the village board of trustees of any village  
9 which has levied such special assessments may (a) on application of the  
10 owner of any part of the tract or (b) on its own motion, determine the  
11 apportionment of such special assessment remaining unpaid among the  
12 various lots and parcels in the tract resulting from the division or  
13 subdivision. Any such reapportionment shall be on such fair and equitable  
14 terms as the city council or village board of trustees governing body  
15 shall determine after notice and hearing on the reapportionment. No  
16 reapportionment of a special assessment shall be done on a tract of land  
17 if a tax sale certificate has been issued for such tract or if the  
18 special assessment being reapportioned is delinquent.

19 (2) Notice of hearing on the reapportionment shall be given by  
20 publication one time in a legal newspaper in published or of general  
21 circulation in the city or village not less than ten days prior to the  
22 hearing. Notice of the hearing shall be sent by mail to the owners of  
23 record title of each lot or parcel affected by any proposed or determined  
24 reapportionment in the same manner as is required under section  
25 25-520.01.

26 (3) In making the determination as to reapportionment, the city  
27 council or village board of trustees governing body shall take into  
28 consideration its own requirements as to security for payment of the  
29 amounts owing and may, if determined appropriate, allocate based upon  
30 either front footage or square footage or other such method or  
31 reapportionment as may be determined appropriate based upon the facts and

1 circumstances. No such reapportionment shall result in a reduction or  
2 remittance of the total amount originally assessed and then remaining  
3 outstanding and unpaid. Notice of the reapportionment when determined  
4 shall be sent by mail to the owners of record title of each lot or parcel  
5 affected by the reapportionment.

6 (4) Any notice required under this section may be waived in writing  
7 by any owner of any lot or parcel affected by any reapportionment.

8 (5) Any owner of real property who feels aggrieved by the  
9 reapportionment of any special assessment under this section may appeal  
10 such reapportionment in the same manner as applies for appeals from  
11 special assessments under sections 19-2422 to 19-2425, but only matters  
12 related to such reapportionment shall be considered upon any such appeal.

13 (6) The city council or village board of trustees ~~governing body~~  
14 shall file notice of any reapportionment of a special assessment with the  
15 county treasurer of the county where the lot or parcel is located.

16 Sec. 166. Section 19-2701, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 19-2701 A city of the first class or city of the second class may  
19 enter into a contract or contracts to sell electric, water, or sewer  
20 service to persons beyond the corporate limits of such a city when, in  
21 the judgment of the mayor and city council of such a city not having a  
22 board of public works or of its board of public works in such a city  
23 having such board, it is beneficial to ~~any~~ such city to do so. No such  
24 contract shall run for a period in excess of twenty-five years. Such a  
25 city is hereby authorized and empowered to enter into contracts for the  
26 furnishing of electric service to persons, firms, associations, and  
27 corporations beyond the corporate limits of such a city.

28 Sec. 167. Section 19-2901, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-2901 Sections 19-2901 to 19-2909 shall be known and may be cited  
31 as the Nebraska Municipal Auditing Law.

1           Sec. 168. Section 19-2902, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-2902 For purposes of the Nebraska Municipal Auditing Law, unless  
4 the context otherwise requires:

5           (1) Accountant means a duly licensed public accountant or certified  
6 public accountant who otherwise is not an employee of or connected in any  
7 way with the municipality involved;

8           (2) Annual audit report means the written report of the accountant  
9 and all appended statements and schedules relating thereto presenting or  
10 recording the findings of an examination or audit of the financial  
11 transactions, affairs, or financial condition of a municipality and its  
12 proprietary functions for the fiscal year immediately prior to the making  
13 of such annual report;

14           (3) Fiscal year means the fiscal year for the particular  
15 municipality involved or the fiscal year established in section 18-2804  
16 for a proprietary function if different than the municipal fiscal year;

17           (4) Municipal authority means the city council, the village board of  
18 trustees, or any other body or officer having authority to levy taxes,  
19 make appropriations, or approve claims for any municipality; and

20           (5) Municipality means any incorporated city of the first class,  
21 city of the second class, or village in this state.

22           ~~(1) Municipality or municipalities shall mean and include all~~  
23 ~~incorporated cities of the first class, cities of the second class, and~~  
24 ~~villages in this state;~~

25           ~~(2) Municipal authority shall mean the city council, board of~~  
26 ~~trustees of a village, or any other body or officer having authority to~~  
27 ~~levy taxes, make appropriations, or approve claims for any municipality;~~

28           ~~(3) Accountant shall mean a duly licensed public accountant or~~  
29 ~~certified public accountant who otherwise is not an employee of or~~  
30 ~~connected in any way with the municipality involved;~~

31           ~~(4) Annual audit report shall mean the written report of the~~



1 ~~accountant and all appended statements and schedules relating thereto~~  
2 ~~presenting or recording the findings of an examination or audit of the~~  
3 ~~financial transactions, affairs, or financial condition of a municipality~~  
4 ~~and its proprietary functions for the fiscal year immediately prior to~~  
5 ~~the making of such annual report; and~~

6 ~~(5) Fiscal year shall mean the fiscal year for the particular~~  
7 ~~municipality involved or the fiscal year established in section 18-2804~~  
8 ~~for a proprietary function if different than the municipal fiscal year.~~

9 Sec. 169. Section 19-2904, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 19-2904 The annual audit report shall set forth, insofar as  
12 possible, the financial position and results of financial operations for  
13 each fund or group of accounts of the municipality. When the accrual  
14 method is selected for the annual audit report, such report shall be in  
15 accordance with generally accepted accounting principles. The annual  
16 audit report shall also include the professional opinion of the  
17 accountant with respect to the financial statements, or, if an opinion  
18 cannot be expressed, a declaration that the accountant is unable to  
19 express such an opinion with an explanation of the reasons why he or she  
20 cannot do so.

21 Sec. 170. Section 19-2905, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-2905 At least three copies of the such annual audit report shall  
24 be properly signed and attested by the accountant, ÷ two copies shall be  
25 filed with the clerk of the municipality involved, and one copy shall be  
26 filed with the Auditor of Public Accounts. The copy of the annual audit  
27 report submitted to the Auditor of Public Accounts shall be accompanied  
28 by a supplemental report, if appropriate, by the accountant making the  
29 audit identifying any illegal acts or indications of illegal acts  
30 discovered as a result of the audit.

31 The annual audit report filed, together with any accompanying

1 comment or explanation, shall become a part of the public records of the  
2 clerk of the municipality involved and shall at all times thereafter be  
3 open and subject to public inspection. The copies filed with the auditor  
4 shall be kept as a part of the public records in that office for at least  
5 five years and shall at all times be subject to public inspection.

6 Sec. 171. Section 19-2907, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 19-2907 Should any municipality fail or refuse to cause an such  
9 annual audit to be made of all of its functions, activities, and  
10 transactions for the fiscal year within a period of six months following  
11 the close of such fiscal year, then and in such event, any resident  
12 taxpayer may make a written demand on the city council or village board  
13 of trustees governing body of such municipality to commence such annual  
14 audit within thirty days, and if such demand is ignored, a mandamus  
15 action may be instituted by any taxpayer or taxpayers residing in such  
16 municipality against the ~~then~~ municipal authorities of such municipality  
17 requiring the municipality to proceed forthwith to cause such audit to be  
18 made, and if such action is decided in favor of the taxpayer or taxpayers  
19 instituting the same, the ~~then~~ municipal authorities of such municipality  
20 shall be personally, and jointly and severally, liable for the costs of  
21 such action, including a reasonable attorney's attorney fee to be allowed  
22 by the court for the attorney employed by the taxpayer or taxpayers and  
23 who prosecuted the action. Upon a failure, refusal, or neglect to cause  
24 such annual audit to be made as required by sections 19-2903 and 19-2904,  
25 and a failure to file a copy thereof with the Auditor of Public Accounts  
26 as required by section 19-2905, the Auditor of Public Accounts shall,  
27 after due notice and a hearing to show cause by such city or village,  
28 notify the State Treasurer of such failure to file a copy with the  
29 Auditor of Public Accounts. The State Treasurer shall, upon receipt of  
30 such notice, withhold distribution of all money to which such city or  
31 village may be entitled under the provisions of sections 39-2511 to

1 39-2520, until such annual audit shall have been made and have been filed  
2 with the Auditor of Public Accounts. If such annual audit is not filed  
3 within a period of six months from the time of the order and notice of  
4 delinquency given by the Auditor of Public Accounts to the State  
5 Treasurer, the amount so withheld shall be distributed to the other  
6 cities and villages in the county where such delinquent city is located.  
7 Upon compliance with the law requiring annual audits, the delinquent city  
8 or village shall again become entitled to distribution of all money to  
9 which it is entitled from the State Treasurer beginning with the date of  
10 such compliance.

11 Sec. 172. Section 19-2908, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 19-2908 The Nebraska Municipal Auditing Law ~~provisions of sections~~  
14 ~~19-2901 to 19-2909~~ shall not be construed to relieve any officer of any  
15 duties now required by law of him or her with relation to public accounts  
16 of a municipality or the disbursement of public funds of a municipality  
17 ~~the same~~. Failure of the municipality to comply with any provisions of  
18 the Nebraska Municipal Auditing Law ~~sections 19-2901 to 19-2909~~ shall not  
19 affect the legality of taxes levied for any of the funds of such  
20 municipality or any special assessments levied in connection with public  
21 improvements.

22 Sec. 173. Section 19-2909, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 19-2909 The expenses of the audit required by the Nebraska Municipal  
25 Auditing Law ~~in sections 19-2901 to 19-2909~~ shall be paid by the  
26 municipal authorities of the municipality involved from appropriate  
27 municipal funds; ~~Provided, that if any municipality has completed its~~  
28 ~~annual budget and passed its appropriation ordinance before March 30,~~  
29 ~~1959, then such expenses may be paid from the general fund of such~~  
30 ~~municipality for the first annual audit made under the provisions of~~  
31 ~~sections 19-2901 to 19-2909.~~

1           Sec. 174. Section 19-3052, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-3052 (1) For purposes of this section, municipality means shall  
4 ~~mean~~ any city of the first class, city of the ~~or~~ second class, or village  
5 which elects members of its governing board by districts.

6           (2) Any municipality which annexes territory and thereby brings  
7 sufficient new residents into such municipality so as to require that  
8 election districts be redrawn to maintain substantial population equality  
9 between districts shall redistrict its election districts so that such  
10 districts are substantially equal in population within one hundred and  
11 eighty days after the effective date of the ordinance annexing the  
12 territory. Such redistricting shall create election districts which are  
13 substantially equal in population as determined by the most recent  
14 federal decennial census.

15           (3) No municipality which proposes to annex territory and thereby  
16 bring new residents into the municipality shall annex such territory  
17 unless the redistricting required by subsection (2) of this section will  
18 be accomplished at least eighty days prior to the next primary election  
19 in which candidates for the governing body of the municipality are  
20 nominated.

21           (4)(a) No city of the first class or city of the second class shall  
22 annex any territory during the period from eighty days prior to any  
23 primary election in which candidates for the ~~governing body of the city~~  
24 council are nominated until the date of the general election of the same  
25 year if such annexation would bring sufficient new residents into such  
26 city so as to require that election districts be redrawn to maintain  
27 substantial population equality between districts.

28           (b) No village shall annex any territory during the period eighty  
29 days prior to the election at which members of the ~~governing body of the~~  
30 village board of trustees are chosen until the date of such election if  
31 such annexation would bring sufficient new residents into such village so

1 as to require that election districts be redrawn to maintain substantial  
2 population equality between districts.

3 (5)(a) No proposed annexation by a municipality shall be restricted  
4 or governed by this section unless such annexation would bring sufficient  
5 new residents into such municipality so as to require the election  
6 districts of the municipality to be redrawn to maintain substantial  
7 population equality between districts.

