

LEGISLATIVE BILL 193

Approved by the Governor March 07, 2019

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-502, 18-2507, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, 19-5001, and 77-2602, Reissue Revised Statutes of Nebraska, and sections 16-238, 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415, 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of particular classes and villages; to correct and include references as prescribed; to name the Municipal Commission Plan of Government Act and the City Manager Plan of Government Act; to eliminate obsolete provisions and provisions relating to an excise board and its members; to repeal definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement, 2018.

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

Section 1. Section 14-502, Reissue Revised Statutes of Nebraska, is amended to read:

14-502 The city council shall at the same time appropriate, from the remaining amount of tax levy of such year and from revenue to be derived from all other sources available for such purposes, money and credits of the city and set the same aside to funds to be designated department funds. The department funds shall be of the same number and of the same designation as the departments into which the government of the city is divided for administration under the commission ~~plan~~ form of government. The amount so appropriated and set aside to each of the funds respectively shall be an amount deemed sufficient and necessary to take care of the expenses in such department for the fiscal year or biennial period for which the appropriation is made. The amount thus appropriated to each of such departments respectively may be divided and subdivided for the purpose of expenditure as the council may direct, but shall be the maximum amount which may be appropriated to any such department for the fiscal year or biennial period, or which may be expended for the purpose of such department for the fiscal year or biennial period. Any transfer of duties or burdens of one department to another, after an appropriation has been made, shall carry with it a just and equitable pro rata proportion of the appropriation. The amounts so appropriated to the several department funds shall be used only for the purpose of paying the expenses and liabilities for which appropriated. The city council shall, at the time of the appropriation, estimate the total credits available from taxes levied and other sources for municipal purposes for the fiscal year or biennial period, and the amount remaining after deducting therefrom the amounts appropriated for statutory and department funds shall be the miscellaneous expense fund. The money and credits in the miscellaneous expense fund may be used from time to time to pay the miscellaneous expenses and obligations of the city for which an appropriation has not been made or which are not properly included within the purposes of the appropriation to any of the other funds.

Sec. 2. Section 16-238, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 3. Section 16-305, Revised Statutes Cumulative Supplement, 2018, is amended to read:

16-305 All officers and employees of the city shall receive such compensation as the mayor and city council may fix at the time of their appointment or employment, subject to the limitations set forth in this section. The city council may at its discretion by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and city council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. The city manager in a city under the city manager plan of government as provided in the City Manager Plan of Government Act Chapter 19, article 6, may in his or her discretion combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and city council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined.

Sec. 4. Section 16-308, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 5. Section 16-404, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

(3) Ordinances in a city of the first class shall contain no subject which is not clearly expressed in the title, and, except as provided in section

19-915, no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that:

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

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

Sec. 6. Section 17-108.02, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

Sec. 7. Section 17-121, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

(4) A majority of the board of health shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such city, may enforce them, and may provide fines and punishments for the violation of such rules and regulations. The board of health shall have power to and shall make all necessary rules and regulations relating to matters of sanitation of such city, including the removal of dead animals, the sanitary condition of the streets, alleys, vacant grounds, stockyards, wells, cisterns, privies, waterclosets, cesspools, and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate. The board of health may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the

state and ordinances of the city relating to nuisances or to matters of sanitation of such city. The board of health shall also have control of hospitals, dispensaries, places for treatment of sick, and related matters under such restrictions and provisions as may be provided by ordinance of such city.

Sec. 8. Section 18-2102.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

18-2102.01 Cities of all classes and villages of this state are hereby granted power and authority to create community redevelopment authorities and limited community redevelopment authorities.

(1) Whenever an authority or limited authority is created it shall bear the name of the city creating it and shall be legally known as the Community Redevelopment Authority of the City (or Village) of (name of city or village) or the Limited Community Redevelopment Authority of the City (or Village) of (name of city or village).

(2) When it is determined by the governing body of any city by ordinance in the exercise of its discretion that it is expedient to create a community redevelopment authority or limited community redevelopment authority, the mayor of the city or, if the mayor shall fail to act within ninety days after the passage of the ordinance, the president or other presiding officer other than the mayor of the governing body, with the approval of the governing body of the city, shall appoint five or seven persons who shall constitute the authority or the limited authority. The terms of office of the members of a five-member authority initially appointed shall be for one year, two years, three years, four years, and five years, as designated by the mayor, president, other presiding officer, or city manager in making the respective appointments. The terms of office of the members of a seven-member authority initially appointed shall be one member each for one year, two years, and five years, and two members each for three years and four years, as designated by the mayor, president, other presiding officer, or city manager in making the respective appointments. As the terms of the members of the authority expire in cities not having the city manager plan form of government, the mayor, with the approval of the governing body of the city, shall appoint or reappoint a member of the authority for a term of five years to succeed the member whose term expires. In cities having the city manager plan form of government, the city manager shall appoint or reappoint the members with the approval of the governing body. The terms of office of the members of a limited community redevelopment authority shall be for the duration of only one single specific limited pilot project authorized in the ordinance creating the limited community redevelopment authority, and the terms of the members of a limited community redevelopment authority shall expire upon the completion of the single specific limited pilot project authorized in the ordinance creating the limited community redevelopment authority.

(3) A governing body may at its option submit an ordinance which creates a community redevelopment authority or a limited community redevelopment authority to the electors of the city for approval by a majority vote of the electors voting on the ordinance. On submitting the ordinance for approval, the governing body is authorized to call, by the ordinance, a special or general election and to submit, after thirty days' notice of the time and place of holding the election and according to the manner and method otherwise provided by law for the calling, conducting, canvassing, and certifying of the result of city elections on the submission of propositions to the electors, the proposition to be stated on the ballot as follows:

Shall the City (or Village) of (name of city or village) create a Community Redevelopment Authority of the City (or Village) of (name of city or village)?

- ... Yes
- ... No.

When the ordinance submitted to the electors for approval by a majority vote of the electors voting on the ordinance is to create a limited community redevelopment authority the proposition shall be stated on the ballot as follows:

Shall the City (or Village) of (name of city or village) create a Limited Community Redevelopment Authority of the City (or Village) of (name of city or village)?

- ... Yes
- ... No.

(4) Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Members of the authority so appointed shall hold office until their successors have been appointed and qualified. Members of a limited authority shall hold office as provided in this section. All members of the authority shall serve without compensation, but shall be entitled to be reimbursed for all necessary expenses incurred.

(5) Any authority established under this section shall organize by electing one of its members chairperson and another vice-chairperson, shall have power to employ counsel, a director who shall be ex officio secretary of the authority, and such other officers and employees as may be desired, and shall fix the term of office, qualifications, and compensation of each. The holder of the office of community redevelopment administrator or coordinator of the city may, but need not, be appointed the director but at no additional compensation by the authority. Community redevelopment authorities of cities of the first and second class and villages may secure the services of a director, community redevelopment administrator, or coordinator, and other officers and

employees as may be desired through contract with the Department of Economic Development upon terms which are mutually agreeable. Any authority established under this section may validly and effectively act on all matters requiring a resolution or other official action by the concurrence of three members of a five-member authority or four members of a seven-member authority present and voting at a meeting of the authority. Orders, requisitions, warrants, and other documents may be executed by the chairperson or vice-chairperson or by or with others designated in its bylaws.

(6) No member or employee of any authority established under this section shall have any interest directly or indirectly in any contract for property, materials, or services to be required by such authority. No member of any authority established under this section shall also be a member of any planning commission created under section 19-925.

(7) The authority shall keep an accurate account of all its activities and of all receipts and disbursements and make an annual report of such activities, receipts, and disbursements to the governing body of the city.

(8) The governing body of a city creating a community redevelopment authority or a limited community redevelopment authority is hereby authorized to appropriate and loan to the authority a sum not exceeding ten thousand dollars for the purposes of paying expenses of organizing and supervising the work of the authority at the beginning of its activities. The loan shall be authorized by resolution of the governing body which shall set forth the terms and time of the repayment of the loan. The loan may be appropriated out of the general funds or any sinking fund.

(9) All income, revenue, profits, and other funds received by any authority established under this section from whatever source derived, or appropriated by the city, or realized from tax receipts or comprised in the special revenue fund of the city designated for the authority or from the proceeds of bonds, or otherwise, shall be deposited with the city treasurer as ex officio treasurer of the authority without commingling the money with any other money under his or her control and disbursed by him or her by check, draft, or order only upon warrants, orders, or requisitions by the chairperson of the authority or other person authorized by the authority which shall state distinctly the purpose for which the same are drawn. A permanent record shall be kept by the authority of all warrants, orders, or requisitions so drawn, showing the date, amount, consideration, and to whom payable. When paid, the same shall be canceled and kept on file by the city treasurer. The books of any authority established under this section shall from time to time be audited upon the order of the governing body of the municipality in such manner as it may direct, and all books and records of the authority shall at all times be open to public inspection. The Auditor of Public Accounts may audit, or cause to be audited, any authority established under this section or any redevelopment plan of such authority when the Auditor of Public Accounts determines such audit is necessary or when requested by the governing body, and such audit shall be at the expense of the authority. The authority may contract with the holders of any of its bonds or notes as to collection, custody, securing investment, and payment of any money of the authority or any money held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes. The authority may carry out the contract notwithstanding that such contract may be inconsistent with the previous provisions of this subdivision. All banks, capital stock financial institutions, qualifying mutual financial institutions, and trust companies are hereby authorized to give security for the deposits of money of any authority established under the provisions of this section pursuant to the Public Funds Deposit Security Act. Section 77-2366 applies to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 9. Section 18-2507, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 10. Section 19-201, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 11. Section 19-401, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

Sec. 12. Section 19-402, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 13. Section 19-403, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 14. Section 19-404, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 15. Section 19-405, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

~~general election.~~ The changes made to this section by Laws 1999, LB 250, shall not change the staggering of the terms of city council members in cities that have adopted the commission plan of government prior to January 1, 1999.

Sec. 17. Section 19-411, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 18. Section 19-412, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

19-413 The city council in a city under the commission plan of government ~~herein provided for, upon taking office,~~ shall have, possess, and exercise, by itself or through such methods as it may provide, all executive or legislative or judicial powers and duties previously ~~theretofore~~ held, possessed, or exercised under the then existing laws governing any such city, by the mayor, ~~or mayor and city council,~~ ~~or water commissioners,~~ ~~or water board,~~ ~~or water and light commissioner,~~ ~~or board of fire and police commissioners,~~ ~~or park commissioners,~~ or park board. ~~The or excise board, or members thereof, or fire warden; and the powers, duties, and office of such fire warden and of all such boards and the members thereof shall then and thereupon cease and terminate, ; and the powers and duties and officers of all other boards created by statute for the government of any such city shall also thereupon cease and terminate. Nothing ;~~ Provided, however, nothing herein contained in this section shall be so construed as to interfere with the powers, duties, authority, and privileges that have been, are, or may be hereafter conferred and imposed upon the water board in cities of the metropolitan class cities as prescribed by law or shall affect the power of city school or school district officers, nor of any office or officer named in the state Constitution of Nebraska exercising office, powers, or functions within any such city. Such city council, upon taking office, shall have and may exercise all executive or legislative or judicial powers possessed or exercised by any other officer or board ~~theretofore~~ provided by law for or within any such city, except officers named in the state Constitution of Nebraska ; ~~Provided, however, the excise board herein provided for, upon taking office, shall possess and exercise by itself all of the duties and powers theretofore possessed or exercised by the excise board under the existing laws governing any such city except the appointment, removal and control of the police force, which power shall be vested in the council.~~

Sec. 20. Section 19-415, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

In cities under the commission plan of government containing at least forty thousand and less than three hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised

certified count by the United States Bureau of the Census, the city council shall consist of the mayor who shall be superintendent of the department of public affairs, one city council member to be superintendent of the department of accounts and finances, one city council member to be superintendent of the department of public safety, one city council member to be superintendent of the department of streets and public improvements, and one city council member to be superintendent of the department of parks and public property.

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

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

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

19-416 The city council in a city under the commission plan of government shall, at its first meeting, or as soon as possible thereafter, elect as many of the city officers provided for by the laws or ordinances governing any such city as may, in the judgment of the city council, be essential and necessary to the economical but efficient and proper conduct of the government of the city and shall at the same time fix the salaries of the officers so elected either by providing that such salaries shall remain the same as previously fixed by the laws or ordinances for such officers or may then raise or lower the existing salaries of any such officers. ~~The city ; and the council~~ may modify the powers or duties of any such officers, as provided by the laws or ordinances, or may completely define and fix such powers or duties, anew. Any such officers or any assistant or employee elected or appointed by the city council may be removed by the city council at any time, ~~except that ; Provided, however,~~ in cities of the metropolitan class no member or officer of the fire department ~~or department of fire protection and water supply~~ shall be discharged for political reasons, nor shall any a person be employed ~~in or taken into either of~~ such department departments for political reasons. Before any such officer or employee can be discharged, charges must be filed against him or her before the city council and a hearing had thereon, and an opportunity given such officer or employee to defend against such charges. This section ~~, but this provision~~ shall not be construed to prevent peremptory suspension of such officer or employee member by the city council in case of misconduct, ~~or~~ neglect of duty, or disobedience of orders. Whenever any such suspension is made, charges shall be at once filed by the city council with the officer having charge of the records of the city council and a trial had thereon at the second meeting of the city council after such charges are filed. For the purpose of hearing such charges the city council shall have power to enforce attendance of witnesses, ~~and~~ the production of books and papers, and to administer oaths to witnesses in the same manner and with like effect and under the same penalty, as in the case of magistrates exercising civil and criminal jurisdiction under the statutes of the State of Nebraska.

Sec. 22. Section 19-417, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 23. Section 19-418, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-418 In cities under the commission plan of government, ~~the~~ The regular meetings of the city council in cities of the metropolitan class shall be held at least once in each week and upon such day and hour as the city council may designate. In all other cities under the commission plan of government having a population of two thousand or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the regular meetings of the city council shall be held at such intervals and upon such day and hour as the city council may by ordinance or resolution designate. Special ~~;~~ ~~and special~~ meetings of the city council in any of such cities may be called, from time to time, by the mayor or two city council members, giving notice in such manner as may be fixed or defined by law or ordinance in any of such cities or as shall be fixed by

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

Sec. 24. Section 19-419, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 25. Section 19-421, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

Sec. 27. Section 19-423, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 28. Section 19-432, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 29. Section 19-433, Reissue Revised Statutes of Nebraska, is amended to read:

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

clerk shall promptly submit the petition to the city council.

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

Sec. 30. Section 19-502, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 31. Section 19-503, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 32. Section 19-601, Reissue Revised Statutes of Nebraska, is amended to read:

19-601 Sections 19-601 to 19-662 shall be known and may be cited as the City Manager Plan of Government Act.

~~The term city as used in sections 19-601 to 19-648 includes any city having a population of one thousand or more and less than two hundred thousand.~~

Sec. 33. Section 19-602, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-602 For the purposes of the City Manager Plan of Government Act sections 19-601 to 19-648, city means any city having a population of one thousand or more and less than two hundred thousand inhabitants. The the population of a city shall be the number of inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census.