8 (b) Nothing in this section shall be construed to require a  
9 municipality to redraw the boundaries of its election districts following  
10 an annexation unless such annexation brought sufficient new residents  
11 into such municipality so as to require such redistricting to maintain  
12 substantial population equality between districts.

13 (c) For the purposes of this section only, a municipal annexation  
14 shall be held to have brought sufficient new residents into such  
15 municipality so as to require that its election districts be redrawn to  
16 maintain substantial population equality between districts if, following  
17 such annexation, the total range of deviation from the mean population of  
18 each election district, according to the most recent federal decennial  
19 census, exceeds ten percent.

20 Sec. 175. Section 19-3101, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 19-3101 In all cities of the first class, cities of the ~~and~~ second  
23 class, classes and villages, regardless of the form of government, in  
24 addition to the events listed in section 32-560 and any other reasons for  
25 a vacancy provided by law, after notice and a hearing, a vacancy on the  
26 city council or village board of trustees shall exist if a member is  
27 absent from more than five consecutive regular meetings of the city  
28 council or village board of trustees unless the absences are excused by a  
29 majority vote of the remaining members.

30 Sec. 176. Section 19-3302, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           19-3302 As used in the Offstreet Parking District Act sections  
2 ~~19-3301 to 19-3326~~, unless the context otherwise requires,  
3 offstreet ~~offstreet~~ parking facilities includes parking lots, garages,  
4 buildings, and multifloor buildings for the parking of motor vehicles.

5           Sec. 177. Section 19-3303, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           19-3303 In addition to matters specifically ~~elsewhere~~ set forth in  
8 the Offstreet Parking District Act, cities of the primary class, cities  
9 of the first class, and cities of the second class are authorized to  
10 conduct ~~sections 19-3301 to 19-3326~~, such sections authorize and include  
11 the following activities:

12           (1) The formation of offstreet parking districts;

13           (2) The acquisition of lands, property, and rights-of-way necessary  
14 or convenient for use as offstreet parking facilities;

15           (3) The acquisition of lands, property, and rights-of-way necessary  
16 or convenient for the opening, widening, straightening, or extending of  
17 streets or alleys necessary or convenient for ingress to and egress from  
18 any offstreet parking facility;

19           (4) The acquisition by condemnation, purchase, or gift of property  
20 or any interest therein. Any lands or property necessary or convenient  
21 for offstreet parking facilities may be acquired in fee simple by  
22 condemnation or otherwise;

23           (5) The improvement of any acquired lands by the construction  
24 thereon of garages or other buildings, including multifloor buildings, or  
25 improvements necessary or convenient for offstreet parking facilities  
26 including paying from revenue received pursuant to the Offstreet Parking  
27 District Act ~~sections 19-3301 to 19-3326~~ all or a portion of the cost of  
28 a covered or uncovered mall to be constructed in a street or alley  
29 pursuant to city authority to construct such improvements in connection  
30 with paving and street improvements;

31           (6) The improvement of parking places and any alleys, streets, or

1 ways necessary or convenient for ingress to or egress from offstreet  
2 parking facilities;

3 (7) The issuance, sale, and payment of bonds to pay the cost and  
4 expense of any acquisition or improvement authorized by the Offstreet  
5 Parking District Act sections 19-3301 to 19-3326;

6 (8) The administration, maintenance, operation, and repair of such  
7 offstreet parking facilities, including the maintenance of parking meters  
8 thereon;

9 (9) The collection of fees or charges to pay all or any part of the  
10 cost of improving, repairing, maintaining, or operating offstreet parking  
11 facilities and of acquiring and improving offstreet parking facilities;

12 (10) The employment of engineers, attorneys, and other persons  
13 necessary or convenient for the doing of any acts authorized by the  
14 Offstreet Parking District Act sections 19-3301 to 19-3326; and

15 (11) The doing of all acts and things necessary or convenient for  
16 the accomplishment of the purpose of the Offstreet Parking District Act  
17 sections 19-3301 to 19-3326. The enumeration of specific authority in the  
18 Offstreet Parking District Act sections 19-3301 to 19-3326 does not limit  
19 in any way the general authority granted by the act sections 19-3301 to  
20 19-3326.

21 Sec. 178. Section 19-3304, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-3304 Whenever any notice is to be given or posted pursuant to the  
24 Offstreet Parking District Act provisions of sections 19-3301 to 19-3326  
25 and the officer to give or post notice is not designated, the notice  
26 shall be given or posted by the city engineer. Any notice or posting  
27 shall not be invalidated because such notice or posting are given or done  
28 by an officer other than those whose duty it is to give the notice or  
29 perform the posting.

30 Sec. 179. Section 19-3305, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           19-3305 Any proceedings taken, taxes or assessments levied, or bonds  
2 issued pursuant to the Offstreet Parking District Act sections 19-3301 to  
3 ~~19-3326~~ shall not be held invalid for failure to comply with the act  
4 ~~provisions of sections 19-3301 to 19-3326.~~

5           Sec. 180. Section 19-3306, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           19-3306 Any procedure not expressly set forth in the Offstreet  
8 Parking District Act sections 19-3301 to 19-3326 but deemed necessary or  
9 convenient to carry out any of the its purposes of the act is authorized.

10          Sec. 181. Section 19-3307, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12          19-3307 The remedies provided in the Offstreet Parking District Act  
13 ~~sections 19-3301 to 19-3326~~ for the enforcement of taxes or assessments  
14 levied or bonds issued pursuant to the act provisions of sections 19-3301  
15 ~~to 19-3326~~ are not exclusive and additional remedies may be provided at  
16 any time.

17          Sec. 182. Section 19-3308, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19          19-3308 The curative clauses of the Offstreet Parking District Act  
20 ~~sections 19-3301 to 19-3326~~ are cumulative, and each is to be given full  
21 effect.

22          Sec. 183. Section 19-3309, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24          19-3309 The Offstreet Parking District Act does ~~Sections 19-3301 to~~  
25 ~~19-3326~~ do not affect any other law relating to the same or any similar  
26 subject but provides ~~provide~~ an alternative authority and procedure for  
27 the subject to which it relates ~~they relate~~. When proceeding under the  
28 act sections 19-3301 to 19-3326, only the their provisions of the act  
29 ~~only~~ need be followed.

30          Sec. 184. Section 19-3310, Reissue Revised Statutes of Nebraska, is  
31 amended to read:



1           19-3310 The Offstreet Parking District Act ~~Sections 19-3301 to~~  
2 ~~19-3326~~ shall be liberally construed.

3           Sec. 185. Section 19-3311, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           19-3311 Notwithstanding the provisions of any home rule charter and  
6 in addition to the powers set out in sections 15-269 to 15-276 and 16-801  
7 to 16-811, any city of the primary class, city of the first class, or  
8 city of the ~~, first or second class in Nebraska~~ is hereby authorized to  
9 own, purchase, construct, equip, lease, either as lessee or lessor, or  
10 operate within such city, offstreet parking facilities for the use of the  
11 general public and to refund bonds of the city issued pursuant to the  
12 Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~, or in a city  
13 of the first class to refund outstanding bonds issued to purchase,  
14 construct, equip, or operate such offstreet parking facilities pursuant  
15 to sections 16-801 to 16-811. Except as otherwise provided in any home  
16 rule charter, the grant of power in this section ~~herein~~ does not include  
17 power to engage, directly or indirectly, in the sale of gasoline, oil, or  
18 other merchandise or in furnishing of any service other than of parking  
19 motor vehicles as provided in the act ~~sections 19-3301 to 19-3326~~. Any  
20 such city shall have the authority to acquire by grant, contract, or  
21 purchase, or through condemnation, as provided by law or by any home rule  
22 charter for such acquisition, all real or personal property, including a  
23 site or sites on which to construct such offstreet parking facility,  
24 necessary or convenient in carrying out of this grant of power.  
25 Property ~~;~~ ~~Provided, that property~~ now used or hereafter acquired for  
26 public offstreet motor vehicle parking by a private operator in such  
27 cities shall not be subject to condemnation. Before any such city may  
28 commence a program to construct, purchase, or acquire by other means a  
29 proposed offstreet parking facility or facilities, notice shall be given,  
30 by publication once each week for not less than thirty days, inviting  
31 application for private ownership and operation of offstreet parking

1 facilities, which notice shall fix a date for a public hearing on any  
2 application received. If no application or applications have been  
3 received or if received, the same have been disapproved by the city  
4 council governing body of such city after a public hearing concerning  
5 such applications, then such city may proceed in the exercise of the  
6 powers ~~herein~~ granted in this section. The procedure to condemn property  
7 shall be exercised in the manner set forth in sections 76-701 to 76-724,  
8 except as to properties specifically excluded by section 76-703, and as  
9 to which sections 19-701 to 19-707 are applicable. The duties set forth  
10 for the mayor and city council in sections 19-3312 to 19-3325 shall be  
11 the duties and responsibilities of the city council in any city which by  
12 law or by home rule charter has exclusively vested all legislative powers  
13 of the city in such city council.

14 Sec. 186. Section 19-3312, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-3312 The mayor and city council may fix and establish by  
17 resolution pursuant to the Offstreet Parking District Act ~~provisions of~~  
18 ~~sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet  
19 parking district, which boundaries shall include all the land in the  
20 district which in the opinion of the mayor and city council will be  
21 specially benefited thereby. Notice of the time and place of a hearing  
22 before the city council on the creation of such district and of protests  
23 and objections to the creation of the district as set forth in the notice  
24 shall be given by publication one time each week for not less than three  
25 weeks in a legal daily or weekly newspaper in or of general circulation  
26 ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the  
27 proposed boundaries of the district and the engineer's estimate of the  
28 sum of money to be expended in the acquisition of property and the  
29 construction of the offstreet parking facility. Not later than the hour  
30 set for the hearing any owner or any person interested in any real estate  
31 within the proposed district may severally or with other owners file with

1 the city clerk written objections to the thing proposed to be done, the  
2 extent of the proposed district, or both, and every person so interested  
3 shall have a right to protest on any grounds and to object to his or her  
4 real estate being included in the district, and at such hearing all  
5 objections and protests shall be heard and passed upon by the mayor and  
6 city council.

7 Sec. 187. Section 19-3313, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 19-3313 If the owners of the record title representing more than  
10 fifty percent of the taxable valuation of all of the taxable real  
11 property included in ~~a such~~ offstreet parking district or  
12 districts under the Offstreet Parking District Act, and who were such  
13 owners at the time the notice of hearing on objections to the creation of  
14 the district was first published, file with the city clerk within twenty  
15 days of the first publication of the notice written objections to the  
16 formation of the district, such district shall not be formed. If  
17 objections are not filed by owners of such fifty percent of the taxable  
18 valuation of all of the taxable real property and if the mayor and city  
19 council find, after considering any other protests and objections that  
20 may be filed and after considering the evidence presented at the hearing,  
21 that the public health, welfare, convenience, or necessity requires the  
22 formation of such an offstreet parking district and facilities, then such  
23 district shall be formed by ordinance. If the mayor and city council find  
24 that the boundaries as set forth in the resolution and notice include  
25 land which should not be included, then the ordinance shall fix the  
26 boundaries of the district so as to exclude such land. Each district  
27 formed pursuant to this section shall be numbered and the designation of  
28 the district shall be called, using appropriate numbers, Vehicle  
29 Offstreet Parking District No. .... of the City of .....,  
30 Nebraska. The ordinance creating the district need not designate the  
31 exact location of the proposed offstreet parking facility but shall

1 designate the engineer's estimate of the sum of money to be expended in  
2 the acquisition of property and construction of such offstreet parking  
3 facility or the share of such project as will be borne by the district.