Sec. 34. Section 19-603, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 35. Section 19-604, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 36. Section 19-605, Reissue Revised Statutes of Nebraska, is amended to read:

19-605 Whenever the electors of any city, equal in number to twenty percent of those who voted at the last regular city election, shall file a petition with the city clerk, asking that the question of organizing the city under the city manager plan of government ~~provided in sections 19-601 to 19-648~~ be submitted to the electors of such city, the city thereof, ~~said~~ clerk shall within one week certify that fact to the city council ~~of the city~~, and the city council shall, within thirty days, adopt a resolution to provide for submitting such question at a special election to be held not less than thirty days after the adoption of the resolution except as provided in this section. Any such election shall be conducted in accordance with the Election Act ~~general election laws of the state~~ except as otherwise provided in the City Manager Plan of Government Act sections 19-601 to 19-648. If such petition is filed not more than one hundred eighty days nor less than seventy days prior to the regular municipal statewide primary or statewide general election, the city council shall adopt a resolution to provide for submitting such question at the next such election.

Sec. 37. Section 19-606, Reissue Revised Statutes of Nebraska, is amended

to read:

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

Sec. 38. Section 19-607, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 39. Section 19-608, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 40. Section 19-609, Reissue Revised Statutes of Nebraska, is amended to read:

19-609 Any city which has ~~shall have~~ operated ~~four years~~ under the city manager plan of government ~~for at least four years provided in sections 19-601 to 19-648~~ may abandon such organization and either accept the provisions of the general law applicable to such city, or adopt any other optional plan or organization open to such city ~~thereto~~. The petition for abandonment shall designate the plan desired, and the following proposition shall be submitted: Shall the city of (.....) abandon the city manager plan of government and adopt the (name of plan) as provided in (giving the legal designation of the law as published)? If a majority of the votes cast thereon be in favor of such proposition, the officers elected at the next regular municipal election shall be those prescribed by the laws designated in the petition, and upon the qualification of such officers the city shall become organized under such said law. Such change shall not affect the property right or ability of any nature of such city, but shall extend merely to its form of government.

Sec. 41. Section 19-610, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 42. Section 19-611, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 43. Section 19-612, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 44. Section 19-613, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 45. Section 19-613.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 46. Section 19-615, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 47. Section 19-616, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 48. Section 19-617, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 49. Section 19-618, Reissue Revised Statutes of Nebraska, is amended to read:

19-618 The city council in a city under the city manager plan of government shall choose a city manager, a city clerk, and, where required, a civil service commission, but no member of the city council shall be chosen as manager or as a member of the civil service commission. Neither the city council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager or in any manner seek to prevent him or her from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. The city council, or a committee thereof, may investigate the affairs of any department or the official acts and conduct of any city officer. ~~The city council~~ It shall have power to administer oaths and compel the attendance of witnesses and the production of books and papers and may punish for contempt any person failing to obey its subpoena or refusing to testify. No person shall be excused from testifying, but his or her testimony shall not be used against him or her in any criminal proceeding other than for perjury.

Sec. 50. Section 19-619, Reissue Revised Statutes of Nebraska, is amended to read:

19-619 If, at the beginning of the term of office of the first city

council elected under the city manager plan of government sections 19-601 to 19-648, the appropriations or distribution of the expenditures of the city government for the current fiscal year have been made, the city council shall have power, by ordinance, to repeal or revise such distribution, or to make additional appropriations within the limit of the total taxes levied for the year.

Sec. 51. Section 19-620, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 52. Section 19-645, Reissue Revised Statutes of Nebraska, is amended to read:

19-645 The chief executive officer of a the city under the city manager plan of government shall be a city manager, who shall be responsible for the proper administration of all affairs of the city. He or she shall be chosen by the city council for an indefinite period, solely on the basis of administrative qualifications, and need not be a resident of the city or state when appointed. He or she shall hold office at the pleasure of the city council, and receive such salary as the city council ~~it~~ shall fix by ordinance. During the absence or disability of the city manager, the city council shall designate some properly qualified person to perform the duties of the city manager office.

Sec. 53. Section 19-646, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 54. Section 19-647, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 55. Section 19-648, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 56. Section 19-662, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 57. Section 19-701, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 58. Section 19-702, Reissue Revised Statutes of Nebraska, is amended to read:

19-702 If the election at which the question is submitted pursuant to section 19-701 is a special election and sixty percent of the votes cast upon such proposition are in favor thereof, or if the election at which the question is submitted is a general election and a majority of the votes cast upon such proposition are in favor thereof, then the city council or village board of trustees or officer possessing the power and duty to ascertain and declare the result of such election shall certify such result immediately to the Supreme Court ~~of the state~~. The Supreme Court shall, within thirty days after the receipt of such certificate, appoint three district judges from three of the judicial districts of the state, and such said ~~three~~ judges shall constitute a court of condemnation for the ascertainment and finding of the value of any such plant, works, or system, and the ~~said~~ Supreme Court shall enter an order requiring such judges to attend as a court of condemnation at the county seat in which such city or village is located within such time as may be stated in such order. ~~The said~~ district judges shall ~~so~~ attend as ordered, and such court of condemnation ~~at such time it meets~~ shall organize and proceed with its duties. The court of condemnation ~~It~~ may adjourn from time to time, and it shall fix a time for the appearance before it of all such corporations or persons as the court may deem necessary to be made parties to such condemnation proceedings or which the city, the village, or the corporation or persons owning any such plant, system, or works may desire to have made a party to such proceedings. If such time of appearance shall occur after any proceedings have begun, they shall be reviewed by the court, as it may direct, to give all parties full opportunity to be heard. All corporations or persons, including all mortgagees, bondholders, trustees for bondholders, and leaseholders, or any other party or person claiming any interest in or lien upon any such works, plant, or system may be made parties to such condemnation proceedings, and shall be served with notice of such proceedings and the time and place of the meeting of the court of condemnation in the same manner and for such length of time as the service of a summons in cases begun in the district court of the state, either by personal service or service by publication, and actual personal service of notice within or without the state shall supersede the necessity of notice by publication.

Sec. 59. Section 19-703, Reissue Revised Statutes of Nebraska, is amended to read:

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

report and preserve all evidence introduced before it. Such court of condemnation shall have all the powers and perform all the duties of commissioners in the condemnation and ascertainment of the value and in making of an award of all property of any such works, plant, or system. The clerk of the district court, in the county where such city or village is located, shall attend upon such said court of condemnation and perform such duties, as the clerk thereof, as such condemnation court of condemnation may direct. The sheriff of any such county, or any of his or her deputies shall attend upon such said court of condemnation and shall have power to serve summons, subpoenas, and all other orders or papers ordered to be served by such court of condemnation. In case of vacancy in such said court of condemnation, such vacancy shall be filled by the Supreme Court if the vacancy occurs while the court is in session, and if it occurs while the court is not in session, then by the Chief Justice of the Supreme Court said court.

Sec. 60. Section 19-704, Reissue Revised Statutes of Nebraska, is amended to read:

19-704 Upon the determination and filing of a finding of the value of any such plant, works, or system by a the said court of condemnation pursuant to sections 19-702 and 19-703, the such city or village shall then have the right and power by ordinance duly passed by the city council or village board of trustees its duly constituted authorities, to elect to abandon such condemnation proceedings. If such city or village it does not elect to abandon such proceedings within ninety days after the finding and filing of value, then the person or corporation owning any such plant, works, or system may appeal from the finding of value and award by the said court of condemnation to the district court by filing within twenty days from the expiration of such the said time given the city or village to exercise its rights of abandonment, with the city clerk of any such city or the village clerk of any such village, a bond, to be approved by such clerk him, conditioned for the payment of all costs which may be made on any such appeal, and by filing in the said district court, within ninety days after such bond is filed, a transcript of the proceedings before such court of condemnation court including the evidence taken before it certified by the clerk, reporter, and judges of such court. The appeal in the district court shall be tried and determined upon the pleadings, proceedings, and evidence embraced in such transcript. If ; Provided, that if such appeal is taken the city or village, upon tendering the amount of the value and award made by such court of condemnation court, to the party owning any such plant, works, or system, shall, notwithstanding such appeal, have the right and power to take immediate possession of any such plant, works, or system, and the city or village authorities, without vote of the people, shall have the power, if necessary, to issue and sell bonds of the city or village to provide funds to make such tender.

Sec. 61. Section 19-705, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 62. Section 19-706, Reissue Revised Statutes of Nebraska, is amended to read:

19-706 The district judges constituting the aforesaid court of condemnation appointed pursuant to sections 19-702 and 19-703 shall each receive from and be paid by such city or village fifteen dollars per day for their services and their necessary traveling expenses, hotel bills, and all other necessary expenses incurred while in attendance upon the sittings of such court of condemnation, with reimbursement for expenses to be made as provided in sections 81-1174 to 81-1177 for state employees, and the city or village shall pay the reporter that may be appointed by such said court such an amount as such said court of condemnation shall allow him or her. The county sheriff shall serve all such summons, subpoenas, or other orders or papers ordered issued or served by such condemnation court of condemnation at the same rate and compensation for which he or she serves like papers issued by the district court, but shall account for all such compensation to the county as is required by him or her under the law governing his or her duties as county sheriff of the county. The court of condemnation shall have power to apportion the cost made before it, between the city or village and the corporation or party owning any such plant, works, or system, and the city or village shall provide for and pay all such costs or portion of costs as the said court shall order, and shall also make provisions for the necessary funds and expenses to carry on the proceedings of such court of condemnation court, from time to time while such proceedings are in progress, but in the event the city or village elects to abandon the condemnation proceedings pursuant to section 19-704, as aforesaid, then the city or village shall pay all the costs made before such condemnation court of condemnation. If ; Provided, if services of expert witnesses are secured then their fees or compensation to be taxed and paid as costs shall be only such amount as the said condemnation court of condemnation shall fix, notwithstanding any contract between such experts and the party producing them to pay them more, but a contract to pay them more than the court shall allow as

costs may be enforced between any such experts and the litigant or party employing them. The costs made by any such appeal or appeals shall be adjudged against the party defeated in such appeal in the same degree and manner as is done under the general court practice relating to appellate proceedings.

Sec. 63. Section 19-707, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 64. Section 19-708, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 65. Section 19-709, Reissue Revised Statutes of Nebraska, is amended to read:

19-709 The mayor and city council of any city of the first class or city of the second class or the chairperson and members of the village board of trustees of any village shall have power to purchase or appropriate private property or school lands for the use of the city or village for streets, alleys, avenues, parks, parkways, boulevards, sanitary sewers, storm water sewers, public squares, public auditoriums, public fire stations, training facilities for firefighters, market places, public heating plants, power plants, gas works, electric light plants, wells, or waterworks, including mains, pipelines, and settling basins therefor, and to acquire outlets and the use of streams for sewage disposal. When necessary for the proper construction of any of the works described in this section above ~~provided~~, the right of appropriation shall extend such distance as may be necessary from the corporate limits of the city or village, except that no city of the first class, city of the ~~or~~ second class, or village may acquire through the exercise of the power of eminent domain or otherwise any real estate within the zoning jurisdiction of any other city of the first class, city of the ~~or~~ second class, or village for any of the works enumerated in this section if the use for which the real estate is to be acquired would be contrary to or would not be a use permitted by the existing zoning ordinances and regulations of such other city or village, but such real estate may be acquired within the zoning jurisdiction of another city of the first class, city of the ~~or~~ second class, or village for such contrary or nonpermitted use if the governing body of such other city or village approves ~~shall approve~~ such acquisition and use. Such power shall also include the right to appropriate for any of the above purposes described in this section any plant or works already constructed, or any part thereof, whether such plant or works lie the same lies wholly within the city or village or part within and part without the city or village or beyond the corporate limits of such city or village, including all real estate, buildings, machinery, pipes, mains, hydrants, basins, and reservoirs, and all appurtenances reasonably necessary thereto and a part thereof, or connected with such works or plants, and all franchises to own and operate the same, if any. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is applicable.

Sec. 66. Section 19-710, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 67. Section 19-901, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) Such powers shall be exercised only after the city council or village board of trustees ~~municipal legislative body~~ has established a planning commission, received from its planning commission a recommended comprehensive development plan as defined in section 19-903, adopted such comprehensive development plan, and received the specific recommendation of the planning

commission on the adoption or amendment of zoning regulations. The planning commission shall make a preliminary report and hold public hearings on its recommendations regarding the adoption or repeal of the comprehensive development plan and zoning regulations and shall hold public hearings thereon before submitting its final report to the city council or village board of trustees legislative body. Amendments to the comprehensive plan or zoning regulations shall be considered at public hearings before submitting recommendations to the city council or village board of trustees legislative body.

(3) A comprehensive development plan as defined in section 19-903 which has been adopted and not rescinded by a city council or village board of trustees such legislative body prior to May 17, 1967, shall be deemed to have been recommended and adopted in compliance with the procedural requirements of this section when, prior to the adoption of the plan by the city council or village board of trustees legislative body, a recommendation thereon had been made to the city council or village board of trustees legislative body by a zoning commission in compliance with the provisions of section 19-906, as such section existed prior to its repeal by Laws 1967, c. 92, section 7, or by a planning commission appointed under the provisions of Chapter 19, article 9, regardless of whether the planning commission had been appointed as a zoning commission.

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

Sec. 68. Section 19-902, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 69. Section 19-903, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

Sec. 70. Section 19-904, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 71. Section 19-904.01, Reissue Revised Statutes of Nebraska, is amended to read:

19-904.01 The use of a building, structure, or land, existing and lawful at the time of the adoption of a zoning regulation, or at the time of an amendment of a regulation, may, except as provided in this section, be continued, although such use does not conform with provisions of such regulation or amendment. Such ; ~~and such~~ use may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension. If such nonconforming use is in fact discontinued for a period of twelve months, such right to the nonconforming use shall be forfeited and any future use of the building and premises shall conform to the regulation. The city council or village board of trustees municipal legislative body may provide in any zoning regulation for the restoration, reconstruction, extension, or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning regulations.

The city council or village board of trustees ~~municipal legislative body~~ may, in any zoning regulation, provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery of amortization of the investment in the nonconformance, except that in the case of a legally erected outdoor advertising sign, display, or device, no amortization schedule shall be used.

Sec. 72. Section 19-905, Reissue Revised Statutes of Nebraska, is amended to read:

19-905 Regulations, restrictions, and boundaries authorized to be created pursuant to sections 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet therefrom, and of those directly opposite thereto extending three hundred feet from the street frontage of such opposite lots, and such change is not in accordance with the comprehensive development plan, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council or village board of trustees ~~legislative body~~ of such municipality. The provisions of section 19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice as provided in section 19-904 ~~therein prescribed~~, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor punishable as provided in section 19-913. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing. At the option of the city council or village board of trustees ~~legislative body~~ of the municipality, in place of the posted notice provided in this section above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within three hundred feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least ten days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. ~~When~~ Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least ten days prior to such hearing. The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of section 19-904 shall be applicable.

Sec. 73. Section 19-907, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 74. Section 19-908, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 75. Section 19-909, Reissue Revised Statutes of Nebraska, is amended to read:

19-909 Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds for such appeal thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Sec. 76. Section 19-910, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

Sec. 77. Section 19-911, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 78. Section 19-912, Reissue Revised Statutes of Nebraska, is amended to read:

19-912 Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to the district court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality. Such petition must be presented to the court within fifteen days after the filing of the decision in the office of the board of adjustment. Upon the filing of such petition a summons shall be issued and be served upon the board of adjustment, together with a copy of the petition. Return of service shall be made within four days after the issuance of the summons. Within ten days after the return day of such summons, the board of adjustment shall file an answer to such said petition which shall admit or deny the substantial allegations ~~averments~~ of the petition, and shall state the contentions of the board of adjustment with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing answer, the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the forms of law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court ~~it~~ may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Such said appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board of adjustment and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law.

Sec. 79. Section 19-912.01, Reissue Revised Statutes of Nebraska, is amended to read:

19-912.01 The zoning board of adjustment of a county that has adopted a comprehensive development plan, as defined by section 23-114.02, and is enforcing zoning regulations based upon such a plan, shall, upon request of the governing body of a village or second-class city of the second class or village, serve as the zoning board of adjustment for such village or city of the second class or village in that county. A city of the first class may request that the county zoning board of adjustment of the county in which it is located serve as that city's zoning board of adjustment, and such county government shall comply with that request within ninety days. A municipality located in more than one county shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the municipality is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the municipality and its area ~~of extraterritorial zoning jurisdiction control~~, regardless of county lines. In a county in which where there is a city of the primary class is located, the board of zoning appeals, created under section 23-174.09, may serve in the same capacity for all cities of the second class and villages in place of a zoning board of adjustment.

Sec. 80. Section 19-913, Reissue Revised Statutes of Nebraska, is amended to read:

19-913 The city council or village board of trustees ~~local legislative body~~ may provide by ordinance for the enforcement of sections 19-901 to 19-915, and of any ordinance, regulation, or restriction made thereunder. A violation of such sections or of such ordinance or regulation is hereby declared to be a misdemeanor, and such city council or village board of trustees ~~local legislative body~~ may provide for the punishment thereof by fine ~~of~~ not exceeding one hundred dollars for any one offense, recoverable with costs, or by imprisonment in the county jail for a term not to exceed thirty days. Each day such violation continues after notice of violation is given to the offender may be considered a separate offense. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of said sections 19-901 to 19-915 or of any ordinance or other regulation made under such sections ~~authority conferred hereby~~, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to

restrain, correct, or abate such violation, to prevent the occupancy of such said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Sec. 81. Section 19-914, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 82. Section 19-915, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 83. Section 19-916, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) All additions laid out contiguous or adjacent to the corporate limits of a city of the first class, city of the second class, or village may be included within the corporate limits and become a part of such municipality for all purposes whatsoever if approved by the city council or village board of trustees ~~legislative body of the city or village~~ under this subsection. The proprietor or proprietors of any land within the corporate limits of any city of the first class, city of the ~~or~~ second class, or village, or of any land contiguous or adjacent to the corporate limits of such city or village, may lay out such land into lots, blocks, streets, avenues, alleys, and other grounds under the name of Addition to the City or Village of, and shall cause an accurate map or plat thereof to be made out, designating explicitly the land so laid out and particularly describing the lots, blocks,

streets, avenues, alleys, and other grounds belonging to such addition. The lots shall be designated by numbers, and streets, avenues, and other grounds, by names or numbers. Such plat shall be acknowledged before some officer authorized to take the acknowledgments of deeds, shall contain a dedication of the streets, alleys, and public grounds therein to the use and benefit of the public, and shall have appended a survey made by some competent surveyor with a certificate attached, certifying that he or she has accurately surveyed such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked. The addition may become part of the municipality at such time as the addition is approved by the city council or village board of trustees ~~legislative body~~ if (a) after giving notice of the time and place of the hearing as provided in section 19-904, the planning commission and the city council or village board of trustees ~~legislative body~~ both hold public hearings on the inclusion of the addition within the corporate limits and (b) the city council or village board of trustees ~~legislative body~~ votes to approve the inclusion of the addition within the corporate boundaries of the municipality in a separate vote from the vote approving the addition. Such hearings shall be separate from the public hearings held regarding approval of the addition. If the city council or village board of trustees ~~legislative body~~ includes the addition within the corporate limits, the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all the laws, ordinances, rules, and regulations of the municipality to which such land is an addition. When such map or plat is made out, acknowledged, and certified, and has been approved by the city council or village board of trustees ~~local legislative body~~, the map or plat shall be filed and recorded in the office of the register of deeds and county assessor of the county. If the city council or village board of trustees ~~legislative body~~ includes the addition within the corporate limits, such map or plat shall be equivalent to a deed in fee simple absolute to the municipality from the proprietor of all streets, avenues, alleys, public squares, parks, and commons, and of such portion of the land as is therein set apart for public and municipal use, or is dedicated to charitable, religious, or educational purposes.

Sec. 84. Section 19-917, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 85. Section 19-918, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 86. Section 19-919, Reissue Revised Statutes of Nebraska, is amended to read:

19-919 No plat of or instruments effecting the subdivision of real property described in section 19-918 shall be recorded or have any force and effect unless such plat is the same be approved by the city council or village board of trustees ~~governing body~~ of such municipality or its agent designated pursuant to section 19-916. The city council or village board of trustees ~~governing body~~ of such municipality shall have power, by ordinance, to provide

the manner, plan, or method by which real property in any such area may be subdivided, platted, or laid out, including a plan or system for the avenues, streets, or alleys to be laid out within or across the same, and to prohibit the sale or offering for sale of, and the construction of buildings and other improvements on, any lots or parts of real property not subdivided, platted, or laid out as required in sections 19-918 and 19-920.

Sec. 87. Section 19-920, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 88. Section 19-921, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 89. Section 19-922, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 90. Section 19-923, Reissue Revised Statutes of Nebraska, is amended to read:

19-923 (1) In order to provide for orderly school planning and development, a city of the first class, city of the second class, or village municipality considering the adoption or amendment of a zoning ordinance or approval of the platting or replatting of any development of real estate shall notify the board of education of each school district in which the real estate, or some part thereof, to be affected by such a proposal lies, of the next regular meeting of the planning commission at which such proposal is to be considered and shall submit a copy of the proposal to the board of education at least ten days prior to such meeting.

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

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

Sec. 91. Section 19-925, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 92. Section 19-926, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-926 (1) The planning commission of a city of the first class, city of the second class, or village shall consist of nine regular members who shall represent, insofar as far as is possible, the different professions or occupations in the city or village municipality and shall be appointed by the mayor, by and with the approval of a majority vote of the members of elected to the city council or by the chairperson of the village board of trustees by and with the approval of a majority vote of the members of the village board of trustees. Two of the regular members may be residents of the area designated pursuant to section 16-902 or 17-1001 over which the city or village is exercising extraterritorial zoning jurisdiction over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When

there is a sufficient number of residents in such area over which the city or village the area over which the municipality exercises extraterritorial zoning jurisdiction and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the city council or village board of trustees that a sufficient number of residents reside in such area the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, a sufficient number of residents shall mean: (a) For a village, two hundred residents; (b) for a city of the second class, five hundred residents; and (c) for a city of the first class, one thousand residents. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. All regular members of the commission shall serve without compensation. The term of each regular member shall be three years, except that three regular members of the first commission to be so appointed shall serve for terms of one year, three for terms of two years, and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the city council or village board of trustees, be removed by the mayor with the consent of a majority vote of the members of elected to the city council or by the chairperson of the village board of trustees with the consent of a majority vote of the members of the village board of trustees for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by appointment by the mayor or the chairperson of the village board of trustees.

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

(3) A city of the first class, a city of the ~~or~~ second class, or a village may, by ordinance, provide for the appointment of one alternate member to the planning commission who shall be chosen by the mayor with the approval of a majority vote of the elected members of the city council or by the chairperson of the village board of trustees with the approval of a majority vote of the members of the village board of trustees. The alternate member shall serve without compensation. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority vote of the elected members of the city council or by the chairperson of the village board of trustees with the approval of a majority vote of the members of the village board of trustees. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

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

Sec. 93. Section 19-927, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 94. Section 19-928, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 95. Section 19-929, Reissue Revised Statutes of Nebraska, is amended to read:

19-929 (1) Except as provided in sections 19-930 to 19-933, the planning commission of a city of the first class, city of the second class, or village shall (a) make and adopt plans for the physical development of the city or village municipality, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such city or village municipality and including a comprehensive development plan as defined by section 19-903, (b) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments, and (c) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The city council or village board of trustees municipal governing body shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent. The city council or village board of trustees governing body shall by ordinance set a reasonable time within which the recommendation from the planning commission is to be received. A recommendation from the planning commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the city council or village board of trustees governing body has designated, by ordinance, an agent pursuant to section 19-916.

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

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

(3) The planning commission may grant conditional uses or special exceptions to property owners for the use of their property if the city council or village board of trustees municipal governing body has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the city council or village board of trustees municipal governing body may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The city council or village board of trustees municipal governing body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or the city council or village board of trustees municipal governing body regarding a conditional use or special exception shall be made to the district court.

Sec. 96. Section 19-930, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) Any city or village municipality exercising extraterritorial zoning jurisdiction as defined in section 16-901 or 17-1001 outside its corporate limits but within a county other than the county within which the city or village municipality is located or the county within which such city or village municipality is exercising extraterritorial such zoning jurisdiction may, by

formal resolution of a majority of the voting members of the city council, village board of trustees, or county board ~~its governing body~~, request the formation of an interjurisdictional planning commission to exercise the jurisdiction granted by sections 19-930 to 19-933. Such resolution shall be transmitted to the appropriate city or village municipality or county and its receipt formally acknowledged.

Sec. 97. Section 19-931, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 98. Section 19-932, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 99. Section 19-1101, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 100. Section 19-1102, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 101. Section 19-1103, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 102. Section 19-1104, Reissue Revised Statutes of Nebraska, is amended to read:

19-1104 Any ~~village or city clerk, village clerk, city treasurer, or village treasurer,~~ failing or neglecting to comply with ~~the provisions of~~ sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined, not to exceed twenty-five dollars, and be liable, in

addition to removal from office for such failure or neglect.

Sec. 103. Section 19-1301, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 104. Section 19-1302, Reissue Revised Statutes of Nebraska, is amended to read:

19-1302 The city council ~~local governing body~~ of any city of the first class or city of the second class or the village board of trustees of any village, subject to all the limitations set forth in sections 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed ten and five-tenths cents on each one hundred dollars in any one year upon the taxable value of all the taxable property within such municipality for a term of not to exceed ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of such municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: Municipal libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses ~~house~~ for social or recreational purposes; city or village halls ~~hall~~; municipal public libraries ~~library~~, auditoriums ~~auditorium~~, or community houses ~~house~~ in a single building; municipal swimming pools ~~pool and appurtenances thereto~~; municipal jails ~~jail~~; municipal fire stations ~~building to house equipment or personnel of a fire department, together with firefighting equipment or apparatus~~; municipal parks ~~park~~; municipal cemeteries ~~cemetery~~; municipal medical buildings ~~clinic building, together with furnishings and equipment~~; or municipal hospitals ~~hospital~~. No such city or village shall be authorized to levy the tax or to establish the sinking fund as provided in this section if, having bonded indebtedness, such city or village has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in section 19-1303.

Sec. 105. Section 19-1303, Reissue Revised Statutes of Nebraska, is amended to read:

19-1303 Before any sinking fund or funds shall be established or before any annual tax shall be levied for planned municipal improvements ~~improvement~~ mentioned in section 19-1302, by a any such city or village, the city council or village board of trustees ~~its local governing body~~ shall declare its purpose by resolution to submit to the qualified electors of the city or village at the next general municipal election the proposition to provide such city or village with the specific municipal improvement planned for ~~consummation~~ under sections 19-1301 to 19-1304. Such resolution of submission shall, among other things, set forth a clear description of the improvement planned, the estimated cost according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding ten years, required to provide such cost, and the specific name or designation for the sinking fund sought to be established to carry out the planned improvement, together with a statement of the proposition for placement upon the ballot at such election. Notice of the submission of the proposition, together with a copy of the official ballot containing such proposition ~~the same~~, shall be published in its entirety three successive weeks before the day of the election in a legal newspaper in or of general circulation published in the municipality or, if no legal newspaper is in or of general circulation in the municipality ~~published therein~~, in a some legal newspaper in or of general circulation published in the county in which such city or village is located ~~and of general circulation~~. ~~If no legal newspaper is published in the county, such notice shall be published in some legal newspaper of general circulation in the county in which the municipality is located.~~ No such sinking fund shall be established unless the same shall have been authorized by a majority or more of the legal votes of such city or village cast for or against the proposition. If less than a majority of the legal votes favor the establishment of the sinking fund, the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund or sinking funds shall be established in connection therewith, but such resolution of submission shall immediately be repealed. If the proposition shall carry at such election in the manner prescribed in this section, the city council or village board of trustees ~~local governing body~~ and its successors in office shall proceed to do all things authorized under such resolution of submission but never inconsistent with sections 19-1301 to 19-1304. The election provided for under this section shall be conducted as provided under the Election Act ~~Provisions of the statutes of this state relating to election~~

~~of officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition under this section.~~

Sec. 106. Section 19-1304, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 107. Section 19-1305, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 108. Section 19-1306, Reissue Revised Statutes of Nebraska, is amended to read:

19-1306 The ~~city council or village board of trustees of a governing body of such city or village seeking to issue revenue bonds pursuant to section 19-1305 shall first cause plans and specifications for such said proposed extensions and improvements and an estimate of the cost thereof to be made by the city engineer or village engineer or by a special engineer employed for that purpose. Such plans, specifications, and estimate of cost, after being approved and adopted by the city council or village board of trustees governing body, shall be filed with the city clerk or village clerk and be open to public inspection. The city council or village board of trustees governing body shall then, by resolution entered in the minutes of its their proceedings, direct that public notice be given in regard thereto. Such This notice shall state:~~ (1) The general nature of the improvements or extensions proposed to be made; (2) that the plans, specifications, and estimate thereof are on file in the office of the city clerk or village clerk and are open to public inspection; (3) the estimated cost thereof; (4) that it has proposed to pay for the same by combined revenue bonds; (5) the principal amount of ~~such said bonds which it proposes to issue;~~ (6) the maximum rate of interest which such bonds will bear; (7) that the payment of ~~such said bonds will be a lien upon and will be secured by a pledge of the revenue and earnings of certain public utilities;~~ (8) the names of the utilities whose revenue and earnings are to be so pledged; (9) that any qualified elector of the city or village may file written objections to the issuance of ~~such said bonds with the city clerk or village clerk within twenty days after the first publication of such said notice;~~ (10) that if such objections are filed within ~~such said time by qualified electors of the city or village, equal in number to forty percent of the electors of the city or village who voted at the last preceding general municipal election, the bonds will not be issued unless the issuance of such bonds is otherwise authorized in accordance with law; and (11) that if such objections are not so filed by such percentage of such electors, the city council or village board of trustees governing body of such city or village proposes to pass an ordinance authorizing the sale of such said bonds and making such contracts with reference thereto as may be necessary or proper. Such notice shall be signed by the city clerk or village clerk and be published three consecutive weeks in a legal newspaper published in or of general circulation in such city or village. Once combined revenue bonds have been issued pursuant to this section or section 18-1101, the procedure outlined in this section shall not be required to issue additional combined revenue bonds unless an additional public utility not previously included is to be combined with the bonds contemplated to be issued.~~

Sec. 109. Section 19-1307, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 110. Section 19-1308, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 111. Section 19-1309, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 112. Section 19-1310, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 113. Section 19-1311, Reissue Revised Statutes of Nebraska, is amended to read:

19-1311 Should any city of the first class, city of the second class, or village of such municipalities elect to follow the method provided in section 19-1309, such city or village it shall be bound by that election during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

Sec. 114. Section 19-1312, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 115. Section 19-1401, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 116. Section 19-1402, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 117. Section 19-1403, Reissue Revised Statutes of Nebraska, is

amended to read:

19-1403 The question of issuing bonds for any of the purposes described mentioned in section 19-1401 shall be submitted to the electors at an election held for that purpose after not less than thirty days' notice thereof has been given (1) by publication in a legal ~~some~~ newspaper published in or ~~and~~ of general circulation in the ~~such~~ municipality or (2) if no legal newspaper is published in or of ~~general~~ circulation in such municipality ~~therein~~, by posting in five or more public places in such municipality ~~therein~~. Such bonds may be issued only when a majority of the electors voting on the question favor their issuance. Such bonds ~~They~~ shall bear interest, payable annually or semiannually, and shall be payable at any time the municipality may determine at the time of their issuance but in not more than twenty years after their issuance. The aggregate amount of bonds that may be issued for the construction or the purchase of a heating or lighting plant shall not exceed four percent of the taxable value of the assessed property and, for the construction or purchase of an ice plant, shall not exceed one percent of the taxable value of the assessed property within such municipality, as shown by the last annual assessment. The city council or village board of trustees shall levy annually a sufficient tax to maintain, operate, and extend any system or plant and to provide for the payment of the interest on and principal of any bonds that may have been or shall be issued as provided in this section.