4 The total cost and expenses shall include:

5 (1) The amounts estimated to be paid for the property to be  
6 acquired;

7 (2) All costs and expenses in construction of the offstreet parking  
8 facility;

9 (3) All engineering expense; and

10 (4) The estimated expense of issuing and selling bonds and all other  
11 expenses which the city would not have except for the creation of such  
12 offstreet parking district.

13 Sec. 188. Section 19-3314, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 19-3314 In the ordinance creating an offstreet parking district  
16 pursuant to the Offstreet Parking District Act ~~the district~~, the mayor  
17 and city council shall provide that in addition to the levy of taxes and  
18 pledge of revenue all or a portion of the cost of acquisition, including  
19 construction, maintenance, repair, and reconstruction of any offstreet  
20 parking facility may be paid for by special assessment against the real  
21 estate located in such district in proportion to the special benefit of  
22 each parcel of real estate. The amounts of such special assessments shall  
23 be determined by the mayor and city council sitting as a board of  
24 equalization. Notice of a hearing on any special assessments to be levied  
25 under section 19-3315 shall be given to the landowners in such district  
26 by publication of the description of the land, the amount proposed to be  
27 assessed, and the general purpose for which such assessment is to be made  
28 one time each week for three weeks in a legal ~~daily or weekly~~ newspaper  
29 in or of general circulation ~~published~~ in the city. The notice shall  
30 provide the date, time, and place of hearing to determine any objection  
31 or protest by landowners in the district as to the amount of assessment

1 made against their land. An appeal by writ of error or direct appeal to  
2 the district court of the county in which such city is located may be  
3 taken from the decision of the city council in the same manner and under  
4 like terms and conditions as appeals may be taken from the amount of  
5 special assessments levied in street improvement districts of such city  
6 ~~as now provided by law.~~

7 Sec. 189. Section 19-3315, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 19-3315 The mayor and city council may by resolution levy and assess  
10 taxes and assessments under the Offstreet Parking District Act as  
11 follows:

12 (1) A property tax within any offstreet parking district of not to  
13 exceed thirty-five cents on each one hundred dollars of taxable valuation  
14 of taxable property within such district subject to section 77-3443 to  
15 pay all or any part of the cost to improve, repair, maintain,  
16 reconstruct, operate, or acquire any offstreet parking facility and to  
17 pay principal and interest on any bonds issued for an offstreet parking  
18 facility for such district. Such tax shall be levied and collected at the  
19 same time and under the same provisions as the regular general city tax.  
20 The taxes collected from any such district shall be used only for the  
21 benefit of such district. For purposes of subsection (2) of section  
22 77-3443, the tax shall be counted in the allocation by the city  
23 proportionately, by dividing the total taxable valuation of the taxable  
24 property within the district by the total taxable valuation of the  
25 taxable property within the city multiplied by the levy of the district;

26 (2) A special assessment against the real property located in an  
27 offstreet parking ~~such~~ district to the extent of the special benefit  
28 thereto for the purpose of paying all or any part of the total costs and  
29 expenses of acquisition, including construction, of an offstreet parking  
30 facility in such district. The special assessment shall be levied as  
31 provided in section 19-3314. In the event that subsequent to the levy of

1 assessments the use of any parcel of land changes so that, had the new  
2 use existed at the time of making such levy, the assessment on such  
3 parcel would have been higher than the assessment actually made, an  
4 additional assessment may be made on such parcel by the mayor and city  
5 council taking into consideration the new and changed use of the  
6 property. The total amount of assessments levied under this subdivision  
7 shall not exceed the total costs and expenses of acquiring a facility  
8 defined in section 19-3313. The levy of an additional assessment shall  
9 not reduce or affect in any manner the assessments previously levied.  
10 Additional assessments shall be levied as provided in section 19-3314,  
11 except that published notice may be omitted if notice is personally  
12 served on the owner at least twenty days prior to the date of hearing.  
13 All assessments levied under this subdivision shall constitute a sinking  
14 fund for the payment of principal and interest on bonds issued for such  
15 facility as provided by section 19-3317 until such bonds and interest are  
16 fully paid; and

17 (3) A special assessment against the real property located in an  
18 offstreet parking ~~such~~ district to the extent of special benefit thereto  
19 for the purpose of paying all or any part of the costs of maintenance,  
20 repair, and reconstruction of such offstreet parking facility in the  
21 district. The mayor and city council may levy such assessments under  
22 either of the following methods: (a) The mayor and city council may, not  
23 more frequently than annually, determine the costs of maintenance,  
24 repair, and reconstruction of such facility and such costs shall be  
25 assessed to the real property located in such district as provided by  
26 section 19-3314. At the hearing on such assessments, objections may be  
27 made to the total costs and the proposed allocation of such costs among  
28 the parcels of real property in such district; or (b) after notice is  
29 given to the owners as provided in section 19-3314, the mayor and city  
30 council may establish and may change from time to time the percentage of  
31 such costs of maintenance, repair, and reconstruction which each parcel

1 of real property in any district shall pay. Thereafter, the mayor and  
2 city council shall annually determine the total amount of such costs for  
3 each period since costs were last assessed and shall after a hearing  
4 assess such costs to the real property in the district in accordance with  
5 the percentages previously established or as established at such hearing.  
6 Notice of such hearing shall be given as provided in section 19-3314 and  
7 shall state the total cost and percentage to be assessed to each parcel  
8 of real property. Unless written objections are filed with the city clerk  
9 at least five days before the hearing, all objections to the amount of  
10 total costs and the assessment percentages shall be deemed to have been  
11 waived and assessments shall be levied as stated in such notice unless  
12 the mayor and city council reduce any assessment. At such hearing, the  
13 assessment percentage for the assessment of costs in the future may be  
14 changed.

15 Sec. 190. Section 19-3315.01, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 19-3315.01 (1) In addition to uses otherwise authorized in the  
18 Offstreet Parking District Act, any money available from taxes or  
19 assessments levied pursuant to section 19-3315 or revenue derived from  
20 the operation of an offstreet parking facility may be used in an  
21 offstreet parking ~~the~~ district for any one or more of the following  
22 purposes as determined by a vote of the majority of the city council:

23 (a) Improvement of any public place or facility, including  
24 landscaping, physical improvements for decoration or security purposes,  
25 and plantings;

26 (b) Construction or installation of pedestrian shopping malls or  
27 plazas, sidewalks or moving sidewalks, parks, meeting and display  
28 facilities, bus stop shelters, lighting, benches or other seating  
29 furniture, sculptures, trash receptacles, shelters, foundations,  
30 skywalks, and pedestrian and vehicular overpasses and underpasses, and  
31 any useful or necessary public improvements;

1 (c) Leasing, acquiring, constructing, reconstructing, extending,  
2 maintaining, or repairing parking lots or parking garages, both above and  
3 below the ground, or other facilities for the parking of vehicles,  
4 including the power to install such facilities in public areas, whether  
5 such areas are owned in fee or by easement;

6 (d) Creation and implementation of a plan for improving the general  
7 architectural design of public areas;

8 (e) Development of any public activities and promotion of public  
9 events, including the management, promotion, and advocacy of retail trade  
10 activities or other promotional activities;

11 (f) Maintenance, repair, and reconstruction of any publicly owned  
12 improvements or facilities;

13 (g) The creation by ordinance and operation of a revolving loan fund  
14 for the purpose of providing financing upon appropriate terms and  
15 conditions for capital improvements to privately owned facilities,  
16 subject to the following conditions:

17 (i) No loan from such fund shall exceed an amount equivalent to  
18 forty-nine percent of the total cost of the improvements to be financed  
19 by the loan;

20 (ii) The city shall require and receive appropriate security to  
21 guarantee the repayment of the loan; and

22 (iii) The proposed improvements to be financed shall serve to foster  
23 the purposes of the Offstreet Parking District Act aet, promote economic  
24 activity, or contribute to the public health, safety, and welfare;

25 (h) Any other project or undertaking for the betterment of the  
26 public facilities, whether the project is capital or noncapital in  
27 nature;

28 (i) Enforcement of parking regulations and the provision of  
29 security; and

30 (j) Employing or contracting for personnel, including  
31 administrators, for any improvement program under the Offstreet Parking



1 District Act ~~act~~, and providing for any service as may be necessary or  
2 proper to carry out the purposes of the act.

3 (2) If any part of the revenue from fees and charges on the use of  
4 an offstreet parking facility or from onstreet parking meters within the  
5 district has been dedicated for the payment of principal or interest on  
6 bonds issued pursuant to section 19-3317 or has been pledged as security  
7 for such bonds, such revenue shall not be used for the purposes set forth  
8 in subsection (1) of this section until such time as such bonds have been  
9 fully paid or sufficient revenue has been placed in the sinking fund to  
10 guarantee such repayment.

11 (3) If the city council proposes to exercise the authority granted  
12 by subsection (1) of this section for any one or more of the purposes set  
13 forth in such subsection within the boundaries of a district in existence  
14 prior to September 13, 1997, the city clerk shall give notice of the city  
15 council's intention to exercise such authority by publishing notice of  
16 such intent in a legal newspaper in or of general circulation in the city  
17 once a week for two consecutive weeks. The notice shall describe the  
18 proposed new uses for district revenue and shall specify the time for  
19 hearing objections to such uses, which time shall be at least fifteen  
20 days after the date of publication of the notice. The city clerk shall  
21 accept written protests or objections to the approval of the proposed new  
22 uses of district revenue. If the owners of real property representing  
23 more than fifty percent of the actual valuation of all real property in  
24 the district file a written protest or objection within twenty days after  
25 the date of publication of the notice, district revenue shall not be  
26 applied to such uses.

27 Sec. 191. Section 19-3316, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-3316 Special assessments levied pursuant to section 19-3315 shall  
30 become due in fifty days after the date of such levy and shall become  
31 delinquent in one or more installments over a period of not to exceed

1 twenty years, in such manner as the mayor and city council shall  
2 determine at the time of making the levy. The first installment may  
3 become delinquent in fifty days after the date of levy if so specified by  
4 the mayor and the city council. Each of such installments shall draw  
5 interest before due date of not more than the rate of interest specified  
6 in section 45-104.01, as such rate may from time to time be adjusted by  
7 the Legislature, and after delinquency at the rate specified in section  
8 45-104.01, as such rate may from time to time be adjusted by the  
9 Legislature, as the mayor and city council shall determine at the time  
10 the levy shall be made, except that any installment may be paid within  
11 fifty days of the date of such levy without interest being charged  
12 thereon. If three or more of such installments become delinquent and  
13 unpaid on the same property, the mayor and city council may by resolution  
14 declare all future installments on such delinquent property to be due on  
15 a future fixed date. The resolution shall set forth the description of  
16 the property and the name of its record title owner and shall provide  
17 that all future installments shall become delinquent upon such fixed  
18 date. A copy of such resolution shall be published one time each week for  
19 not less than twenty days in a legal newspaper in or of general  
20 circulation ~~published in the city or, if none is published in the city, a~~  
21 ~~legal newspaper of general circulation in such city.~~ After the fixed  
22 date, such future installments shall be deemed to be delinquent and the  
23 city may proceed to enforce and collect the total amount due and all  
24 future installments. Except as otherwise provided, all special  
25 assessments levied under section 19-3315 shall be liens on the property  
26 and shall be certified for collection and be collected in the same manner  
27 as special assessments made for improvements in street improvement  
28 districts in the city are collected.