Sec. 118. Section 19-1404, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 119. Section 19-1501, Reissue Revised Statutes of Nebraska, is amended to read:

19-1501 In all cases where a primary city of the primary class, a city of the first class, city of the ~~or~~ second class, or village has heretofore entered into a contract for paving or otherwise improving a street or streets ~~therein~~, or for the construction or improvement of a system of waterworks or sanitary or storm sewers, and the contract has not been completed on account of any order or regulation issued by the United States or any board or agency thereof, such city or village may accept that part of the work which has been completed, levy special assessments and taxes, and issue bonds to pay the cost of the work so completed and accepted, in the same manner and on the same conditions as if such said ~~such~~ contract had been fully completed.

Sec. 120. Section 19-1502, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 121. Section 19-1826, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

(5) Commissioner means a member of the commission;

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

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

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

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

(8) (6) Full-time police officer means a police officer in a position which requires officers shall mean police officers in positions which require certification by the Nebraska Law Enforcement Training Center, created pursuant

to section 81-1402, who ~~has~~ have the power of arrest, who ~~is~~ are paid regularly by a municipality, and for whom law enforcement is a full-time career, but ~~does~~ shall not include any clerical, custodial, or maintenance personnel;

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

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

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

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

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

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

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

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

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

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

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

Sec. 122. Section 19-1827, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-1827 (1) There is hereby created, in cities in the State of Nebraska having a population of more than five thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census and having full-time police officers or full-time firefighters, a civil service commission, except in cities with a population in excess of forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census which have or may adopt a home rule charter pursuant to sections 2 to 5 of Article XI of the Constitution of Nebraska this state. Any city or village having a population of five thousand inhabitants or less as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census may adopt the Civil Service Act and create a civil service commission by a vote of the electors of such city or village. If any city of the first class which established a civil service commission decreases in population to less than five thousand, as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, and continues to have full-time police officers or full-time firefighters, the civil service commission shall be continued for at least four years, and thereafter continued at the option of the governing body of such city or village. The members of such commission shall be appointed by the appointing authority.

(2) The governing body shall by ordinance determine if the commission shall be comprised of three or five members. The members of the civil service commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city or village municipality for at least three years immediately preceding such appointment, and an elector of the county wherein such person resides. If the commission is comprised of three members, the term of office of such commissioners shall be six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. If the commission is comprised of five members, the term of office of such members shall be for five years, except that the first members of such commission shall be appointed for different terms, as follows: One to serve for a period of one year, one to serve for a period of two years, one to serve for a period of three years, one to serve for a period of four years, and one to serve for a period of five years. If the city or village municipality determines by ordinance to change from a three-member commission to a five-member commission, or from a five-member commission to a three-member commission, the members of the commission serving before the effective date of such ordinance shall hold office until reappointed or their successors are appointed.

(3) Any member of the civil service commission may be removed from office for incompetency, dereliction of duty, malfeasance in office, or other good cause by the appointing authority, except that no member of the commission shall be removed until written charges have been made preferred, due notice given such member, and a full hearing had before the appointing authority. Any member so removed shall have the right to appeal to the district court of the

county in which such commission is located, which court shall hear and determine such appeal in a summary manner. Such an appeal shall be only upon the ground that such judgment or order of removal was not made in good faith for cause, and the hearing on such appeal shall be confined to the determination of whether or not it was so made.

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

Sec. 123. Section 19-1829, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

Sec. 124. Section 19-1830, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

(5) The commission may conduct an investigation concerning and report upon all matters regarding the enforcement and effect of the Civil Service Act and the rules and regulations prescribed. The commission may inspect all institutions, departments, positions, and employments affected by such act to

determine whether such act and all such rules and regulations are being obeyed. Such investigations may be conducted by the commission or by any commissioner designated by the commission for that purpose. The commission shall also make a like investigation on the written petition of a citizen, duly verified, stating that irregularities or abuses exist or setting forth, in concise language, the necessity for such an investigation. The commission may be represented in such investigations by the city attorney or village municipal attorney, if authorized by the appointing authority. If the city attorney or village municipal attorney does not represent the commission, the commission may be represented by special counsel appointed by the commission in any such investigation. In the course of such an investigation, the commission, designated commissioner, or chief examiner shall have the power to administer oaths, to issue subpoenas to require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and to cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the courts of this state. The oaths administered and subpoenas issued shall have the same force and effect as the oaths administered by a district judge in a judicial capacity and subpoenas issued by the district courts of Nebraska. The failure of any person so subpoenaed to comply shall be deemed a violation of the Civil Service Act and be punishable as such. No investigation shall be made pursuant to this section if there is a written accusation concerning the same subject matter against a person in the civil service. Such accusations shall be handled pursuant to section 19-1833.

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

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

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

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

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

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

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

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

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

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

(f) Seniority.

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

Sec. 125. Section 19-1833, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) Any person so removed, suspended, demoted, or discharged may, within ten days after being notified by the appointing authority of such removal, suspension, demotion, or discharge, file with the commission a written demand

for an investigation, whereupon the commission shall conduct such investigation. The governing body of the municipality shall establish procedures by ordinance consistent with this section by which the commission shall conduct such investigation. At least one copy of the rules and regulations, and any amendments to such rules and regulations, shall be made available for examination and reproduction by members of the public. One copy of the rules and regulations and any such amendments shall be given to each full-time firefighter and full-time police officer. Such procedures shall comply with minimum due process requirements. The commission may be represented in such investigation and hearing by the city attorney or village municipal attorney if authorized by the appointing authority. If the city attorney or village municipal attorney does not represent the commission, the commission may be represented by special counsel appointed by the commission for any such investigation and hearing. The investigation shall be confined to the determination of the question of whether or not such removal, suspension, demotion, or discharge was made in good faith for cause which shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

(4) After such investigation, the commission shall hold a public hearing after giving reasonable notice to the accused of the time and place of such hearing. Such hearing shall be held not less than ten or more than twenty days after filing of the written demand for an investigation and a decision shall be rendered no later than ten days after the hearing. At such hearing the accused shall be permitted to appear in person and by counsel and to present his or her defense. The commission may affirm the action taken if such action of the appointing authority is supported by a preponderance of the evidence. If it shall find that the removal, suspension, demotion, or discharge was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such person in the position or employment from which such person was removed, suspended, demoted, or discharged, which reinstatement shall, if the commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion, or discharge. The commission upon such hearing, in lieu of affirming the removal, suspension, demotion, or discharge, may modify the order of removal, suspension, demotion, or discharge by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. The findings of the commission shall be certified in writing to and enforced by the appointing authority.

(5) If such judgment or order be concurred in by the commission or a majority thereof, the accused or governing body may appeal to the district court. Such appeal shall be taken within forty-five days after the entry of such judgment or order by serving the commission with a written notice of appeal stating the grounds and demanding that a certified transcript of the record and all papers, on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify, and file such transcript with and deliver such papers to the district court. The district court shall proceed to hear and determine such appeal in a summary manner. The hearing shall be confined to the determination of whether or not the judgment or order of removal, discharge, demotion, or suspension made by the commission was made in good faith for cause which shall mean that the action of the commission was based upon a preponderance of the evidence, was not arbitrary or capricious, and was not made for political or religious reasons. No appeal to such court shall be taken except upon such ground or grounds.

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

Sec. 126. Section 19-1834, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 127. Section 19-1836, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 128. Section 19-1839, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 129. Section 19-1846, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 130. Section 19-2101, Reissue Revised Statutes of Nebraska, is amended to read:

19-2101 Cities of the first class, cities of the second class, and villages shall have the power to purchase, construct, maintain, and improve garbage disposal plants or ~~or~~ systems or solid waste disposal areas, and purchase equipment for the operation thereof, for the use of their respective municipalities and the inhabitants thereof, and are hereby authorized and empowered to lease or to take land in fee within their corporate limits or without their corporate limits by donation, gift, devise, purchase, or appropriation for rights-of-way and for construction and operation of such a disposal plant, system, or solid waste disposal area.

Sec. 131. Section 19-2102, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 132. Section 19-2103, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 133. Section 19-2104, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 134. Section 19-2105, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 135. Section 19-2106, Reissue Revised Statutes of Nebraska, is amended to read:

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

the violation of such ordinance, and do whatever is necessary to protect the general health in the matter of removal and disposal of garbage.

Sec. 136. Section 19-2201, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 137. Section 19-2202, Reissue Revised Statutes of Nebraska, is amended to read:

19-2202 The application presented pursuant to section 19-2201 to the district court of the county in which the territory lies shall: (1) Contain a recital of the resolution of the city council or village board of trustees for correction and reestablishment of the corporate limits and the vote thereon; (2) set forth the name of the plat or plats, the date of record, the book and page of the record book in which such plat or plats have been recorded, and the book and page of the record in which the original charter and annexations, if any there be, are recorded; (3) describe in general terms the area contained within the corporate limits and the territory affected by the corrections and reestablishment sought; (4) set forth the streets and alleys of such area which are maintained or used; and (5) be supported by exhibits consisting of a certificate of the county treasurer of the county in which the territory lies showing the years for which the real estate and the property therein situated shall have been subject to the tax levy of such city or village and a certificate of the city clerk or village clerk or other officer having custody of the sign-in registers for elections of the city or village in which the territory lies showing the years during which the inhabitants thereof enjoyed the right of franchise in the elections of such city or village. The application shall pray for an order of the district court correcting and reestablishing the corporate limits of the city or village to include such territory.

Sec. 138. Section 19-2203, Reissue Revised Statutes of Nebraska, is amended to read:

19-2203 If it shall appear to the judge of the district court that ~~the~~ such application presented pursuant to section 19-2201 is properly filed, he or she shall make an order directing all persons owning real estate or having an interest in real estate situated in such part of such city or village, giving the name of the plat as recorded as well as a general description of the territory affected by the proposed correction and reestablishment of corporate limits, to appear before him or her at a time and place to be specified, not less than four and not more than ten weeks from the time of making such order, to show cause why a decree correcting and reestablishing the corporate limits of such city or village should not be entered. The notice of such order to show cause shall be made by publication in a legal newspaper in or of general circulation published in such city or village. If there is no legal newspaper in or of general circulation in such city or village, then such notice shall be published if there is any printed in such city or village and, if there is not, in some legal newspaper in or of printed in the county having general circulation in the county in which such city or village is located such city or village. If no legal newspaper is printed in the county, such notice shall be published in a legal newspaper having general circulation in such city or village. The notice shall be published four consecutive weeks in such legal newspaper and shall contain a summary statement of the object and prayer of the application, mention the court where it is filed, and notify the persons interested when they are required to appear and show cause why such decree should not be entered.

Sec. 139. Section 19-2302, Reissue Revised Statutes of Nebraska, is amended to read:

19-2302 The proceeds derived from the use of the parking meters or other similar mechanical devices, established pursuant to referred to in sections 19-2301 to 19-2304, shall be placed in the traffic and safety fund and shall be used by such a city or village referred to in section 19-2301 (1) ; first, for the purpose of the acquisition, establishment, erection, maintenance, and operation of the system; ~~second, (2) for the purpose of making the system effective; and third, and (3) for the expenses incurred by and throughout such~~

a city or village in the regulation and limitation of vehicular parking, traffic relating to parking, traffic safety devices, signs, signals, markings, policing, lights, traffic surveys, and safety programs.

Sec. 140. Section 19-2303, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 141. Section 19-2304, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 142. Section 19-2401, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The published notice may set forth the engineer's lump-sum estimate of the total cost for the aggregate of all work to be performed in the combined districts and shall (a) enumerate the estimated quantities of work to be done in each separate district; and (b) call for an aggregate bid on all work to be performed in the combined districts, broken down in such a manner as will accurately reflect unit prices for such estimated quantities, so that, notwithstanding that such a submitted aggregate or alternate aggregate bid may be accepted, the actual cost of the construction of each of such projects may be allocated by any such city or village to the improvement district in which it is located for the purpose of levying any authorized special assessments to defray, in whole or in part, such cost of construction of such projects.

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

Sec. 143. Section 19-2402, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

Sec. 144. Section 19-2403, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

Sec. 145. Section 19-2404, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-2404 (1) Except as provided in subsection (2) of this section, special assessments for sanitary sewer extension mains or water extension mains in a district shall be levied at one time and shall become delinquent in equal annual installments over a period of years equal to the number of years for which the bonds for such project were issued pursuant to section 19-2405. The first installment becomes delinquent fifty days after the making of such levy. Subsequent installments become delinquent on the anniversary date of the levy. Each installment, except the first, shall draw interest at the rate set by the city council or village board of trustees from the time of such levy until such installment becomes delinquent. After an installment becomes delinquent, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon until such installment is collected and paid. Such special assessments shall be collected and enforced as in the case of general municipal taxes and shall be a lien on such real estate from and after the date of the levy. If three or more of such installments become delinquent and unpaid on the same property, the city council or the village board of trustees may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the name of its record title owner and shall provide that all future installments shall become delinquent upon the date fixed. A copy of such resolution shall be published one time in a legal newspaper in or of general circulation ~~published in the city or village municipality or, if none is published in such municipality, in a legal newspaper of general circulation in the municipality.~~ After the fixed date such future installments shall be deemed to be delinquent and the city or village municipality may proceed to enforce and collect the total amount due including all future installments.

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

Sec. 146. Section 19-2405, Reissue Revised Statutes of Nebraska, is amended to read:

19-2405 For the purpose of paying the cost of any ~~such~~ water service extension or sanitary sewer service extension, in an extension ~~any such district created pursuant to section 19-2402,~~ the city council or village board of trustees may, by ordinance, cause bonds of the municipality to be issued, called district water service extension bonds of district No. or district sanitary sewer service extension bonds of district No., payable in not exceeding twenty years from date and to bear interest payable annually or semiannually with interest coupons attached. The ordinance effectuating the issuance of such bonds shall provide that the special tax and assessments shall constitute a sinking fund for the payment of such bonds and interest. If a written protest, signed by owners of the property located in the improvement district and representing a majority of the front footage which may become subject to assessment for the cost of the improvement, is filed with the city municipal clerk or village clerk within three days before the date of the meeting for the consideration of such ordinance, such ordinance shall not be passed. The entire cost of such water extension mains or sanitary sewer extension mains in any such street, avenue, or alley may be chargeable to the private property therein and may be paid by the owner of such property within fifty days from the levy of such special taxes and assessments, and thereupon such property shall be exempt from any lien for the special taxes and assessments. The bonds shall not be sold for less than their par value. If the assessment or any part thereof fails or for any reason is invalid, the city council or village board of trustees governing body of the municipality may, without further notice, make such other and further assessments on the lots and lands as may be required to collect from the lots and lands the cost of the improvement, properly chargeable as provided in this section. In lieu of such general obligation bonds, the municipality may issue revenue bonds as provided in section 18-502, to pay all or part of the cost of the construction of such improvement.

Sec. 147. Section 19-2406, Reissue Revised Statutes of Nebraska, is amended to read:

19-2406 For the purpose of making partial payments as the work progresses

in an extension district created pursuant to section 19-2402, warrants may be issued by the mayor and city council or the chairperson chairman and village board of trustees, as the case may be, upon certificates of the engineer in charge showing the amount of work completed and materials necessarily purchased and delivered for the orderly and proper continuation of the project, in a sum not exceeding ninety-five percent of the cost thereof and upon the completion and acceptance of the work issue a final warrant for the balance due the contractor, which warrants shall be redeemed and paid upon the sale of the bonds issued and sold as provided in section 19-2405, and which shall bear interest at such rate as the mayor and city council or chairperson chairman and village board of trustees, ~~as the case may be~~, shall order. The city or village shall pay to the contractor interest at the rate of eight percent per annum on the amounts due on partial and final payments beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the city council or village board of trustees governing body, and running until the date that the warrant is tendered to the contractor. Such ~~Said~~ warrants shall be registered in the manner provided for the registration of other warrants, and called and paid whenever there are funds available for that purpose in the manner provided for the calling and paying of other warrants. For the purpose of paying such ~~said~~ warrants and the interest thereon from the time of their registration until paid, the special assessments ~~as hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are paid and collected in a fund to be designated as the sewer and water service extension fund.

Sec. 148. Section 19-2407, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-2407 Special assessments may be levied by the mayor and city council or chairperson and village board of trustees, ~~as the case may be~~, for the purpose of paying the cost of constructing extension water mains or sanitary service connections, as provided in sections 19-2402 to 19-2407. Such assessments shall be levied on the real property lying and being within the utility main district in which such extension mains may be situated to the extent of benefits to such property by reason of such improvement. The benefits to such property shall be determined by the mayor and city council, or chairperson and village board of trustees, ~~as the case may be~~, sitting as a board of equalization after notice to property owners, as provided in other cases of special assessment. After the mayor and city council, or chairperson and village board of trustees, sitting as such board of equalization, shall find such benefits to be equal and uniform, such levy may be made according to the front footage of the lots or real estate within such utility district, or according to such other rule as the board of equalization may adopt for the distribution or adjustment of such cost upon the lots or real estate in such district benefited by such improvement. All such special assessments shall be collected in the same manner as general municipal taxes and shall be subject to the same penalty.

Sec. 149. Section 19-2410, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 150. Section 19-2411, Reissue Revised Statutes of Nebraska, is amended to read:

19-2411 The city council or village board of trustees ~~of a village~~ may without petition create an improvement district and cause one or more of the improvements specified in section 19-2409 to be made in such ~~the~~ district. The ordinance shall designate the property included within the district or the outer boundaries thereof, the improvement or improvements to be made in the district, and the total estimated cost of the improvements, which shall not exceed the dollar limitations in section 19-2408. After passage, approval, and publication of the ordinance, the city clerk or village clerk shall cause notice of the creation of such district to be published for two consecutive weeks in a legal newspaper in published or of general circulation in the city or village, or in lieu of publication cause such notice to be served personally or by certified mail on all owners of real property located within the district. If a majority of the owners of all the real property in the district file written objections to the creation of the district with the city clerk or village clerk within twenty days after the first publication of such notice or within twenty days after the date of mailing or service of written notice on the property owners in the district, the city or village shall not proceed further and shall repeal such ordinance. If no such objections are filed, the city shall proceed with making the improvements.

Sec. 151. Section 19-2412, Reissue Revised Statutes of Nebraska, is amended to read:

19-2412 Contracts for improvements made under the Combined Improvement

~~Act~~ The contract shall be let and the improvements made in the same manner as required for street improvements. The city council or village board of trustees ~~of the village~~ may direct the improvements to be made under a single contract or that separate bids be taken for the street improvement, installation of water mains, and installation of sewers, but the aggregate of such said contracts shall not exceed the estimate as shown in the ordinance creating the district. For the purpose of making partial payment as the work progresses, warrants may be issued by the mayor and city council or the village board of trustees ~~of the village~~ upon certificate of the engineer in charge showing the amount of the work completed and materials necessarily purchased and delivered for the orderly and proper continuance of the project in an amount not exceeding ninety-five percent of the cost thereof, which warrants shall be redeemed and paid from the amounts received on the special assessments or from the sale of bonds issued to pay the cost of the project as provided in section 19-2414. The city or village shall pay to the contractor interest, at the rate of eight percent per annum on the amounts due on partial and final payments, beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the city council or village board of trustees governing body and running until the date that the warrant is tendered to the contractor.

Sec. 152. Section 19-2413, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 153. Section 19-2414, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 154. Section 19-2416, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 155. Section 19-2417, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 156. Section 19-2418, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-2418 The mayor and city council or village board of trustees shall levy special assessments on the lots and parcels of land abutting on or adjacent to the sidewalk improvements specially benefited thereby in any sidewalk district created pursuant to section 19-2417 such district in proportion to the benefits, to pay the cost of such improvements improvement. All special assessments shall be a lien on the property on which levied from the date of the levy until paid. The special assessment for the sidewalk improvement shall be levied at one time and shall become delinquent as follows: One-seventh of the total assessment shall become delinquent in ten days after such levy; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-

seventh in four years; one-seventh in five years; and one-seventh in six years. Each of such installments, except the first, shall draw interest at the rate of not exceeding the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the time of the levy until the installment becomes delinquent. If the installment becomes delinquent, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon as in the case of other special assessments. All such special assessments shall be made and collected in accordance with the procedure established for paving assessments for ~~such the particular~~ city or village.

Sec. 157. Section 19-2419, Reissue Revised Statutes of Nebraska, is amended to read:

19-2419 For the purpose of paying the cost of sidewalk improvements in any sidewalk district created pursuant to section 19-2417, the mayor and city council or village board of trustees shall have the power and may, by ordinance, cause to be issued bonds of the city or village, to be called Sidewalk Bonds of District No., payable in not exceeding six years from date, and to bear interest annually or semiannually, with interest coupons attached. Such bonds shall be general obligations of the city or village, with principal and interest payable from a fund made up of the special assessments collected and supplemented by transfers from the general fund to make up any deficiency in the collection of the special assessments. For the purpose of making partial payments as the work progresses, warrants bearing interest may be issued by the mayor and city council, or the village board of trustees, upon certificate of the engineer in charge showing the amount of the work completed and materials necessarily purchased and delivered for the orderly and proper continuance of the project, in a sum not exceeding ninety-five percent of the cost thereof, which warrants shall be redeemed and paid upon the sale of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay to the contractor interest, at the rate of eight percent per annum on the amounts due on partial and final payments, beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the city council or village board of trustees governing body and running until the date that the warrant is tendered to the contractor.

Sec. 158. Section 19-2420, Reissue Revised Statutes of Nebraska, is amended to read:

19-2420 A city of the first class or city of the second class may acquire by gift or purchase from the federal government or any agency thereof sewer lines and sewage disposal systems, waterworks, and water distribution systems, whether within or without the corporate limits, and operate and extend the same, even though such system or systems are or may be and continue to be wholly disconnected and separate from any such utility system already belonging to such city, when, in the judgment of the mayor and city council of such a city not having a board of public works or of its board of public works in such a city having such board, it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring, maintaining, operating, and extending any such system, ~~any such city of the first or second class~~ may use funds from any sewer, water, or electrical system presently owned and operated by it, without prior appropriation of such funds, and any other funds lawfully available for such purpose.

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

Sec. 159. Section 19-2421, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 160. Section 19-2422, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 161. Section 19-2423, Reissue Revised Statutes of Nebraska, is amended to read:

19-2423 The owner appealing a special assessment pursuant to section 19-2422 shall, within ten days from the levy of such special assessment, file a notice of appeal with the city clerk or village clerk, and shall post a bond in the amount of two hundred dollars conditioned that such appeal shall be prosecuted without delay and the appellant shall pay all costs charged against him or her.

Sec. 162. Section 19-2424, Reissue Revised Statutes of Nebraska, is amended to read:

19-2424 (1) Upon the request of the owner appealing a special assessment pursuant to section 19-2422 and the payment by him or her of the estimated cost

of preparation of the transcript to the city clerk or village clerk or such clerk's designee, the city clerk or village clerk shall cause a complete transcript of the proceedings before such city or village to be prepared. The cost of preparing the transcript shall be calculated in the same manner as the calculation of the fee for a court reporter for the preparation of a bill of exceptions as specified by rules of practice prescribed by the Supreme Court. At such time as the completed transcript is provided to the appellant, the appellant shall pay the amount of the cost of preparation which is in excess of the estimated cost already paid or shall receive a refund of any amount in excess of the actual cost. An appellant determined to be indigent shall not be required to pay any costs associated with such transcript preparation.

(2) For purposes of this section, indigent means the inability to financially pursue the appeal without prejudicing the appellant's ability to provide economic necessities for the appellant or the appellant's family. Indigency shall be determined by the court having jurisdiction over the appeal upon motion of the appellant. The court shall make a reasonable inquiry to determine the appellant's financial condition and shall consider such factors as the appellant's income, the availability to the appellant of other resources, including real and personal property, bank accounts, social security benefits, and unemployment or other benefits, the appellant's normal living expenses, the appellant's outstanding debts, the number and age of the appellant's dependents, and other relevant circumstances.

Sec. 163. Section 19-2425, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 164. Section 19-2426, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 165. Section 19-2427, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-2427 Any city of the first class, city of the ~~or~~ second class, or village may include land adjacent to such city or village when creating an improvement district, such as a sewer, paving, water, water extension, or sanitary sewer extension district. The city council or village board of trustees may levy a special assessment for the costs of such improvements upon the properties found specially benefited thereby, except as provided in sections 19-2428 to 19-2431.

Sec. 166. Section 19-2428, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 167. Section 19-2429, Reissue Revised Statutes of Nebraska, is amended to read:

19-2429 (1) Any owner of record title eligible for the deferral granted by section 19-2428 shall, to secure such assessment, make application to the city council ~~or board of trustees~~ of any city of the first class or city of the second class or the village board of trustees of any village within ninety days

after creation of an improvement district as specified in section 19-2427 which includes land adjacent to such city or village which is within an agricultural use zone and is used exclusively for agricultural use.

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

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

Sec. 168. Section 19-2430, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

Sec. 169. Section 19-2432, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) In making the determination as to reapportionment, the city council or village board of trustees governing body shall take into consideration its own requirements as to security for payment of the amounts owing and may, if determined appropriate, allocate based upon either front footage or square footage or other such method or reapportionment as may be determined appropriate based upon the facts and circumstances. No such reapportionment shall result in a reduction or remittance of the total amount originally assessed and then remaining outstanding and unpaid. Notice of the reapportionment when determined shall be sent by mail to the owners of record title of each lot or parcel affected by the reapportionment.

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

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

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

Sec. 170. Section 19-2701, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 171. Section 19-2901, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 172. Section 19-2902, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

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

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

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

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

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

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

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

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

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

Sec. 173. Section 19-2904, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 174. Section 19-2905, Reissue Revised Statutes of Nebraska, is amended to read:

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

The annual audit report filed, together with any accompanying comment or explanation, shall become a part of the public records of the clerk of the municipality involved and shall at all times thereafter be open and subject to public inspection. The copies filed with the auditor shall be kept as a part of the public records in that office for at least five years and shall at all times be subject to public inspection.

Sec. 175. Section 19-2907, Reissue Revised Statutes of Nebraska, is amended to read:

19-2907 Should any municipality fail or refuse to cause an such annual audit to be made of all of its functions, activities, and transactions for the fiscal year within a period of six months following the close of such fiscal year, then and in such event, any resident taxpayer may make a written demand on the city council or village board of trustees governing body of such municipality to commence such annual audit within thirty days, and if such demand is ignored, a mandamus action may be instituted by any taxpayer or taxpayers residing in such municipality against the ~~then~~ municipal authorities of such municipality requiring the municipality to proceed forthwith to cause such audit to be made, and if such action is decided in favor of the taxpayer or taxpayers instituting the same, the ~~then~~ municipal authorities of such municipality shall be personally, and jointly and severally, liable for the costs of such action, including a reasonable attorney's attorney fee to be allowed by the court for the attorney employed by the taxpayer or taxpayers and who prosecuted the action. Upon a failure, refusal, or neglect to cause such annual audit to be made as required by sections 19-2903 and 19-2904, and a failure to file a copy thereof with the Auditor of Public Accounts as required

by section 19-2905, the Auditor of Public Accounts shall, after due notice and a hearing to show cause by such city or village, notify the State Treasurer of such failure to file a copy with the Auditor of Public Accounts. The State Treasurer shall, upon receipt of such notice, withhold distribution of all money to which such city or village may be entitled under the provisions of sections 39-2511 to 39-2520, until such annual audit shall have been made and have been filed with the Auditor of Public Accounts. If such annual audit is not filed within a period of six months from the time of the order and notice of delinquency given by the Auditor of Public Accounts to the State Treasurer, the amount so withheld shall be distributed to the other cities and villages in the county where such delinquent city is located. Upon compliance with the law requiring annual audits, the delinquent city or village shall again become entitled to distribution of all money to which it is entitled from the State Treasurer beginning with the date of such compliance.

Sec. 176. Section 19-2908, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 177. Section 19-2909, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 178. Section 19-3052, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) No municipality which proposes to annex territory and thereby bring new residents into the municipality shall annex such territory unless the redistricting required by subsection (2) of this section will be accomplished at least eighty days prior to the next primary election in which candidates for the city council or village board of trustees ~~governing body of the municipality~~ are nominated.