29 Sec. 192. Section 19-3317, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-3317 For the purpose of paying the cost of such offstreet parking

1 facility, or any portion thereof, or to refund all or a portion of any  
2 outstanding bonds of the city authorized to be refunded by the Offstreet  
3 Parking District Act sections 19-3301 to 19-3326, the mayor and city  
4 council shall have power and may, by ordinance, cause to be issued  
5 general obligation bonds of the city, to be called Offstreet Parking  
6 Bonds of the City of ....., Nebraska, payable in not exceeding twenty  
7 years from date and bearing interest, payable either annually or  
8 semiannually, not exceeding a rate of twelve percent per annum with  
9 interest coupons attached. In such cases they shall also provide that  
10 special taxes levied within the district pursuant to section 19-3315  
11 shall constitute a sinking fund for the payment of such bonds and the  
12 mayor and city council may, in the ordinance, pledge all or any part of  
13 the revenue from fees and charges on the use of the parking facility or  
14 fees and charges from onstreet parking meters within the district not  
15 already pledged as security for such bonds. There shall be levied upon  
16 all the taxable property in such city a tax which, together with such  
17 sinking fund derived from special assessments and other revenue pledged  
18 for the payment of the bonds and interest thereon, shall be sufficient to  
19 meet payments of interest and principal as the same become due. All such  
20 bonds shall bear such date or dates, mature at such time or times, be in  
21 such denominations, be in such form either coupon or registered, carry  
22 such registration privileges, be executed in such manner, and be payable  
23 in such medium of payment, and at such place or places within or without  
24 the State of Nebraska as such ordinance may provide. No proceedings for  
25 the issuance of bonds of any city shall be required other than those  
26 required by the Offstreet Parking District Act provisions of sections  
27 19-3301 to 19-3326. Such bonds may be issued either before or after the  
28 completion of the acquisition or construction of the offstreet parking  
29 facility, as the mayor and city council may determine best. For the  
30 purpose of paying costs of an offstreet parking facility prior to  
31 issuance of bonds, warrants may be issued by the mayor and city council

1 upon such terms as the mayor and city council may determine, which  
2 warrants shall be redeemed and paid upon the sale of bonds authorized in  
3 this section.

4 Sec. 193. Section 19-3318, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 19-3318 The owners of the record title of any real property within a  
7 given area in any city of the first class or city of the second class  
8 representing fifty-five percent of the total taxable valuation of all of  
9 the taxable real property within the proposed district to be formed,  
10 which district must consist of contiguous lands and lots, may petition  
11 the mayor and city council to create a vehicle offstreet parking district  
12 by ordinance, which district shall be consecutively numbered, and to  
13 acquire property and construct an offstreet parking facility thereon as  
14 provided in the Offstreet Parking District Act. For purposes of the act,  
15 property separated by streets or alleys shall be deemed to be contiguous.

16 The petition shall contain:

17 (1) A general description of the exterior boundaries of the proposed  
18 district;

19 (2) A general statement of the estimated amount of money involved in  
20 the acquisition of the land and property and construction of the  
21 facility;

22 (3) A general description of the improvements proposed to be made or  
23 constructed; and

24 (4) A statement that the petition is filed pursuant to this section.

25 The petition may consist of any number of separate instruments, but  
26 a description of the real property represented by each petitioner shall  
27 be included either opposite the signature or by separate instrument.

28 When the petition is filed, the city clerk shall check or cause it  
29 to be checked. If it is signed by qualified signers representing the  
30 required percentage of the total taxable valuation, the city clerk shall  
31 make a certificate to that effect and present the petition and

1 certificate to the mayor and city council.

2 Sec. 194. Section 19-3319, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 19-3319 When such petition is presented to the mayor and city  
5 council pursuant to section 19-3318, it shall be the duty of the mayor  
6 and city council to proceed as provided in sections 19-3312 and 19-3313  
7 as upon the passage of a resolution for the creation of an offstreet  
8 parking district. The same procedure for publication of notice and  
9 objections to the creation of the district shall apply.

10 Sec. 195. Section 19-3320, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 19-3320 Whether the ordinance creating an ~~the~~ offstreet parking  
13 district is passed on the initiative of the city council or on the  
14 petition of landowners, the city council shall not change the boundaries,  
15 except after notice of intention to do so given by the city clerk by one  
16 insertion in the legal newspaper in which the ordinance and notice were  
17 published. The notice shall describe the proposed change and specify the  
18 time for hearing objections, which shall be at least fifteen days after  
19 publication of the notice.

20 Sec. 196. Section 19-3321, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 19-3321 If a ~~the~~ change proposed pursuant to section 19-3320 is to  
23 include additional land in the district, the city clerk also shall mail a  
24 copy of the notice to each person to whom land in the area proposed to be  
25 added is assessed as shown in the office of the register of deeds or the  
26 county clerk at such person's last-known address. The notice shall be  
27 mailed by certified mail at least fifteen days prior to the time set for  
28 hearing objections. If the boundaries are changed, objection or protest  
29 made by owners of lands excluded by the change shall not be counted in  
30 computing a protest but written objection or protest made by owners of  
31 the remaining assessable land in the district, including assessable land

1 added by the change and filed with the city clerk not later than the time  
2 set for hearing, objecting to the proposed change shall be included in  
3 computing the protest. If owners of real property representing more than  
4 fifty percent of the taxable valuation of all real property in such new  
5 proposed district after the change of boundaries file a written protest  
6 within twenty days after the notice is published in such newspaper, then  
7 such district may not be changed.

8 Sec. 197. Section 19-3322, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 19-3322 Any land which in the judgment of the mayor and city council  
11 will not be benefited shall not be included in an offstreet parking the  
12 district under the Offstreet Parking District Act.

13 Sec. 198. Section 19-3323, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 19-3323 If the proceedings for the creation of an original offstreet  
16 parking district or for an offstreet parking district under which the  
17 boundaries have been changed, are terminated by a protest to the city  
18 council, a proceeding under the Offstreet Parking District Act ~~provisions~~  
19 ~~of sections 19-3301 to 19-3326~~ for the same or substantially the same  
20 acquisition and improvement shall not be commenced within one year  
21 thereafter, except on petitions signed by owners of the record title  
22 representing a majority of the total land area in the district.

23 Sec. 199. Section 19-3324, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-3324 Any protest or objection made pursuant to the Offstreet  
26 Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ or any  
27 signature to such objection or protest may be withdrawn by a written  
28 withdrawal signed by the person or persons who signed the protest or  
29 objection or who affixed the signature to be withdrawn and filed with the  
30 city clerk at any time prior to the determination of the mayor and city  
31 council as to whether or not a protest exists. Any protest, objection, or

1 signature withdrawn shall not be counted in computing the protest.

2 Sec. 200. Section 19-3325, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 19-3325 Proceedings under the Offstreet Parking District Act  
5 ~~sections 19-3301 to 19-3326~~ shall not be attacked after the hearing upon  
6 any grounds not stated in an objection or protest filed pursuant to the  
7 act provisions of sections 19-3301 to 19-3326. Any owner of real estate  
8 or person interested in any real estate within the district is estopped  
9 to attack the proceedings upon any ground not stated in the protest filed  
10 by him or her pursuant to the Offstreet Parking District Act provisions  
11 ~~of sections 19-3301 to 19-3326~~.

12 Sec. 201. Section 19-3326, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 19-3326 (1) After the issuance of bonds under the Offstreet Parking  
15 District Act hereunder by a city of the first class or city of the second  
16 class, a certificate shall be issued by the city clerk certifying the  
17 same to the county treasurer of the county in which such city is located  
18 and the annual taxes within the district shall be handled in the same  
19 manner and collected in the same manner as intersection bonds for street  
20 paving in the cities of the first class or cities of the second class in  
21 ~~Nebraska~~ and to be paid to the city for use as provided by the act  
22 ~~sections 19-3301 to 19-3326~~.

23 (2) After the issuance of bonds under the Offstreet Parking District  
24 Act hereunder by a city of the primary class, a certificate shall be  
25 issued by the city clerk. Taxes shall be handled and collected as  
26 otherwise provided by law or by home rule charter for such city, and  
27 those taxes paid to the city shall be used as provided in the act  
28 ~~sections 19-3301 to 19-3327~~.

29 Sec. 202. Section 19-3327, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 19-3327 Any city of the primary class, city of the first class, or

1 city of the ,~~first, or~~ second class, after the creation of an offstreet  
2 parking district pursuant to the Offstreet Parking District Act, shall  
3 have the power to own, purchase, construct, equip, lease, or operate  
4 within such city any offstreet parking facility in addition to any  
5 offstreet parking facility contemplated at the time of the creation of  
6 the district if the mayor and city council are of the opinion that the  
7 district will be benefited thereby. Whenever the city council deems it  
8 advisable to own, purchase, construct, equip, lease, or operate such  
9 additional facility, the city council shall by resolution set forth the  
10 engineer's estimate of the sum of money to be expended in the acquisition  
11 of property and the construction of the offstreet parking facility and a  
12 description of the facility to be constructed, and if such resolution  
13 proposes to acquire by grant, contract, or purchase, or through  
14 condemnation any offstreet parking facility, the resolution shall state  
15 the price and conditions and how such facility shall be acquired, and if  
16 assessments are to be levied, the resolution shall state the proposed  
17 boundaries of the area in the district in which the special assessments  
18 shall be levied. Notice of the time and place of a hearing before the  
19 city council on such resolution shall be given by publication one time  
20 each week for two weeks in a legal daily or weekly newspaper in or of  
21 general circulation ~~published~~ in the city. The publication shall contain  
22 the entire resolution. The last publication shall not be less than five  
23 days nor more than two weeks prior to the date set for such hearing. Not  
24 later than the hour set for the hearing, any owner or any person  
25 interested in any real property within the proposed area may file with  
26 the city clerk written objections to the resolution, the extent of the  
27 proposed area, or both, and every person so interested shall have a right  
28 to protest on any grounds and to object to his or her real property being  
29 included in the area. At such hearing all objections and protests shall  
30 be heard and passed upon by the mayor and city council. If the owners of  
31 record title representing more than sixty percent of the taxable



1 valuation of all of the taxable real property included in such proposed  
2 area and who were such owners at the time the notice of hearing on  
3 objections to the creation of the facility was first published file a  
4 petition with the city clerk within three days of the date set for the  
5 hearing, such resolution shall not be passed.

6 Sec. 203. Section 19-3501, Revised Statutes Supplement, 2017, is  
7 amended to read:

8 19-3501 (1) The city council governing body of cities of the first  
9 class and cities of the second class and the village board of trustees of  
10 ~~and second classes and villages~~ may, by appropriate ordinance or proper  
11 resolution, establish a pension plan designed and intended for the  
12 benefit of the regularly employed or appointed full-time employees of the  
13 city or village. Any recognized method of funding a pension plan may be  
14 employed. The plan shall be established by appropriate ordinance or  
15 proper resolution, which may provide for mandatory contribution by the  
16 employee. The city or village may also contribute, in addition to any  
17 amounts contributed by the employee, amounts to be used for the purpose  
18 of funding employee past service benefits. Any two or more cities of the  
19 first class, cities of the second class, ~~and second classes~~ and villages  
20 may jointly establish such a pension plan by adoption of appropriate  
21 ordinances or resolutions. Such a pension plan may be integrated with old  
22 age and survivors insurance, otherwise generally known as social  
23 security.

24 (2) Beginning December 31, 1998, through December 31, 2017:

25 (a) The city clerk or village clerk of a city or village with a  
26 retirement plan established pursuant to this section and section 401(a)  
27 of the Internal Revenue Code shall file with the Public Employees  
28 Retirement Board an annual report on such plan and shall submit copies of  
29 such report to the Auditor of Public Accounts. The Auditor of Public  
30 Accounts may prepare a review of such report pursuant to section  
31 84-304.02 but is not required to do so. The annual report shall be in a

1 form prescribed by the Public Employees Retirement Board and shall  
2 contain the following information for each such retirement plan:

- 3 (i) The number of persons participating in the retirement plan;
- 4 (ii) The contribution rates of participants in the plan;
- 5 (iii) Plan assets and liabilities;
- 6 (iv) The names and positions of persons administering the plan;
- 7 (v) The names and positions of persons investing plan assets;
- 8 (vi) The form and nature of investments;
- 9 (vii) For each defined contribution plan, a full description of  
10 investment policies and options available to plan participants; and
- 11 (viii) For each defined benefit plan, the levels of benefits of  
12 participants in the plan, the number of members who are eligible for a  
13 benefit, and the total present value of such members' benefits, as well  
14 as the funding sources which will pay for such benefits.