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

(b) No village shall annex any territory during the period eighty days prior to the election at which members of the governing body of the village board of trustees are chosen until the date of such election if such annexation would bring sufficient new residents into such village so as to require that election districts be redrawn to maintain substantial population equality between districts.

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

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

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

Sec. 179. Section 19-3101, Reissue Revised Statutes of Nebraska, is

amended to read:

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

Sec. 180. Section 19-3302, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 181. Section 19-3303, Reissue Revised Statutes of Nebraska, is amended to read:

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

- (1) The formation of offstreet parking districts;
- (2) The acquisition of lands, property, and rights-of-way necessary or convenient for use as offstreet parking facilities;
- (3) The acquisition of lands, property, and rights-of-way necessary or convenient for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for ingress to and egress from any offstreet parking facility;
- (4) The acquisition by condemnation, purchase, or gift of property or any interest therein. Any lands or property necessary or convenient for offstreet parking facilities may be acquired in fee simple by condemnation or otherwise;
- (5) The improvement of any acquired lands by the construction thereon of garages or other buildings, including multifloor buildings, or improvements necessary or convenient for offstreet parking facilities including paying from revenue received pursuant to the Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~ all or a portion of the cost of a covered or uncovered mall to be constructed in a street or alley pursuant to city authority to construct such improvements in connection with paving and street improvements;
- (6) The improvement of parking places and any alleys, streets, or ways necessary or convenient for ingress to or egress from offstreet parking facilities;
- (7) The issuance, sale, and payment of bonds to pay the cost and expense of any acquisition or improvement authorized by the Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~;
- (8) The administration, maintenance, operation, and repair of such offstreet parking facilities, including the maintenance of parking meters thereon;
- (9) The collection of fees or charges to pay all or any part of the cost of improving, repairing, maintaining, or operating offstreet parking facilities and of acquiring and improving offstreet parking facilities;
- (10) The employment of engineers, attorneys, and other persons necessary or convenient for the doing of any acts authorized by the Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~; and
- (11) The doing of all acts and things necessary or convenient for the accomplishment of the purpose of the Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~. The enumeration of specific authority in the Offstreet Parking District Act ~~sections 19-3301 to 19-3326~~ does not limit in any way the general authority granted by the act ~~sections 19-3301 to 19-3326~~.

Sec. 182. Section 19-3304, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 183. Section 19-3305, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 184. Section 19-3306, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 185. Section 19-3307, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 186. Section 19-3308, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 187. Section 19-3309, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 188. Section 19-3310, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 189. Section 19-3311, Reissue Revised Statutes of Nebraska, is amended to read:

19-3311 Notwithstanding the provisions of any home rule charter and in addition to the powers set out in sections 15-269 to 15-276 and 16-801 to 16-811, any city of the primary class, city of the first class, or city of the ~~first or second class in Nebraska~~ is hereby authorized to own, purchase, construct, equip, lease, either as lessee or lessor, or operate within such city, offstreet parking facilities for the use of the general public and to refund bonds of the city issued pursuant to the Offstreet Parking District Act sections ~~19-3301 to 19-3326~~, or in a city of the first class to refund outstanding bonds issued to purchase, construct, equip, or operate such offstreet parking facilities pursuant to sections 16-801 to 16-811. Except as otherwise provided in any home rule charter, the grant of power in this section herein does not include power to engage, directly or indirectly, in the sale of gasoline, oil, or other merchandise or in furnishing of any service other than of parking motor vehicles as provided in the act sections ~~19-3301 to 19-3326~~. Any such city shall have the authority to acquire by grant, contract, or purchase, or through condemnation, as provided by law or by any home rule charter for such acquisition, all real or personal property, including a site or sites on which to construct such offstreet parking facility, necessary or convenient in carrying out of this grant of power. Property ~~Property~~; ~~Provided, that~~ ~~property~~ now used or hereafter acquired for public offstreet motor vehicle parking by a private operator in such cities shall not be subject to condemnation. Before any such city may commence a program to construct, purchase, or acquire by other means a proposed offstreet parking facility or facilities, notice shall be given, by publication once each week for not less than thirty days, inviting application for private ownership and operation of offstreet parking facilities, which notice shall fix a date for a public hearing on any application received. If no application or applications have been received or if received, the same have been disapproved by the city council governing body of such city after a public hearing concerning such applications, then such city may proceed in the exercise of the powers herein granted in this section. The procedure to condemn property shall be exercised in the manner set forth in sections 76-701 to 76-724, except as to properties specifically excluded by section 76-703, and as to which sections 19-701 to 19-707 are applicable. The duties set forth for the mayor and city council in sections 19-3312 to 19-3325 shall be the duties and responsibilities of the city council in any city which by law or by home rule charter has exclusively vested all legislative powers of the city in such city council.

Sec. 190. Section 19-3312, Reissue Revised Statutes of Nebraska, is amended to read:

19-3312 The mayor and city council may fix and establish by resolution pursuant to the Offstreet Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet parking district, which boundaries shall include all the land in the district which in the opinion of the mayor and city council will be specially benefited thereby. Notice of the time and place of a hearing before the city council on the creation of such district and of protests and objections to the creation of the district as set forth in the notice shall be given by publication one time each week for not less than three weeks in a legal daily or weekly newspaper in or of general circulation ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the proposed boundaries of the district and the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of the offstreet parking facility. Not later than the hour set for the hearing any owner or any person interested in any real estate within the proposed district may severally or with other owners file with the city clerk written objections to the thing proposed to be done, the extent of the proposed district, or both, and every person so interested shall have a right to protest on any grounds and to object to his or her real estate being included in the district, and at such hearing all objections and protests shall be heard and passed upon by the mayor and city council.

Sec. 191. Section 19-3313, Reissue Revised Statutes of Nebraska, is amended to read:

19-3313 If the owners of the record title representing more than fifty percent of the taxable valuation of all of the taxable real property included in a such proposed offstreet parking district or districts under the Offstreet Parking District Act, and who were such owners at the time the notice of

hearing on objections to the creation of the district was first published, file with the city clerk within twenty days of the first publication of the notice written objections to the formation of the district, such district shall not be formed. If objections are not filed by owners of such fifty percent of the taxable valuation of all of the taxable real property and if the mayor and city council find, after considering any other protests and objections that may be filed and after considering the evidence presented at the hearing, that the public health, welfare, convenience, or necessity requires the formation of such an offstreet parking district and facilities, then such district shall be formed by ordinance. If the mayor and city council find that the boundaries as set forth in the resolution and notice include land which should not be included, then the ordinance shall fix the boundaries of the district so as to exclude such land. Each district formed pursuant to this section shall be numbered and the designation of the district shall be called, using appropriate numbers, Vehicle Offstreet Parking District No. of the City of, Nebraska. The ordinance creating the district need not designate the exact location of the proposed offstreet parking facility but shall designate the engineer's estimate of the sum of money to be expended in the acquisition of property and construction of such offstreet parking facility or the share of such project as will be borne by the district. The total cost and expenses shall include:

- (1) The amounts estimated to be paid for the property to be acquired;
- (2) All costs and expenses in construction of the offstreet parking facility;
- (3) All engineering expense; and
- (4) The estimated expense of issuing and selling bonds and all other expenses which the city would not have except for the creation of such offstreet parking district.

Sec. 192. Section 19-3314, Reissue Revised Statutes of Nebraska, is amended to read:

19-3314 In the ordinance creating an offstreet parking district pursuant to the Offstreet Parking District Act ~~the district~~, the mayor and city council shall provide that in addition to the levy of taxes and pledge of revenue all or a portion of the cost of acquisition, including construction, maintenance, repair, and reconstruction of any offstreet parking facility may be paid for by special assessment against the real estate located in such district in proportion to the special benefit of each parcel of real estate. The amounts of such special assessments shall be determined by the mayor and city council sitting as a board of equalization. Notice of a hearing on any special assessments to be levied under section 19-3315 shall be given to the landowners in such district by publication of the description of the land, the amount proposed to be assessed, and the general purpose for which such assessment is to be made one time each week for three weeks in a legal ~~daily or weekly~~ newspaper in or of general circulation ~~published~~ in the city. The notice shall provide the date, time, and place of hearing to determine any objection or protest by landowners in the district as to the amount of assessment made against their land. An appeal by writ of error or direct appeal to the district court of the county in which such city is located may be taken from the decision of the city council in the same manner and under like terms and conditions as appeals may be taken from the amount of special assessments levied in street improvement districts of such city ~~as now provided by law~~.

Sec. 193. Section 19-3315, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(2) A special assessment against the real property located in an offstreet parking ~~such~~ district to the extent of the special benefit thereto for the purpose of paying all or any part of the total costs and expenses of acquisition, including construction, of an offstreet parking facility in such district. The special assessment shall be levied as provided in section 19-3314. In the event that subsequent to the levy of assessments the use of any parcel of land changes so that, had the new use existed at the time of making such levy, the assessment on such parcel would have been higher than the assessment actually made, an additional assessment may be made on such parcel by the mayor and city council taking into consideration the new and changed use of the property. The total amount of assessments levied under this subdivision shall not exceed the total costs and expenses of acquiring a facility defined in section 19-3313. The levy of an additional assessment shall not reduce or affect in any manner the assessments previously levied. Additional assessments shall be levied as provided in section 19-3314, except that published notice

may be omitted if notice is personally served on the owner at least twenty days prior to the date of hearing. All assessments levied under this subdivision shall constitute a sinking fund for the payment of principal and interest on bonds issued for such facility as provided by section 19-3317 until such bonds and interest are fully paid; and

(3) A special assessment against the real property located in an offstreet parking such district to the extent of special benefit thereto for the purpose of paying all or any part of the costs of maintenance, repair, and reconstruction of such offstreet parking facility in the district. The mayor and city council may levy such assessments under either of the following methods: (a) The mayor and city council may, not more frequently than annually, determine the costs of maintenance, repair, and reconstruction of such facility and such costs shall be assessed to the real property located in such district as provided by section 19-3314. At the hearing on such assessments, objections may be made to the total costs and the proposed allocation of such costs among the parcels of real property in such district; or (b) after notice is given to the owners as provided in section 19-3314, the mayor and city council may establish and may change from time to time the percentage of such costs of maintenance, repair, and reconstruction which each parcel of real property in any district shall pay. Thereafter, the mayor and city council shall annually determine the total amount of such costs for each period since costs were last assessed and shall after a hearing assess such costs to the real property in the district in accordance with the percentages previously established or as established at such hearing. Notice of such hearing shall be given as provided in section 19-3314 and shall state the total cost and percentage to be assessed to each parcel of real property. Unless written objections are filed with the city clerk at least five days before the hearing, all objections to the amount of total costs and the assessment percentages shall be deemed to have been waived and assessments shall be levied as stated in such notice unless the mayor and city council reduce any assessment. At such hearing, the assessment percentage for the assessment of costs in the future may be changed.

Sec. 194. Section 19-3315.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Employing or contracting for personnel, including administrators, for any improvement program under the Offstreet Parking District Act æt, and providing for any service as may be necessary or proper to carry out the purposes of the act.

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

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

Sec. 195. Section 19-3316, Reissue Revised Statutes of Nebraska, is amended to read:

19-3316 Special assessments levied pursuant to section 19-3315 shall become due in fifty days after the date of such levy and shall become delinquent in one or more installments over a period of not to exceed twenty years, in such manner as the mayor and city council shall determine at the time of making the levy. The first installment may become delinquent in fifty days after the date of levy if so specified by the mayor and the city council. Each of such installments shall draw interest before due date of not more than the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, and after delinquency at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, as the mayor and city council shall determine at the time the levy shall be made, except that any installment may be paid within fifty days of the date of such levy without interest being charged thereon. If three or more of such installments become delinquent and unpaid on the same property, the mayor and city council may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the name of its record title owner and shall provide that all future installments shall become delinquent upon such fixed date. A copy of such resolution shall be published one time each week for not less than twenty days in a legal newspaper in or of general circulation ~~published in the city or, if none is published in the city, a legal newspaper of general circulation in such city.~~ After the fixed date, such future installments shall be deemed to be delinquent and the city may proceed to enforce and collect the total amount due and all future installments. Except as otherwise provided, all special assessments levied under section 19-3315 shall be liens on the property and shall be certified for collection and be collected in the same manner as special assessments made for improvements in street improvement districts in the city are collected.

Sec. 196. Section 19-3317, Reissue Revised Statutes of Nebraska, is amended to read:

19-3317 For the purpose of paying the cost of such offstreet parking facility, or any portion thereof, or to refund all or a portion of any outstanding bonds of the city authorized to be refunded by the Offstreet Parking District Act sections 19-3301 to 19-3326, the mayor and city council shall have power and may, by ordinance, cause to be issued general obligation bonds of the city, to be called Offstreet Parking Bonds of the City of, Nebraska, payable in not exceeding twenty years from date and bearing interest, payable either annually or semiannually, not exceeding a rate of twelve percent per annum with interest coupons attached. In such cases they shall also provide that special taxes levied within the district pursuant to section 19-3315 shall constitute a sinking fund for the payment of such bonds and the mayor and city council may, in the ordinance, pledge all or any part of the revenue from fees and charges on the use of the parking facility or fees and charges from onstreet parking meters within the district not already pledged as security for such bonds. There shall be levied upon all the taxable property in such city a tax which, together with such sinking fund derived from special assessments and other revenue pledged for the payment of the bonds and interest thereon, shall be sufficient to meet payments of interest and principal as the same become due. All such bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, and be payable in such medium of payment, and at such place or places within or without the State of Nebraska as such ordinance may provide. No proceedings for the issuance of bonds of any city shall be required other than those required by the Offstreet Parking District Act provisions of sections 19-3301 to 19-3326. Such bonds may be issued either before or after the completion of the acquisition or construction of the offstreet parking facility, as the mayor and city council may determine best. For the purpose of paying costs of an offstreet parking facility prior to issuance of bonds, warrants may be issued by the mayor and city council upon such terms as the mayor and city council may determine, which warrants shall be redeemed and paid upon the sale of bonds authorized in this section.

Sec. 197. Section 19-3318, Reissue Revised Statutes of Nebraska, is amended to read:

19-3318 The owners of the record title of any real property within a given area in any city of the first class or city of the second class representing

fifty-five percent of the total taxable valuation of all of the taxable real property within the proposed district to be formed, which district must consist of contiguous lands and lots, may petition the mayor and city council to create a vehicle offstreet parking district by ordinance, which district shall be consecutively numbered, and to acquire property and construct an offstreet parking facility thereon as provided in the Offstreet Parking District Act. For purposes of the act, property separated by streets or alleys shall be deemed to be contiguous.

The petition shall contain:

- (1) A general description of the exterior boundaries of the proposed district;
- (2) A general statement of the estimated amount of money involved in the acquisition of the land and property and construction of the facility;
- (3) A general description of the improvements proposed to be made or constructed; and
- (4) A statement that the petition is filed pursuant to this section.

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

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

Sec. 198. Section 19-3319, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 199. Section 19-3320, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 200. Section 19-3321, Reissue Revised Statutes of Nebraska, is amended to read:

19-3321 If a the change proposed pursuant to section 19-3320 is to include additional land in the offstreet parking district, the city clerk also shall mail a copy of the notice to each person to whom land in the area proposed to be added is assessed as shown in the office of the register of deeds or the county clerk at such person's last-known address. The notice shall be mailed by certified mail at least fifteen days prior to the time set for hearing objections. If the boundaries are changed, objection or protest made by owners of lands excluded by the change shall not be counted in computing a protest but written objection or protest made by owners of the remaining assessable land in the district, including assessable land added by the change and filed with the city clerk not later than the time set for hearing, objecting to the proposed change shall be included in computing the protest. If owners of real property representing more than fifty percent of the taxable valuation of all real property in such new proposed district after the change of boundaries file a written protest within twenty days after the notice is published in such newspaper, then such district may not be changed.

Sec. 201. Section 19-3322, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 202. Section 19-3323, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 203. Section 19-3324, Reissue Revised Statutes of Nebraska, is amended to read:

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

computing the protest.

Sec. 204. Section 19-3325, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 205. Section 19-3326, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 206. Section 19-3327, Reissue Revised Statutes of Nebraska, is amended to read:

19-3327 Any city of the primary class, city of the first class, or city of the , first, or second class, after the creation of an offstreet parking district pursuant to the Offstreet Parking District Act, shall have the power to own, purchase, construct, equip, lease, or operate within such city any offstreet parking facility in addition to any offstreet parking facility contemplated at the time of the creation of the district if the mayor and city council are of the opinion that the district will be benefited thereby. Whenever the city council deems it advisable to own, purchase, construct, equip, lease, or operate such additional facility, the city council shall by resolution set forth the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of the offstreet parking facility and a description of the facility to be constructed, and if such resolution proposes to acquire by grant, contract, or purchase, or through condemnation any offstreet parking facility, the resolution shall state the price and conditions and how such facility shall be acquired, and if assessments are to be levied, the resolution shall state the proposed boundaries of the area in the district in which the special assessments shall be levied. Notice of the time and place of a hearing before the city council on such resolution shall be given by publication one time each week for two weeks in a legal daily or weekly newspaper in or of general circulation published in the city. The publication shall contain the entire resolution. The last publication shall not be less than five days nor more than two weeks prior to the date set for such hearing. Not later than the hour set for the hearing, any owner or any person interested in any real property within the proposed area may file with the city clerk written objections to the resolution, the extent of the proposed area, or both, and every person so interested shall have a right to protest on any grounds and to object to his or her real property being included in the area. At such hearing all objections and protests shall be heard and passed upon by the mayor and city council. If the owners of record title representing more than sixty percent of the taxable valuation of all of the taxable real property included in such proposed area and who were such owners at the time the notice of hearing on objections to the creation of the facility was first published file a petition with the city clerk within three days of the date set for the hearing, such resolution shall not be passed.

Sec. 207. Section 19-3501, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

(a) The city clerk or village clerk of a city or village with a retirement plan established pursuant to this section and section 401(a) of the Internal Revenue Code shall file with the Public Employees Retirement Board an annual report on such plan and shall submit copies of such report to the Auditor of

Public Accounts. The Auditor of Public Accounts may prepare a review of such report pursuant to section 84-304.02 but is not required to do so. The annual report shall be in a form prescribed by the Public Employees Retirement Board and shall contain the following information for each such retirement plan:

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

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

(b) If such retirement plan is a defined benefit plan which was open to new members on January 1, 2004, in addition to the reports required by section 13-2402, the city council or village board of trustees shall cause to be prepared an annual report and shall file the same with the Public Employees Retirement Board and the Nebraska Retirement Systems Committee of the Legislature and submit to the Auditor of Public Accounts a copy of each report. The Auditor of Public Accounts may prepare a review of such report pursuant to section 84-304.02 but is not required to do so. If the city council or village board of trustees does not submit a copy of the report to the Auditor of Public Accounts within six months after the end of the plan year, the Auditor of Public Accounts may audit, or cause to be audited, the city or village. All costs of the audit shall be paid by the city or village. The report shall consist of a full actuarial analysis of each such retirement plan established pursuant to this section. The analysis shall be prepared by an independent private organization or public entity employing actuaries who are members in good standing of the American Academy of Actuaries, and which organization or entity has demonstrated expertise to perform this type of analysis and is unrelated to any organization offering investment advice or which provides investment management services to the retirement plan. The report to the Nebraska Retirement Systems Committee shall be submitted electronically.

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

Sec. 208. Section 19-3701, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 209. Section 19-3801, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 210. Section 19-4017, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 211. Section 19-4017.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

~~(1) Assessable unit means front foot, square foot, equivalent front foot, or other unit of assessment established under the proposed method of assessment set forth in the ordinance creating a business improvement district. Record owner shall mean the fee owner of real property as shown in the records of the register of deeds office in the county in which the business area is located. A contract purchaser of real property shall be considered the record owner and the only person entitled to petition pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section 19-4027 or 19-4029.04, if the contract is recorded in the register of deeds office in the county in which the business area is located;~~

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

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

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

Sec. 212. Section 19-4018, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4018 Pursuant to the Business Improvement District Act, cities of the metropolitan class, primary class, first class, or second class may impose (1) a special assessment upon the property within a business improvement district in the city or (2) a general business occupation tax on businesses and users of space within a business improvement district. After March 27, 2014, any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section 77-2704.24. The proceeds or other available funds may be used for the purposes stated in section 19-4019.

Sec. 213. Section 19-4019, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

Sec. 214. Section 19-4021, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4021 The mayor, with the approval of the city council, shall appoint a business improvement board consisting of property owners, residents, business operators, or users of space within the business area to be improved. The boundaries of the business area shall be declared by resolution of the city council at or prior to the time of the appointment of the business improvement board. The business improvement board shall make recommendations to the city council for the establishment of a plan or plans for improvements in the business area. If it is found that the improvements to be included in one business area offer benefits that cannot be equitably assessed together under the Business Improvement District Act, more than one business improvement district as part of the same plan for improvements for that business area may be proposed. The business improvement board may make recommendations to the city as to the use of any occupation tax funds collected, and may administer such funds if so directed by the mayor and city council. The business improvement board shall also review and make recommendations to the city regarding expansion of the boundaries of the business improvement district under sections 19-4029.02 to 19-4029.05.

Sec. 215. Section 19-4022, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 216. Section 19-4026, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 217. Section 19-4027, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

- (1) Hear all protests and receive evidence for or against the proposed action;
- (2) Rule upon all written protests received prior to the close of the hearing, which ruling shall be final; and
- (3) Continue the hearing from time to time as the city council may deem necessary.

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

Sec. 218. Section 19-4028, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

Sec. 219. Section 19-4029, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

- (1) A statement that notice of hearing was given, including the date or dates on which it was given, in accordance with section 19-4029.01;
- (2) The time and place the hearing was held concerning the formation of the business improvement such district;
- (3) A statement that a business improvement district has been established;
- (4) The purposes of the business improvement district, and the public improvements and facilities to be included in such district;
- (5) The description of the boundaries of the business improvement such district;
- (6) A statement that the businesses and users of space in the business improvement district shall be subject to the general business occupation tax or that the real property in the business improvement district will be subject to the special assessment authorized by the Business Improvement District Act;
- (7) The proposed method of assessment to be imposed within the business

improvement district or the initial rate of the occupation tax to be imposed; and

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

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

Sec. 220. Section 19-4029.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

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

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

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

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

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

(d) The proposed or estimated costs for improvements and facilities within the proposed business improvement district and the method by which the revenue shall be raised. If a special assessment is proposed, the notice shall also state the proposed method of assessment.

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

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

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

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

(d) The proposed or estimated costs for new and existing improvements and facilities within the proposed modified business improvement district and the method by which the revenue shall be raised. If a special assessment is proposed, the notice shall also state the proposed method of assessment.

Sec. 221. Section 19-4029.04, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

Sec. 222. Section 19-4029.05, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

information:

- (1) The name of the business improvement district whose boundaries will be expanded;
- (2) A statement that notice of hearing was given, including the date or dates on which it was given, in accordance with section 19-4029.01;
- (3) The time and place the hearing was held concerning the new boundaries of the business improvement such district;
- (4) The purposes of the boundary expansion and any new public improvements and facilities to be included in the business improvement such district;
- (5) The description of the new boundaries of the business improvement such district;
- (6) A statement that the businesses and users of space in the modified business improvement district established by the ordinance shall be subject to the general business occupation tax or that the real property in the modified business improvement district will be subject to the special assessment authorized by the Business Improvement District Act;
- (7) The proposed method of assessment to be imposed within the business improvement district or the initial rate of the occupation tax to be imposed; and
- (8) Any penalties to be imposed for failure to pay the tax or special assessment.

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

Sec. 223. Section 19-4030, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4030 A city may levy a special assessment against the real estate located in a business improvement district, to the extent of the special benefit thereto, for the purpose of paying all or any part of the total costs and expenses of performing any authorized work, except maintenance, repair, and reconstruction costs, within the business improvement such district. The amount of each special assessment shall be determined by the city council sitting as a board of equalization. Assessments shall be levied in accordance with the method of assessment proposed in the ordinance creating the business improvement district. If the city council finds that the proposed method of assessment does not provide a fair and equitable method of apportioning costs, then it may assess the costs under such method as the city council finds to be fair and equitable. Notice of a hearing on any special assessments to be levied under the Business Improvement District Act shall be given to the landowners in the business improvement such district by publication of the description of the land, the amount proposed to be assessed, and the general purpose for which such assessment is to be made one time each week for three weeks in a legal daily or weekly newspaper in or of general circulation published in the city. The notice shall provide the date, time, and place of hearing to hear any objections or protests by landowners in the business improvement district as to the amount of assessment made against their land. A direct appeal to the district court of the county in which such city is located may be taken from the decision of the city council in the same manner and under like terms and conditions as appeals may be taken from the amount of special assessments levied in street improvement districts in such city as now provided by law. All special assessments levied under the act shall be liens on the property and shall be certified for collection and collected in the same manner as special assessments for improvements and street improvement districts of the city are collected. If any part of a business improvement district overlaps with a riverfront development district in which a special assessment is already being levied pursuant to section 19-5313, the city creating the business improvement district shall not impose the business improvement district's special assessment within the overlapping area.

Sec. 224. Section 19-4031, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4031 (1) In addition to or in place of the special assessments authorized by the Business Improvement District Act, a city may levy a general business occupation tax upon the businesses and users of space within a business improvement district established for acquiring, constructing, maintaining, or operating public offstreet parking facilities and providing in connection therewith other public improvements and facilities authorized by the Business Improvement District Act, for the purpose of paying all or any part of the total cost and expenses of any authorized improvement or facility within the business improvement such district. Notice of a hearing on any such tax levied under the Business Improvement District Act shall be given to the businesses and users of space of the business improvement such districts, and appeals may be taken, all in the manner provided in section 19-4030.

(2) After March 27, 2014, any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section 77-2704.24. The collection of a tax imposed pursuant to this section shall be made and enforced in such a manner as the city council shall by ordinance determine to produce the required

revenue. The city council may provide that failure to pay the tax imposed pursuant to this section shall constitute a violation of the ordinance and subject the violator to a fine or other punishment as provided by ordinance.

(3) If any part of a business improvement district overlaps with a riverfront development district in which a general business occupation tax is already being levied pursuant to section 19-5312, the city creating the business improvement district shall not impose the business improvement district's occupation tax within the overlapping area.

Sec. 225. Section 19-4032, Reissue Revised Statutes of Nebraska, is amended to read:

19-4032 If, subsequent to the levy of taxes or assessments under the Business Improvement District Act, the use of any parcel of land shall change so that, had the new use existed at the time of making such levy, the assessment or levy on such parcel would have been higher than the levy or assessment actually made, an additional assessment or levy may be made on such parcel by the city council taking into consideration the new and changed use of the property. Reassessments or changes in the rate of levy of assessments or taxes may be made by the city council after notice and hearing as provided in section 19-4030. The city council shall adopt a resolution of intention to change the rate of levy at least fifteen days prior to the hearing required for changes. This resolution shall specify the proposed change and shall give the time and place of the hearing.

Sec. 226. Section 19-4033, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4033 The total amount of special assessments or general business occupation taxes levied under the Business Improvement District Act shall not exceed the total costs and expenses of performing the authorized work. The levy of any additional assessment or tax shall not reduce or affect in any manner the assessments previously levied. The assessments or taxes levied must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

Sec. 227. Section 19-4034, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4034 A city may levy a general business occupation tax, or a special assessment against the real estate located in a business improvement district to the extent of special benefit to such real estate, for the purpose of paying all or any part of the cost of maintenance, repair, and reconstruction, including utility costs of any improvement or facility in the business improvement district. Districts created for taxation or assessment of maintenance, repair, and reconstruction costs, including utility costs of improvements or facilities which are authorized by the Business Improvement District Act, but which were not acquired or constructed pursuant to the act, may be taxed or assessed as provided in the act. Any occupation tax levied under this section shall be limited to those improvements and facilities authorized by section 19-4030. After March 27, 2014, any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section 77-2704.24. The city council may levy such taxes or assessments under either of the following methods:

(1) The city council, sitting as a board of equalization, may, not more frequently than annually, determine the costs of maintenance or repair, and reconstruction, of a facility. Such costs shall be either assessed to the real estate located in the business improvement ~~such~~ district in accordance with the proposed method of assessment, or taxed against the businesses and users of space in the business improvement district, whichever may be applicable as determined by the ordinance creating the business improvement district. However, if the city council finds that the method of assessment proposed in the ordinance creating the business improvement district does not provide a fair and equitable method of apportioning such costs, then it may assess the costs under such method as the city council finds to be fair and equitable. At the hearing on such taxes or assessments, objections may be made to the total cost and the proposed allocation of such costs among the parcels of real estate or businesses in the business improvement ~~such~~ district; or

(2) After notice is given to the owners or businesses as provided in section 19-4030 the city council may establish and may change from time to time, the percentage of such costs for maintenance, repair, and reconstruction which each parcel of real estate or each business or user of space in any business improvement district shall pay. The city council shall annually determine the total amount of such costs for each period since costs were last taxed or assessed, and shall, after a hearing, tax or assess such costs to the real estate in the business improvement district in accordance with the percentages previously established at such hearing. Notice of such hearing shall be given as provided in section 19-4030 and shall state the total costs and percentage to be taxed or assessed to each parcel of real estate. Unless objections are filed with the city clerk at least five days before the hearing, all objections to the amount of total costs and the assessment percentages should be deemed to have been waived and the assessments shall be levied as stated in such notice except that the city council may reduce any assessment percentage.

Sec. 228. Section 19-4035, Reissue Revised Statutes of Nebraska, is

amended to read:

19-4035 The city council may ~~dissolve~~ ~~disestablish~~ a business improvement district by ordinance after a hearing before the city council. The city council shall adopt a resolution of intention to ~~dissolve~~ ~~disestablish~~ the business improvement district area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

Sec. 229. Section 19-4036, Reissue Revised Statutes of Nebraska, is amended to read:

19-4036 Upon ~~dissolution~~ ~~disestablishment~~ of a business improvement district, any proceeds of any general business occupation the tax or the special assessment, or assets acquired with such proceeds, shall be subject to disposition as the city council shall determine.

Sec. 230. Section 19-4037, Revised Statutes Cumulative Supplement, 2018, is amended to read:

19-4037 ~~Any~~ The city which has established one or more business improvement districts is authorized to receive, administer, and disburse donated funds or grants of federal or state funds for the purposes of and in the manner authorized by the Business Improvement District Act.