15 If a plan contains no current active participants, the city clerk or  
16 village clerk may file in place of such report a statement with the  
17 Public Employees Retirement Board indicating the number of retirees still  
18 drawing benefits, and the sources and amount of funding for such  
19 benefits; and

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

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

11 (3) Subsection (1) of this section shall not apply to firefighters  
12 or police officers who are included under an existing pension or  
13 retirement system established by the municipality employing such  
14 firefighters or police officers or the Legislature. If a city of the  
15 first class decreases in population to less than five thousand, as  
16 determined by the most recent federal decennial census or the most recent  
17 revised certified count by the United States Bureau of the Census, any  
18 police officer or firefighter employed by such city on or prior to the  
19 date such city becomes a city of the second class shall retain the level  
20 of benefits established by the Legislature for police officers or  
21 firefighters employed by a city of the first class on the date such city  
22 becomes a city of the second class.

23 Sec. 204. Section 19-3701, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-3701 All ordinances for the government of any city of the first  
26 class, city of the ~~or~~ second class, ~~or of any~~ village, adopted by the  
27 voters of such said city or village after submission to them by either  
28 initiative or referendum petition, shall become immediately effective  
29 thereafter. No ~~;~~ ~~but no~~ ordinance for the government of any such city or  
30 village except as provided in sections 16-405 and 17-613, which has been  
31 adopted by such city or village without submission to the voters of such

1 city or village, shall go into effect until fifteen days after the  
2 passage of such ordinance.

3 Sec. 205. Section 19-3801, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 19-3801 Any city of the first class, city of the ~~or~~ second class, or  
6 ~~any~~ village may, under the provisions of the Interlocal Cooperation Act  
7 or Joint Public Agency Act, enter into a contract with the county board  
8 of its county for police services to be provided by the county sheriff.  
9 The county board shall enter into such a contract when requested by a  
10 village to do so. Whenever any such contract has been entered into, the  
11 sheriff shall, in addition to his or her other powers and duties, have  
12 all the powers and duties of peace officers within and for the city or  
13 village so contracting.

14 Sec. 206. Section 19-4017, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 19-4017 Cities of the metropolitan class, primary class, first  
17 class, and second class in the state at present have business areas in  
18 need of improvement and development, but lack the funds with which to  
19 provide and maintain such improvements. The purpose of the Business  
20 Improvement District Act is to provide a means by which such cities may  
21 raise the necessary funds to be used for the purpose of providing and  
22 maintaining the improvements authorized by the act.

23 Sec. 207. Section 19-4017.01, Revised Statutes Cumulative  
24 Supplement, 2016, is amended to read:

25 19-4017.01 For purposes of the Business Improvement District Act:

26 (1) Assessable unit means front foot, square foot, equivalent front  
27 foot, or other unit of assessment established under the proposed method  
28 of assessment set forth in the ordinance creating a business improvement  
29 district ~~Record owner shall mean the fee owner of real property as shown~~  
30 ~~in the records of the register of deeds office in the county in which the~~  
31 ~~business area is located. A contract purchaser of real property shall be~~

1 ~~considered the record owner and the only person entitled to petition~~  
2 ~~pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section~~  
3 ~~19-4027 or 19-4029.04, if the contract is recorded in the register of~~  
4 ~~deeds office in the county in which the business area is located;~~

5 (2) Business area means an established area of the city zoned for  
6 business, public, or commercial purposes ~~Assessable unit shall mean front~~  
7 ~~foot, square foot, equivalent front foot, or other unit of assessment~~  
8 ~~established under the proposed method of assessment set forth in the~~  
9 ~~ordinance creating a business improvement district;~~

10 (3) Record owner means the fee owner of real property as shown in  
11 the records of the register of deeds office in the county in which the  
12 business area is located. A contract purchaser of real property shall be  
13 considered the record owner and the only person entitled to petition  
14 pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section  
15 19-4027 or 19-4029.04, if the contract is recorded in the register of  
16 deeds office in the county in which the business area is located ~~Space~~  
17 ~~shall mean the square foot space wherein customers, patients, clients, or~~  
18 ~~other invitees are received and space from time to time used or available~~  
19 ~~for use in connection with a business or profession of a user, excepting~~  
20 ~~all space owned or used by political subdivisions; and~~

21 (4) Space means the square foot space wherein customers, patients,  
22 clients, or other invitees are received and space from time to time used  
23 or available for use in connection with a business or profession of a  
24 user, excepting all space owned or used by political subdivisions  
25 ~~Business area shall mean an established area of the city zoned for~~  
26 ~~business, public, or commercial purposes.~~

27 Sec. 208. Section 19-4018, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 19-4018 Pursuant to the Business Improvement District Act, cities of  
30 the metropolitan class, primary class, first class, or second class may  
31 impose (1) a special assessment upon the property within a business

1 improvement district in the city or (2) a general business occupation tax  
2 on businesses and users of space within a business improvement district.  
3 After March 27, 2014, any occupation tax imposed pursuant to this section  
4 shall make a reasonable classification of businesses, users of space, or  
5 kinds of transactions for purposes of imposing such tax, except that no  
6 occupation tax shall be imposed on any transaction which is subject to  
7 tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
8 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section  
9 77-2704.24. The proceeds or other available funds may be used for the  
10 purposes stated in section 19-4019.

11 Sec. 209. Section 19-4019, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 19-4019 Any money available under section 19-4018 may be used for  
14 any one or more of the following purposes:

15 (1) The acquisition, construction, maintenance, and operation of  
16 public offstreet parking facilities for the benefit of the business  
17 improvement district area;

18 (2) Improvement of any public place or facility in the business  
19 improvement district area, including landscaping, physical improvements  
20 for decoration or security purposes, and plantings;

21 (3) Construction or installation of pedestrian shopping malls or  
22 plazas, sidewalks or moving sidewalks, parks, meeting and display  
23 facilities, bus stop shelters, lighting, benches or other seating  
24 furniture, sculptures, trash receptacles, shelters, fountains, skywalks,  
25 and pedestrian and vehicular overpasses and underpasses, and any useful  
26 or necessary public improvements in the business improvement district  
27 area;

28 (4) Leasing, acquiring, constructing, reconstructing, extending,  
29 maintaining, or repairing parking lots or parking garages, both above and  
30 below ground, or other facilities for the parking of vehicles, including  
31 the power to install such facilities in public areas, whether such areas

1 are owned in fee or by easement, in the business improvement district  
2 area;

3 (5) Creation and implementation of a plan for improving the general  
4 architectural design of public areas in the business improvement  
5 district;

6 (6) The development of any public activities and promotion of public  
7 events, including the management and promotion and advocacy of retail  
8 trade activities or other promotional activities, in the business  
9 improvement district area;

10 (7) Maintenance, repair, and reconstruction of any improvements or  
11 facilities authorized by the Business Improvement District Act;

12 (8) Any other project or undertaking for the betterment of the  
13 public facilities in the business improvement district area, whether the  
14 project be capital or noncapital in nature;

15 (9) Enforcement of parking regulations and the provision of security  
16 within the business improvement district area; and

17 (10) Employing or contracting for personnel, including  
18 administrators for any improvement program under the act, and providing  
19 for any service as may be necessary or proper to carry out the purposes  
20 of the act.

21 Sec. 210. Section 19-4021, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 19-4021 The mayor, with the approval of the city council, shall  
24 appoint a business improvement board consisting of property owners,  
25 residents, business operators, or users of space within the business area  
26 to be improved. The boundaries of the business area shall be declared by  
27 resolution of the city council at or prior to the time of the appointment  
28 of the business improvement board. The business improvement board shall  
29 make recommendations to the city council for the establishment of a plan  
30 or plans for improvements in the business area. If it is found that the  
31 improvements to be included in one business area offer benefits that

1 cannot be equitably assessed together under the Business Improvement  
2 District Act, more than one business improvement district as part of the  
3 same plan for improvements for that business area may be proposed. The  
4 business improvement board may make recommendations to the city as to the  
5 use of any occupation tax funds collected, and may administer such funds  
6 if so directed by the mayor and city council. The business improvement  
7 board shall also review and make recommendations to the city regarding  
8 expansion of the boundaries of the business improvement district under  
9 sections 19-4029.02 to 19-4029.05.

10 Sec. 211. Section 19-4022, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 19-4022 The business improvement board shall consist of five or more  
13 members to serve such terms as the city council, by resolution,  
14 determines. The mayor, with the approval of the city council, shall fill  
15 any vacancy for the term vacated. A board member may serve more than one  
16 term. The board shall select from its members a chairperson and a  
17 secretary.

18 Sec. 212. Section 19-4026, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 19-4026 In the event that the city council has not acted to call a  
21 hearing to create a business improvement district as provided in section  
22 19-4029, it shall do so when presented with a petition signed by the  
23 record owners of thirty percent of the assessable front footage in a  
24 business area or by the users of thirty percent of space in a business  
25 area.

26 Sec. 213. Section 19-4027, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28 19-4027 Whenever a hearing is held under section 19-4029, the city  
29 council shall:

30 (1) Hear all protests and receive evidence for or against the  
31 proposed action;



1 (2) Rule upon all written protests received prior to the close of  
2 the hearing, which ruling shall be final; and

3 (3) Continue the hearing from time to time as the city council may  
4 deem necessary.

5 If a special assessment is to be used, proceedings shall terminate  
6 if written protest is made prior to the close of the hearing by the  
7 record owners of over fifty percent of the assessable units in the  
8 proposed business improvement district. If an occupation tax is to be  
9 used, proceedings shall terminate if protest is made by users of over  
10 fifty percent of the space in the proposed business improvement district.

11 Sec. 214. Section 19-4028, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13 19-4028 If the city council decides to change the boundaries of the  
14 proposed business improvement district or to change the proposed  
15 modifications to the boundaries of an existing business improvement  
16 district or districts from those recommended by the business improvement  
17 board, the hearing shall be continued to a time at least fifteen days  
18 after such decision and the notice shall be given as prescribed in  
19 section 19-4029.01, showing the boundary amendments. The city council may  
20 not expand the proposed boundaries recommended by the business  
21 improvement board without the city council's proposed boundaries being  
22 considered by the business improvement board.

23 Sec. 215. Section 19-4029, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 19-4029 Upon receiving ~~a~~ the recommendation from ~~a~~ the business  
26 improvement board, the city council may create one or more business  
27 improvement districts. The city council, following a hearing, may  
28 establish or reject any proposed business improvement district or  
29 districts. If the city council decides to establish any business  
30 improvement district, it shall adopt an ordinance to that effect. This  
31 ordinance shall contain the following information:

1 (1) A statement that notice of hearing was given, including the date  
2 or dates on which it was given, in accordance with section 19-4029.01;

3 (2) The time and place the hearing was held concerning the formation  
4 of such business improvement district;

5 (3) A statement that a business improvement district has been  
6 established;

7 (4) The purposes of the business improvement district, and the  
8 public improvements and facilities to be included in such district;

9 (5) The description of the boundaries of the business improvement  
10 ~~such~~ district;

11 (6) A statement that the businesses and users of space in the  
12 business improvement district shall be subject to the general business  
13 occupation tax or that the real property in the business improvement  
14 district will be subject to the special assessment authorized by the  
15 Business Improvement District Act;

16 (7) The proposed method of assessment to be imposed within the  
17 business improvement district or the initial rate of the occupation tax  
18 to be imposed; and

19 (8) Any penalties to be imposed for failure to pay the tax or  
20 special assessment.

21 The ordinance shall recite that the method of raising revenue shall  
22 be fair and equitable. In the use of a general occupation tax, the tax  
23 shall be based primarily on the square footage of the owner's and user's  
24 place of business. In the use of a special assessment, the assessment  
25 shall be based upon the special benefit to the property within the  
26 business improvement district.

27 Sec. 216. Section 19-4029.01, Revised Statutes Cumulative  
28 Supplement, 2016, is amended to read:

29 19-4029.01 (1) At least ten days prior to the date of any hearing  
30 under sections 19-4029, 19-4029.02, and 19-4029.03, notice of such  
31 hearing shall be given by:

1 (a) One publication of the notice of hearing in a legal newspaper in  
2 or of general circulation in the city;

3 (b) Mailing a copy of the notice of hearing to each owner of taxable  
4 property as shown on the latest tax rolls of the county treasurer for  
5 such county;

6 (c) Providing a copy of the notice of hearing to any neighborhood  
7 association registered pursuant to subsection (2) of this section in the  
8 manner requested by such neighborhood association; and

9 (d) If an occupation tax is to be imposed, mailing a copy of the  
10 notice of hearing to each user of space in the proposed district.

11 (2) The notice required by subdivision (1)(c) of this section shall  
12 be provided to any neighborhood association which is registered pursuant  
13 to this subsection and whose area of concern is located, in whole or in  
14 part, within a one-mile radius of the existing or proposed boundaries of  
15 the district. Each neighborhood association desiring to receive such  
16 notice shall register with the city the area of concern of such  
17 association and provide the name of and contact information for the  
18 individual who is to receive notice on behalf of such association and the  
19 requested manner of service, whether by email or regular, certified, or  
20 registered mail. The registration shall be in accordance with any rules  
21 adopted and promulgated by the city.

22 (3) Any notice of hearing for any hearing required by section  
23 19-4029 shall contain the following information:

24 (a) A description of the boundaries of the proposed business  
25 improvement district;

26 (b) The time and place of a hearing to be held by the city council  
27 to consider establishment of the business improvement district;

28 (c) The proposed public facilities and improvements to be made or  
29 maintained within any business improvement ~~such~~ district; and

30 (d) The proposed or estimated costs for improvements and facilities  
31 within the proposed business improvement district and the method by which

1 the revenue shall be raised. If a special assessment is proposed, the  
2 notice shall also state the proposed method of assessment.

3 (4) Any notice of hearing for any hearing required by sections  
4 19-4029.02 and 19-4029.03 shall contain the following information:

5 (a) A description of the boundaries of the area to be added to the  
6 existing business improvement district and a description of the new  
7 boundaries of the modified business improvement district;

8 (b) The time and place of a hearing to be held by the city council  
9 to consider establishment of the modified business improvement district;

10 (c) The new public facilities and improvements, if any, to be made  
11 or maintained within any business improvement ~~such~~ district; and

12 (d) The proposed or estimated costs for new and existing  
13 improvements and facilities within the proposed modified business  
14 improvement district and the method by which the revenue shall be raised.

15 If a special assessment is proposed, the notice shall also state the  
16 proposed method of assessment.

17 Sec. 217. Section 19-4029.04, Revised Statutes Cumulative  
18 Supplement, 2016, is amended to read:

19 19-4029.04 Whenever a hearing is held to expand business improvement  
20 district boundaries under section 19-4029.02 or 19-4029.03, the city  
21 council shall:

22 (1) Hear all protests and receive evidence for or against the  
23 proposed action;

24 (2) Rule upon all written protests received prior to the close of  
25 the hearing, which ruling shall be final; and

26 (3) Continue the hearing from time to time as the city council may  
27 deem necessary.

28 If a special assessment is to be used, proceedings shall terminate  
29 if written protest is made prior to the close of the hearing by the  
30 record owners of over fifty percent of the assessable units in the  
31 modified business improvement district as proposed. If an occupation tax

1 is to be used, proceedings shall terminate if protest is made by users of  
2 over fifty percent of space in the modified business improvement district  
3 as proposed.

4 Sec. 218. Section 19-4029.05, Revised Statutes Cumulative  
5 Supplement, 2016, is amended to read:

6 19-4029.05 The city council, following a hearing under section  
7 19-4029.02 or 19-4029.03, may expand the boundaries of any business  
8 improvement district or districts. If the city council decides to expand  
9 the boundaries, it shall adopt an ordinance to that effect. This  
10 ordinance shall contain the following information:

11 (1) The name of the business improvement district whose boundaries  
12 will be expanded;

13 (2) A statement that notice of hearing was given, including the date  
14 or dates on which it was given, in accordance with section 19-4029.01;

15 (3) The time and place the hearing was held concerning the new  
16 boundaries of the business improvement ~~such~~ district;

17 (4) The purposes of the boundary expansion and any new public  
18 improvements and facilities to be included in the business improvement  
19 ~~such~~ district;

20 (5) The description of the new boundaries of the business  
21 improvement ~~such~~ district;

22 (6) A statement that the businesses and users of space in the  
23 modified business improvement district established by the ordinance shall  
24 be subject to the general business occupation tax or that the real  
25 property in the modified business improvement district will be subject to  
26 the special assessment authorized by the Business Improvement District  
27 Act;

28 (7) The proposed method of assessment to be imposed within the  
29 business improvement district or the initial rate of the occupation tax  
30 to be imposed; and

31 (8) Any penalties to be imposed for failure to pay the tax or

1 special assessment.

2 The ordinance shall recite that the method of raising revenue shall  
3 be fair and equitable. In the use of a general occupation tax, the tax  
4 shall be based primarily on the square footage of the owner's and user's  
5 place of business. In the use of a special assessment, the assessment  
6 shall be based upon the special benefit to the property within the  
7 business improvement district.

8 Sec. 219. Section 19-4030, Revised Statutes Supplement, 2017, is  
9 amended to read:

10 19-4030 A city may levy a special assessment against the real estate  
11 located in a business improvement district, to the extent of the special  
12 benefit thereto, for the purpose of paying all or any part of the total  
13 costs and expenses of performing any authorized work, except maintenance,  
14 repair, and reconstruction costs, within the business improvement such  
15 district. The amount of each special assessment shall be determined by  
16 the city council sitting as a board of equalization. Assessments shall be  
17 levied in accordance with the method of assessment proposed in the  
18 ordinance creating the business improvement district. If the city council  
19 finds that the proposed method of assessment does not provide a fair and  
20 equitable method of apportioning costs, then it may assess the costs  
21 under such method as the city council finds to be fair and equitable.  
22 Notice of a hearing on any special assessments to be levied under the  
23 Business Improvement District Act shall be given to the landowners in the  
24 business improvement ~~such~~ district by publication of the description of  
25 the land, the amount proposed to be assessed, and the general purpose for  
26 which such assessment is to be made one time each week for three weeks in  
27 a legal ~~daily or weekly~~ newspaper in or of general circulation ~~published~~  
28 in the city. The notice shall provide the date, time, and place of  
29 hearing to hear any objections or protests by landowners in the business  
30 improvement district as to the amount of assessment made against their  
31 land. A direct appeal to the district court of the county in which such

1 city is located may be taken from the decision of the city council in the  
2 same manner and under like terms and conditions as appeals may be taken  
3 from the amount of special assessments levied in street improvement  
4 districts in such city as now provided by law. All special assessments  
5 levied under the act shall be liens on the property and shall be  
6 certified for collection and collected in the same manner as special  
7 assessments for improvements and street improvement districts of the city  
8 are collected. If any part of a business improvement district overlaps  
9 with a riverfront development district in which a special assessment is  
10 already being levied pursuant to section 19-5313, the city creating the  
11 business improvement district shall not impose the business improvement  
12 district's special assessment within the overlapping area.

13 Sec. 220. Section 19-4031, Revised Statutes Supplement, 2017, is  
14 amended to read:

15 19-4031 (1) In addition to or in place of the special assessments  
16 authorized by the Business Improvement District Act, a city may levy a  
17 general business occupation tax upon the businesses and users of space  
18 within a business improvement district established for acquiring,  
19 constructing, maintaining, or operating public offstreet parking  
20 facilities and providing in connection therewith other public  
21 improvements and facilities authorized by the Business Improvement  
22 District Act, for the purpose of paying all or any part of the total cost  
23 and expenses of any authorized improvement or facility within the  
24 business improvement ~~such~~ district. Notice of a hearing on any such tax  
25 levied under the Business Improvement District Act shall be given to the  
26 businesses and users of space of the business improvement ~~such~~ districts,  
27 and appeals may be taken, all in the manner provided in section 19-4030.

28 (2) After March 27, 2014, any occupation tax imposed pursuant to  
29 this section shall make a reasonable classification of businesses, users  
30 of space, or kinds of transactions for purposes of imposing such tax,  
31 except that no occupation tax shall be imposed on any transaction which

1 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
2 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
3 section 77-2704.24. The collection of a tax imposed pursuant to this  
4 section shall be made and enforced in such a manner as the city council  
5 shall by ordinance determine to produce the required revenue. The city  
6 council may provide that failure to pay the tax imposed pursuant to this  
7 section shall constitute a violation of the ordinance and subject the  
8 violator to a fine or other punishment as provided by ordinance.

9 (3) If any part of a business improvement district overlaps with a  
10 riverfront development district in which a general business occupation  
11 tax is already being levied pursuant to section 19-5312, the city  
12 creating the business improvement district shall not impose the business  
13 improvement district's occupation tax within the overlapping area.

14 Sec. 221. Section 19-4032, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-4032 If, subsequent to the levy of taxes or assessments under the  
17 Business Improvement District Act, the use of any parcel of land shall  
18 change so that, had the new use existed at the time of making such levy,  
19 the assessment or levy on such parcel would have been higher than the  
20 levy or assessment actually made, an additional assessment or levy may be  
21 made on such parcel by the city council taking into consideration the new  
22 and changed use of the property. Reassessments or changes in the rate of  
23 levy of assessments or taxes may be made by the city council after notice  
24 and hearing as provided in section 19-4030. The city council shall adopt  
25 a resolution of intention to change the rate of levy at least fifteen  
26 days prior to the hearing required for changes. This resolution shall  
27 specify the proposed change and shall give the time and place of the  
28 hearing.

29 Sec. 222. Section 19-4033, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:

31 19-4033 The total amount of special assessments or general business



1 occupation taxes levied under the Business Improvement District Act shall  
2 not exceed the total costs and expenses of performing the authorized  
3 work. The levy of any additional assessment or tax shall not reduce or  
4 affect in any manner the assessments previously levied. The assessments  
5 or taxes levied must be for the purposes specified in the ordinances and  
6 the proceeds shall not be used for any other purpose.

7 Sec. 223. Section 19-4034, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 19-4034 A city may levy a general business occupation tax, or a  
10 special assessment against the real estate located in a business  
11 improvement district to the extent of special benefit to such real  
12 estate, for the purpose of paying all or any part of the cost of  
13 maintenance, repair, and reconstruction, including utility costs of any  
14 improvement or facility in the business improvement district. Districts  
15 created for taxation or assessment of maintenance, repair, and  
16 reconstruction costs, including utility costs of improvements or  
17 facilities which are authorized by the Business Improvement District Act,  
18 but which were not acquired or constructed pursuant to the act, may be  
19 taxed or assessed as provided in the act. Any occupation tax levied under  
20 this section shall be limited to those improvements and facilities  
21 authorized by section 19-4030. After March 27, 2014, any occupation tax  
22 imposed pursuant to this section shall make a reasonable classification  
23 of businesses, users of space, or kinds of transactions for purposes of  
24 imposing such tax, except that no occupation tax shall be imposed on any  
25 transaction which is subject to tax under section 53-160, 66-489,  
26 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is  
27 exempt from tax under section 77-2704.24. The city council may levy such  
28 taxes or assessments under either of the following methods:

29 (1) The city council, sitting as a board of equalization, may, not  
30 more frequently than annually, determine the costs of maintenance or  
31 repair, and reconstruction, of a facility. Such costs shall be either

1 assessed to the real estate located in the business improvement such  
2 district in accordance with the proposed method of assessment, or taxed  
3 against the businesses and users of space in the business improvement  
4 district, whichever may be applicable as determined by the ordinance  
5 creating the business improvement district. However, if the city council  
6 finds that the method of assessment proposed in the ordinance creating  
7 the business improvement district does not provide a fair and equitable  
8 method of apportioning such costs, then it may assess the costs under  
9 such method as the city council finds to be fair and equitable. At the  
10 hearing on such taxes or assessments, objections may be made to the total  
11 cost and the proposed allocation of such costs among the parcels of real  
12 estate or businesses in the business improvement ~~such~~ district; or

13 (2) After notice is given to the owners or businesses as provided in  
14 section 19-4030 the city council may establish and may change from time  
15 to time, the percentage of such costs for maintenance, repair, and  
16 reconstruction which each parcel of real estate or each business or user  
17 of space in any business improvement district shall pay. The city council  
18 shall annually determine the total amount of such costs for each period  
19 since costs were last taxed or assessed, and shall, after a hearing, tax  
20 or assess such costs to the real estate in the business improvement  
21 district in accordance with the percentages previously established at  
22 such hearing. Notice of such hearing shall be given as provided in  
23 section 19-4030 and shall state the total costs and percentage to be  
24 taxed or assessed to each parcel of real estate. Unless objections are  
25 filed with the city clerk at least five days before the hearing, all  
26 objections to the amount of total costs and the assessment percentages  
27 should be deemed to have been waived and the assessments shall be levied  
28 as stated in such notice, except that the city council may reduce any  
29 assessment percentage.

30 Sec. 224. Section 19-4035, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           19-4035 The city council may ~~dissolve~~ ~~disestablish~~ a business  
2 improvement district by ordinance after a hearing before the city  
3 council. The city council shall adopt a resolution of intention to  
4 ~~dissolve~~ ~~disestablish~~ the business improvement district area at least  
5 fifteen days prior to the hearing required by this section. The  
6 resolution shall give the time and place of the hearing.

7           Sec. 225. Section 19-4036, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           19-4036 Upon ~~dissolution~~ ~~disestablishment~~ of a business improvement  
10 district, any proceeds of any general business occupation ~~the tax or the~~  
11 special assessment, or assets acquired with such proceeds, shall be  
12 subject to disposition as the city council shall determine.

13           Sec. 226. Section 19-4037, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15           19-4037 Any ~~The~~ city which has established one or more business  
16 improvement districts is authorized to receive, administer, and disburse  
17 donated funds or grants of federal or state funds for the purposes of and  
18 in the manner authorized by the Business Improvement District Act.

19           Sec. 227. Section 19-4629, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           19-4629 (1) A ~~The~~ resolution of intent pursuant to section 19-4628  
22 shall describe the property subject to the proposed condemnation,  
23 including the types of property and facilities to be subject to the  
24 condemnation and the extent and amount of property to be appropriated.  
25 The resolution of intent shall set forth one or more of the following:

26           (a) A description of the acts and omissions of the utility regarding  
27 natural gas safety which the city believes have created or may create a  
28 material threat to the health and safety of the public in the city and a  
29 description of the nature of the threat;

30           (b) A description of the acts and omissions of the utility regarding  
31 the terms, conditions, and quality of natural gas service to natural gas

1 ratepayers in the city which the city believes fail to meet generally  
2 accepted standards of customer service within the natural gas industry;

3 (c) A comparison of the rates for natural gas charged by the utility  
4 to ratepayers in the city and of the rates charged to similarly situated  
5 ratepayers in comparably sized cities in Nebraska and neighboring states  
6 which are served by the same or different utilities, which comparison the  
7 city believes shows that the rates charged in the city are excessive; or

8 (d) A description of recent or contemporaneous events or disclosures  
9 regarding the utility, including, but not limited to, changes in  
10 ownership, corporate structure, financial stability, or debt rating or  
11 any other factor which the city believes indicates financial instability  
12 in the utility which may materially impair its ability to maintain  
13 appropriate levels of safety and consumer service in the city.

14 (2) If the resolution of intent contains provisions as set out in  
15 subdivision (1)(a) or (b) of this section, the resolution shall describe  
16 the efforts by the city to inform the utility of the utility's acts or  
17 omissions regarding safety or service and shall describe the  
18 opportunities afforded the utility to remedy the stated defects.

19 (3) The resolution of intent shall not contain any provision  
20 regarding nor make any references to any expected or anticipated revenue  
21 to be derived by the city in consequence of the city's condemnation or  
22 operation of the gas system.

23 Sec. 228. Section 19-4630, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-4630 (1) A The resolution of intent to pursue condemnation  
26 pursuant to section 19-4628 shall be presented to the governing body of  
27 the city at a regular meeting of such governing body. At that meeting the  
28 governing body may adopt the resolution of intent and, if it does so,  
29 shall set a time at least forty-five days after the date of the meeting  
30 at which the resolution of intent was adopted at which time the governing  
31 body of the city shall hold a public hearing.

1 (2) At the public hearing, the sole item of business to be conducted  
2 shall be the public hearing on the resolution of intent at which the  
3 public shall be permitted to comment on the proposed condemnation, the  
4 utility shall be permitted to respond to the statements set out in the  
5 resolution of intent and any comments made at the public hearing, and the  
6 governing body may act as provided in section 19-4631.

7 (3) The city clerk ~~of the city~~ shall transmit a copy of the  
8 resolution of intent and notice of the date and time of the public  
9 hearing to the utility by United States registered mail with signature  
10 confirmation within seven days after the meeting at which the resolution  
11 of intent was adopted. At least thirty days prior to the public hearing,  
12 the city shall publish notice of the time and place of the public hearing  
13 and a summary of the resolution of intent in a legal newspaper published  
14 in or of general circulation in the city.

15 (4) The utility may present to the city a description of portions of  
16 the gas system which (a) are not described as part of the gas system  
17 being condemned by the city and (b) are served through the town border  
18 station of the city. The utility may require the city to include in its  
19 description of the gas system being condemned any or all of those  
20 portions of the system if the proposed condemnation would sever those  
21 portions of the system from the utility's distribution facilities and  
22 would require the utility to create new infrastructure to link these  
23 portions to its existing delivery system outside the city. If the utility  
24 chooses to require the city to include additional portions of the gas  
25 system in the description of the property being condemned, it shall do so  
26 prior to the adjournment of the public hearing.

27 Sec. 229. Section 19-4632, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-4632 Following the adoption of a the motion pursuant to section  
30 19-4631, including an override of any veto, if necessary, the city clerk  
31 ~~of the city~~ shall transmit to the Chief Justice of the Supreme Court

1 notice of the decision of the city to pursue condemnation of the gas  
2 system. The Supreme Court shall, within thirty days after the receipt of  
3 such notice, appoint three judges of the district court from three of the  
4 judicial districts of the state to constitute a court of condemnation to  
5 ascertain and find the value of the gas system being taken. The Supreme  
6 Court shall enter an order requiring the judges to attend as a court of  
7 condemnation at the county seat of the county in which the city is  
8 located, within such time as may be stated in the order, except upon  
9 stipulation by all necessary parties as to the value of the gas system  
10 filed with the Supreme Court prior to such date. The judges shall attend  
11 as ordered and at the first meeting shall select a presiding judge,  
12 organize, and proceed with the court's duties. The court may adjourn from  
13 time to time and shall fix a time for the appearance before it of all  
14 such corporations or persons as the court may deem necessary to be made  
15 parties to such condemnation proceedings or which the city or the utility  
16 may desire to have made a party to the proceedings. If such time of  
17 appearance shall occur after any proceedings have begun, the proceedings  
18 shall be reviewed by the court, as it may direct, to give all parties  
19 full opportunity to be heard. All corporations or persons, including all  
20 mortgagees, bondholders, trustees for bondholders, leaseholders, or other  
21 parties or persons claiming any interest in or lien upon the gas system,  
22 may be made parties to the proceedings. All parties shall be served with  
23 notice of the proceedings and the time and place of the meeting of the  
24 court of condemnation in the same manner and for such length of time as  
25 the service of a summons in cases begun in the district court, either by  
26 personal service or service by publication, and actual personal service  
27 of notice within or without the state shall supersede the necessity of  
28 notice by publication.

29       Sec. 230. Section 19-4633, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31       19-4633 In all proceedings before it, the court of condemnation

1 shall appoint a reporter of its proceedings who shall report and preserve  
2 all evidence introduced before it. The clerk of the district court, in  
3 the county where the city is located, shall attend upon the court of  
4 condemnation and perform the duties of the clerk thereof, as the court of  
5 condemnation may direct. The sheriff of the county or any of his or her  
6 deputies shall attend upon the court of condemnation and shall have power  
7 to serve summonses, subpoenas, and all other orders or papers ordered to  
8 be served by the court. In case of a vacancy on the court, the vacancy  
9 shall be filled by the Supreme Court if the vacancy occurs while the  
10 Supreme Court is in session, and if it occurs while the Supreme Court is  
11 not in session, then by the Chief Justice. The judges constituting the  
12 court of condemnation shall be paid by the city a per diem for their  
13 services in an amount to be established by rule of the Supreme Court and  
14 the city shall pay their necessary traveling expenses, accommodation  
15 bills, and all other necessary expenses incurred while in attendance upon  
16 the sittings of the court of condemnation, with reimbursement for  
17 expenses to be made as provided in sections 81-1174 to 81-1177. The city  
18 shall pay the reporter that is appointed by the court of condemnation the  
19 amount that is set by such the court. The sheriff shall serve all  
20 summonses, subpoenas, or other orders or papers ordered issued or served  
21 by the court of condemnation at the same rate and compensation for which  
22 he or she serves like papers issued by the district court, but shall  
23 account to the county for all compensation as required of him or her  
24 under the law governing his or her duties as sheriff.

25 Sec. 231. Section 19-4634, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 19-4634 (1) In ascertaining the value of the gas system, the court  
28 of condemnation shall have full power to summon witnesses, administer  
29 oaths, take evidence, order the taking of depositions, and require the  
30 production of any and all books and papers deemed necessary for a full  
31 investigation and ascertainment of the value of any portion of the gas

1 system. When part of the gas system appropriated under the Municipal  
2 Natural Gas System Condemnation Act extends beyond the territory within  
3 which the city exercising the power of eminent domain has a right to  
4 operate the gas system, the court of condemnation, in determining the  
5 damages caused by the appropriation, shall take into consideration the  
6 fact that the portion of the gas system beyond that territory is being  
7 detached and not appropriated by the city, and the court of condemnation  
8 shall award damages by reason of the detachment and the destruction in  
9 value and usefulness of the detached and unappropriated property as it  
10 will remain and be left after the detachment and appropriation. The court  
11 of condemnation shall have all the necessary powers and perform all the  
12 necessary duties in the condemnation and ascertainment of the value and  
13 in making an award of the value of the gas system.

14 (2) The court of condemnation shall have power to apportion the  
15 costs of the proceedings before it between the city and the utility and  
16 the city shall provide for and pay the costs as ordered by such the  
17 court. The city shall make provisions for the necessary funds and  
18 expenses to carry on the proceedings of the court of condemnation while  
19 the proceedings are in progress. If the governing body of the city elects  
20 to abandon the condemnation proceedings, the city shall pay all the costs  
21 made before the court of condemnation.

22 (3) If the services of expert witnesses or attorneys are secured by  
23 the utility, their fees or compensation as billed to the utility are to  
24 be taxed and paid as costs by the city to the extent that the court of  
25 condemnation determines that the fees and compensation sought (a) reflect  
26 the prevailing industry or professional charges for such services in  
27 cases of the size involved in the condemnation and (b) were reasonably  
28 necessary to a just and accurate determination of the value of the gas  
29 system. The costs of any appeal shall be adjudged against the party  
30 defeated in the appeal in the same degree and manner as is done under the  
31 general court practice relating to appellate proceedings.



1           Sec. 232. Section 19-4636, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-4636 Upon the hearing of ~~an~~ the appeal pursuant to section  
4 19-4635 in the district court, judgment shall be pronounced, as in  
5 ordinary cases, for the value of the gas system. The city or utility may  
6 appeal the judgment to the Supreme Court. All actions and proceedings  
7 under the Municipal Natural Gas System Condemnation Act which are heard  
8 by the district court or the Supreme Court shall be expedited for hearing  
9 and decision by the appropriate court as soon as the issues and parties  
10 are properly before such court. Such proceedings and actions shall be  
11 preferred over all other civil cases irrespective of their position on  
12 the calendar.

13           Sec. 233. Section 19-4638, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           19-4638 If ~~an~~ the election pursuant to section 19-4637 at which the  
16 question is submitted is a special election and sixty percent of the  
17 votes cast upon such proposition are in favor, or if such ~~the~~ election at  
18 which the question is submitted is a general election and a majority of  
19 the votes cast upon such proposition are in favor, then the officer  
20 possessing the power and duty to ascertain and declare the result of the  
21 election shall certify the result immediately to the governing body of  
22 the city. The governing body of the city may then proceed to tender the  
23 amount of the value and award made by the court of condemnation, the  
24 district court, or the Supreme Court to the utility owning the gas system  
25 and shall have the right and power to take immediate possession of the  
26 gas system upon the tender.

27           Sec. 234. Section 19-4701, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           19-4701 A city of the metropolitan class or primary class may  
30 acquire, purchase, and operate a professional baseball organization.

31           Sec. 235. Section 19-5001, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-5001 (1) A city of the first class, city of the ~~or~~ second class,  
3 or village shall provide written notice of a proposed annexation to the  
4 owners of property within the area proposed for annexation in the manner  
5 set out in this section.

6 (2) Initial notice of the proposed annexation shall be sent to the  
7 owners of property within the area proposed for annexation by regular  
8 United States mail, postage prepaid, to the address of each owner of such  
9 property as it appears in the records of the office of the register of  
10 deeds or as the address is determined from another official source,  
11 postmarked at least ten working days prior to the planning commission's  
12 public hearing on the proposed change with a certified letter to the  
13 clerk of any sanitary and improvement district if the annexation includes  
14 property located within the boundaries of such district. Such notice  
15 shall describe the area proposed for annexation, including a map showing  
16 the boundaries of the area proposed for annexation, and shall contain the  
17 date, time, and location of the planning commission's hearing and how  
18 further information regarding the annexation can be obtained, including  
19 the telephone number of the pertinent city or village official and an  
20 electronic mail or Internet address if available.

21 (3) A second notice of the proposed annexation shall be sent to the  
22 same owners of property who were provided with notice under subsection  
23 (2) of this section. Such notice shall be sent by regular United States  
24 mail, postage prepaid, to the owner's address as it appears in the  
25 records of the office of the register of deeds or as the address is  
26 determined from another official source, postmarked at least ten working  
27 days prior to the public hearing of the city council or village board of  
28 trustees on the annexation. Such notice shall describe the area proposed  
29 for annexation, including a map showing the boundaries of the area  
30 proposed for annexation, and shall contain the date, time, and location  
31 of the hearing and how further information regarding the annexation can

1 be obtained, including the telephone number of the pertinent city or  
2 village official and an electronic mail or Internet address if available.

3 (4) No additional or further notice beyond that required by  
4 subsections (2) and (3) of this section shall be necessary if the  
5 scheduled public hearing by the planning commission or city council or  
6 village board of trustees on the proposed annexation is adjourned,  
7 continued, or postponed until a later date.

8 (5) Except for a willful or deliberate failure to cause notice to be  
9 given, no annexation decision made by a city of the first class, city of  
10 the ~~or~~ second class, or village to accept or reject a proposed  
11 annexation, either in whole or in part, shall be void, invalidated, or  
12 affected in any way because of any irregularity, defect, error, or  
13 failure on the part of the city or village or its employees to cause  
14 notice to be given as required by this section if a reasonable attempt to  
15 comply with this section was made. No action to challenge the validity of  
16 the acceptance or rejection of a proposed annexation on the basis of this  
17 section shall be filed more than one year following the date after the  
18 formal acceptance or rejection of the annexation by the city council or  
19 village board of trustees.

20 (6) Except for a willful or deliberate failure to cause notice to be  
21 given, the city of the first class, city of the ~~or~~ second class, or  
22 village and its employees shall not be liable for any damage to any  
23 person resulting from failure to cause notice to be given as required by  
24 this section if a reasonable attempt was made to provide such notice. No  
25 action for damages resulting from the failure to cause notice to be  
26 provided as required by this section shall be filed more than one year  
27 following the date of the formal acceptance or rejection of the proposed  
28 annexation, either in whole or in part, by the city council or village  
29 board of trustees.

30 (7) For purposes of this section, owner means the owner of a piece  
31 of property as indicated on the records of the office of the register of

1 deeds as provided to or made available to the city of the first class,  
2 city of the ~~or~~ second class, or village no earlier than the last business  
3 day before the twenty-fifth day preceding the public hearing by the  
4 planning commission on the annexation proposed for the subject property.

5 Sec. 236. Section 32-538, Revised Statutes Supplement, 2017, is  
6 amended to read:

7 32-538 (1) In a city which adopts the city manager plan of  
8 government pursuant to the City Manager Plan of Government Act ~~sections~~  
9 ~~19-601 to 19-610~~, the number of city council members shall be determined  
10 by the class and population of the city. In cities having one thousand or  
11 more but not more than forty thousand inhabitants as determined by the  
12 most recent federal decennial census or the most recent revised certified  
13 count by the United States Bureau of the Census, there shall be five  
14 members, and in cities having more than forty thousand but less than two  
15 hundred thousand inhabitants as determined by the most recent federal  
16 decennial census or the most recent revised certified count by the United  
17 States Bureau of the Census, there shall be seven members, except that in  
18 cities having between twenty-five thousand and forty thousand inhabitants  
19 as determined by the most recent federal decennial census or the most  
20 recent revised certified count by the United States Bureau of the Census,  
21 the city council may by ordinance provide for seven members. Council  
22 members shall be elected from the city at large unless the city council  
23 by ordinance provides for the election of all or some of its council  
24 members by wards, the number and boundaries of which are provided for in  
25 section 16-104. Council members shall serve for terms of four years or  
26 until their successors are elected and qualified. The council members  
27 shall meet the qualifications found in sections 19-613 and 19-613.01.

28 The first election under an ordinance changing the number of council  
29 members or their manner of election shall take place at the next regular  
30 city election. Council members whose terms of office expire after the  
31 election shall continue in office until the expiration of the terms for

1 which they were elected and until their successors are elected and  
2 qualified. At the first election under an ordinance changing the number  
3 of council members or their manner of election, one-half or the bare  
4 majority of council members elected at large, as the case may be, who  
5 receive the highest number of votes shall serve for four years and the  
6 other or others, if needed, for two years. At such first election, one-  
7 half or the bare majority of council members, as the case may be, who are  
8 elected by wards shall serve for four years and the other or others, if  
9 needed, for two years, as provided in the ordinance. If only one council  
10 member is to be elected at large at such first election, such member  
11 shall serve for four years.

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

16 Sec. 237. Section 32-539, Revised Statutes Supplement, 2017, is  
17 amended to read:

18 32-539 (1) In a city which adopts the commission plan of government  
19 pursuant to the Municipal Commission Plan of Government Act sections  
20 ~~19-401 to 19-433~~, the number of city council members shall be determined  
21 by the class and population of the city. In cities having two thousand or  
22 more but not more than forty thousand inhabitants as determined by the  
23 most recent federal decennial census or the most recent revised certified  
24 count by the United States Bureau of the Census, there shall be five  
25 members, in cities of the primary class, there shall be five members, and  
26 in cities of the metropolitan class, there shall be seven members.  
27 Council members shall be elected from the city at large. ~~In cities of the~~  
28 ~~primary class, three excise members shall be elected in addition to the~~  
29 ~~five council members.~~ Nomination and election of all council members  
30 shall be by nonpartisan ballot. The mayor shall be elected for a four-  
31 year term.

1           (2) ~~In cities containing two thousand or more but not more than~~  
2 ~~forty thousand inhabitants as determined by the most recent federal~~  
3 ~~decennial census or the most recent revised certified count by the United~~  
4 ~~States Bureau of the Census, at the city council election in 1980, the~~  
5 ~~council member elected as the commissioner of the department of public~~  
6 ~~works and the council member elected as the commissioner of the~~  
7 ~~department of parks and recreation shall each serve a term of four years.~~  
8 If a city elects to adopt the commission plan of government ~~after 1980,~~  
9 the council member elected as the commissioner of the department of  
10 public works and the council member elected as the commissioner of the  
11 department of public accounts and finances shall each serve a term of  
12 four years and the council member elected as the commissioner of the  
13 department of streets, public improvements, and public property and the  
14 council member elected as the commissioner of the department of parks and  
15 recreation shall each serve a term of two years. Upon the expiration of  
16 such terms, all council members shall serve terms of four years and until  
17 their successors are elected and qualified.

18           (3) Commencing with the statewide primary election in 2000, and  
19 every two years thereafter, candidates shall be nominated at the  
20 statewide primary election and elected at the statewide general election  
21 except as otherwise provided in section 19-405.

22           Sec. 238. Original sections 19-201, 19-402, 19-403, 19-404, 19-405,  
23 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422,  
24 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605,  
25 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613,  
26 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645,  
27 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705,  
28 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904,  
29 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912,  
30 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919,  
31 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931,

1 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305,  
2 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401,  
3 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830,  
4 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103,  
5 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303,  
6 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412,  
7 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422,  
8 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432,  
9 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909,  
10 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307,  
11 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315,  
12 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321,  
13 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801,  
14 19-4017.01, 19-4019, 19-4021, 19-4022, 19-4032, 19-4033, 19-4035,  
15 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638,  
16 19-4701, and 19-5001, Reissue Revised Statutes of Nebraska, sections  
17 16-238, 16-305, 16-308, 19-922, 19-2402, 19-2404, 19-2407, 19-2418,  
18 19-2427, 19-4017, 19-4018, 19-4026, 19-4027, 19-4028, 19-4029,  
19 19-4029.01, 19-4029.04, 19-4029.05, 19-4034, and 19-4037, Revised  
20 Statutes Cumulative Supplement, 2016, and sections 17-108.02, 17-121,  
21 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101, 19-1102, 19-1827,  
22 19-3501, 19-4030, 19-4031, 32-538, and 32-539, Revised Statutes  
23 Supplement, 2017, are repealed.

24       Sec. 239. The following sections are outright repealed: Sections  
25 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska,  
26 and sections 19-102 and 19-103, Revised Statutes Supplement, 2017.