Sec. 231. Section 19-4629, Reissue Revised Statutes of Nebraska, is amended to read:

19-4629 (1) ~~A~~ The resolution of intent pursuant to section 19-4628 shall describe the property subject to the proposed condemnation, including the types of property and facilities to be subject to the condemnation and the extent and amount of property to be appropriated. The resolution of intent shall set forth one or more of the following:

(a) A description of the acts and omissions of the utility regarding natural gas safety which the city believes have created or may create a material threat to the health and safety of the public in the city and a description of the nature of the threat;

(b) A description of the acts and omissions of the utility regarding the terms, conditions, and quality of natural gas service to natural gas ratepayers in the city which the city believes fail to meet generally accepted standards of customer service within the natural gas industry;

(c) A comparison of the rates for natural gas charged by the utility to ratepayers in the city and of the rates charged to similarly situated ratepayers in comparably sized cities in Nebraska and neighboring states which are served by the same or different utilities, which comparison the city believes shows that the rates charged in the city are excessive; or

(d) A description of recent or contemporaneous events or disclosures regarding the utility, including, but not limited to, changes in ownership, corporate structure, financial stability, or debt rating or any other factor which the city believes indicates financial instability in the utility which may materially impair its ability to maintain appropriate levels of safety and consumer service in the city.

(2) If the resolution of intent contains provisions as set out in subdivision (1)(a) or (b) of this section, the resolution shall describe the efforts by the city to inform the utility of the utility's acts or omissions regarding safety or service and shall describe the opportunities afforded the utility to remedy the stated defects.

(3) The resolution of intent shall not contain any provision regarding nor make any references to any expected or anticipated revenue to be derived by the city in consequence of the city's condemnation or operation of the gas system.

Sec. 232. Section 19-4630, Reissue Revised Statutes of Nebraska, is amended to read:

19-4630 (1) ~~A~~ The resolution of intent to pursue condemnation pursuant to section 19-4628 shall be presented to the governing body of the city at a regular meeting of such governing body. At that meeting the governing body may adopt the resolution of intent and, if it does so, shall set a time at least forty-five days after the date of the meeting at which the resolution of intent was adopted at which time the governing body of the city shall hold a public hearing.

(2) At the public hearing, the sole item of business to be conducted shall be the public hearing on the resolution of intent at which the public shall be permitted to comment on the proposed condemnation, the utility shall be permitted to respond to the statements set out in the resolution of intent and any comments made at the public hearing, and the governing body may act as provided in section 19-4631.

(3) ~~The city clerk of the city~~ shall transmit a copy of the resolution of intent and notice of the date and time of the public hearing to the utility by United States registered mail with signature confirmation within seven days after the meeting at which the resolution of intent was adopted. At least thirty days prior to the public hearing, the city shall publish notice of the time and place of the public hearing and a summary of the resolution of intent in a legal newspaper published in or of general circulation in the city.

(4) The utility may present to the city a description of portions of the gas system which (a) are not described as part of the gas system being condemned by the city and (b) are served through the town border station of the city. The utility may require the city to include in its description of the gas system being condemned any or all of those portions of the system if the proposed condemnation would sever those portions of the system from the utility's distribution facilities and would require the utility to create new infrastructure to link these portions to its existing delivery system outside the city. If the utility chooses to require the city to include additional

portions of the gas system in the description of the property being condemned, it shall do so prior to the adjournment of the public hearing.

Sec. 233. Section 19-4632, Reissue Revised Statutes of Nebraska, is amended to read:

19-4632 Following the adoption of a the motion pursuant to section 19-4631, including an override of any veto, if necessary, the city clerk of the city shall transmit to the Chief Justice of the Supreme Court notice of the decision of the city to pursue condemnation of the gas system. The Supreme Court shall, within thirty days after the receipt of such notice, appoint three judges of the district court from three of the judicial districts of the state to constitute a court of condemnation to ascertain and find the value of the gas system being taken. The Supreme Court shall enter an order requiring the judges to attend as a court of condemnation at the county seat of the county in which the city is located, within such time as may be stated in the order, except upon stipulation by all necessary parties as to the value of the gas system filed with the Supreme Court prior to such date. The judges shall attend as ordered and at the first meeting shall select a presiding judge, organize, and proceed with the court's duties. The court may adjourn from time to time and shall fix a time for the appearance before it of all such corporations or persons as the court may deem necessary to be made parties to such condemnation proceedings or which the city or the utility may desire to have made a party to the proceedings. If such time of appearance shall occur after any proceedings have begun, the proceedings shall be reviewed by the court, as it may direct, to give all parties full opportunity to be heard. All corporations or persons, including all mortgagees, bondholders, trustees for bondholders, leaseholders, or other parties or persons claiming any interest in or lien upon the gas system, may be made parties to the proceedings. All parties shall be served with notice of the proceedings and the time and place of the meeting of the court of condemnation in the same manner and for such length of time as the service of a summons in cases begun in the district court, either by personal service or service by publication, and actual personal service of notice within or without the state shall supersede the necessity of notice by publication.

Sec. 234. Section 19-4633, Reissue Revised Statutes of Nebraska, is amended to read:

19-4633 In all proceedings before it, the court of condemnation shall appoint a reporter of its proceedings who shall report and preserve all evidence introduced before it. The clerk of the district court, in the county where the city is located, shall attend upon the court of condemnation and perform the duties of the clerk thereof, as the court of condemnation may direct. The sheriff of the county or any of his or her deputies shall attend upon the court of condemnation and shall have power to serve summonses, subpoenas, and all other orders or papers ordered to be served by the court. In case of a vacancy on the court, the vacancy shall be filled by the Supreme Court if the vacancy occurs while the Supreme Court is in session, and if it occurs while the Supreme Court is not in session, then by the Chief Justice. The judges constituting the court of condemnation shall be paid by the city a per diem for their services in an amount to be established by rule of the Supreme Court and the city shall pay their necessary traveling expenses, accommodation bills, and all other necessary expenses incurred while in attendance upon the sittings of the court of condemnation, with reimbursement for expenses to be made as provided in sections 81-1174 to 81-1177. The city shall pay the reporter that is appointed by the court of condemnation the amount that is set by such ~~the~~ court. The sheriff shall serve all summonses, subpoenas, or other orders or papers ordered issued or served by the court of condemnation at the same rate and compensation for which he or she serves like papers issued by the district court, but shall account to the county for all compensation as required of him or her under the law governing his or her duties as sheriff.

Sec. 235. Section 19-4634, Reissue Revised Statutes of Nebraska, is amended to read:

19-4634 (1) In ascertaining the value of the gas system, the court of condemnation shall have full power to summon witnesses, administer oaths, take evidence, order the taking of depositions, and require the production of any and all books and papers deemed necessary for a full investigation and ascertainment of the value of any portion of the gas system. When part of the gas system appropriated under the Municipal Natural Gas System Condemnation Act extends beyond the territory within which the city exercising the power of eminent domain has a right to operate the gas system, the court of condemnation, in determining the damages caused by the appropriation, shall take into consideration the fact that the portion of the gas system beyond that territory is being detached and not appropriated by the city, and the court of condemnation shall award damages by reason of the detachment and the destruction in value and usefulness of the detached and unappropriated property as it will remain and be left after the detachment and appropriation. The court of condemnation shall have all the necessary powers and perform all the necessary duties in the condemnation and ascertainment of the value and in making an award of the value of the gas system.

(2) The court of condemnation shall have power to apportion the costs of the proceedings before it between the city and the utility and the city shall provide for and pay the costs as ordered by such ~~the~~ court. The city shall make provisions for the necessary funds and expenses to carry on the proceedings of the court of condemnation while the proceedings are in progress. If the governing body of the city elects to abandon the condemnation proceedings, the

city shall pay all the costs made before the court of condemnation.

(3) If the services of expert witnesses or attorneys are secured by the utility, their fees or compensation as billed to the utility are to be taxed and paid as costs by the city to the extent that the court of condemnation determines that the fees and compensation sought (a) reflect the prevailing industry or professional charges for such services in cases of the size involved in the condemnation and (b) were reasonably necessary to a just and accurate determination of the value of the gas system. The costs of any appeal shall be adjudged against the party defeated in the appeal in the same degree and manner as is done under the general court practice relating to appellate proceedings.

Sec. 236. Section 19-4636, Reissue Revised Statutes of Nebraska, is amended to read:

19-4636 Upon the hearing of an the appeal pursuant to section 19-4635 in the district court, judgment shall be pronounced, as in ordinary cases, for the value of the gas system. The city or utility may appeal the judgment to the Supreme Court. All actions and proceedings under the Municipal Natural Gas System Condemnation Act which are heard by the district court or the Supreme Court shall be expedited for hearing and decision by the appropriate court as soon as the issues and parties are properly before such court. Such proceedings and actions shall be preferred over all other civil cases irrespective of their position on the calendar.

Sec. 237. Section 19-4638, Reissue Revised Statutes of Nebraska, is amended to read:

19-4638 If an the election pursuant to section 19-4637 at which the question is submitted is a special election and sixty percent of the votes cast upon such proposition are in favor, or if such the election at which the question is submitted is a general election and a majority of the votes cast upon such proposition are in favor, then the officer possessing the power and duty to ascertain and declare the result of the election shall certify the result immediately to the governing body of the city. The governing body of the city may then proceed to tender the amount of the value and award made by the court of condemnation, the district court, or the Supreme Court to the utility owning the gas system and shall have the right and power to take immediate possession of the gas system upon the tender.

Sec. 238. Section 19-4701, Reissue Revised Statutes of Nebraska, is amended to read:

19-4701 A city of the metropolitan class or primary class may acquire, purchase, and operate a professional baseball organization.

Sec. 239. Section 19-5001, Reissue Revised Statutes of Nebraska, is amended to read:

19-5001 (1) A city of the first class, city of the or second class, or village shall provide written notice of a proposed annexation to the owners of property within the area proposed for annexation in the manner set out in this section.

(2) Initial notice of the proposed annexation shall be sent to the owners of property within the area proposed for annexation by regular United States mail, postage prepaid, to the address of each owner of such property as it appears in the records of the office of the register of deeds or as the address is determined from another official source, postmarked at least ten working days prior to the planning commission's public hearing on the proposed change with a certified letter to the clerk of any sanitary and improvement district if the annexation includes property located within the boundaries of such district. Such notice shall describe the area proposed for annexation, including a map showing the boundaries of the area proposed for annexation, and shall contain the date, time, and location of the planning commission's hearing and how further information regarding the annexation can be obtained, including the telephone number of the pertinent city or village official and an electronic mail or Internet address if available.

(3) A second notice of the proposed annexation shall be sent to the same owners of property who were provided with notice under subsection (2) of this section. Such notice shall be sent by regular United States mail, postage prepaid, to the owner's address as it appears in the records of the office of the register of deeds or as the address is determined from another official source, postmarked at least ten working days prior to the public hearing of the city council or village board of trustees on the annexation. Such notice shall describe the area proposed for annexation, including a map showing the boundaries of the area proposed for annexation, and shall contain the date, time, and location of the hearing and how further information regarding the annexation can be obtained, including the telephone number of the pertinent city or village official and an electronic mail or Internet address if available.

(4) No additional or further notice beyond that required by subsections (2) and (3) of this section shall be necessary if the scheduled public hearing by the planning commission or city council or village board of trustees on the proposed annexation is adjourned, continued, or postponed until a later date.

(5) Except for a willful or deliberate failure to cause notice to be given, no annexation decision made by a city of the first class, city of the or second class, or village to accept or reject a proposed annexation, either in whole or in part, shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the city or village or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with this section was made. No action to challenge

the validity of the acceptance or rejection of a proposed annexation on the basis of this section shall be filed more than one year following the date after the formal acceptance or rejection of the annexation by the city council or village board of trustees.

(6) Except for a willful or deliberate failure to cause notice to be given, the city of the first class, city of the or second class, or village and its employees shall not be liable for any damage to any person resulting from failure to cause notice to be given as required by this section if a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed annexation, either in whole or in part, by the city council or village board of trustees.

(7) For purposes of this section, owner means the owner of a piece of property as indicated on the records of the office of the register of deeds as provided to or made available to the city of the first class, city of the or second class, or village no earlier than the last business day before the twenty-fifth day preceding the public hearing by the planning commission on the annexation proposed for the subject property.

Sec. 240. Section 32-538, Revised Statutes Cumulative Supplement, 2018, is amended to read:

32-538 (1) In a city which adopts the city manager plan of government pursuant to the City Manager Plan of Government Act sections 19-601 to 19-610, the number of city council members shall be determined by the class and population of the city. In cities having one thousand or more but not more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, there shall be five members, and in cities having more than forty thousand but less than two hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, there shall be seven members, except that in cities having between twenty-five thousand and forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the city council may by ordinance provide for seven members. Council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its council members by wards, the number and boundaries of which are provided for in section 16-104. Council members shall serve for terms of four years or until their successors are elected and qualified. The council members shall meet the qualifications found in sections 19-613 and 19-613.01.

The first election under an ordinance changing the number of council members or their manner of election shall take place at the next regular city election. Council members whose terms of office expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the first election under an ordinance changing the number of council members or their manner of election, one-half or the bare majority of council members elected at large, as the case may be, who receive the highest number of votes shall serve for four years and the other or others, if needed, for two years. At such first election, one-half or the bare majority of council members, as the case may be, who are elected by wards shall serve for four years and the other or others, if needed, for two years, as provided in the ordinance. If only one council member is to be elected at large at such first election, such member shall serve for four years.

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

Sec. 241. Section 32-539, Revised Statutes Cumulative Supplement, 2018, is amended to read:

32-539 (1) In a city which adopts the commission plan of government pursuant to the Municipal Commission Plan of Government Act sections 19-401 to 19-433, the number of city council members shall be determined by the class and population of the city. In cities having two thousand or more but not more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, there shall be five members, in cities of the primary class, there shall be five members, and in cities of the metropolitan class, there shall be seven members. Council members shall be elected from the city at large. ~~In cities of the primary class, three excise members shall be elected in addition to the five council members.~~ Nomination and election of all council members shall be by nonpartisan ballot. The mayor shall be elected for a four-year term.

(2) ~~In cities containing two thousand or more but not more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, at the city council election in 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of four years. If a city elects to adopt the commission plan of government after 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner~~

of the department of public accounts and finances shall each serve a term of four years and the council member elected as the commissioner of the department of streets, public improvements, and public property and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of two years. Upon the expiration of such terms, all council members shall serve terms of four years and until their successors are elected and qualified.

(3) Commencing with the statewide primary election in 2000, and every two years thereafter, candidates shall be nominated at the statewide primary election and elected at the statewide general election except as otherwise provided in section 19-405.

Sec. 242. Section 77-2602, Reissue Revised Statutes of Nebraska, is amended to read:

77-2602 (1) Every stamping agent engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, sixty-four cents per package; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package.

(2) Beginning October 1, 2004, the State Treasurer shall place the equivalent of forty-nine cents of such tax in the General Fund. The State Treasurer shall reduce the amount placed in the General Fund under this subsection by the amount prescribed in subdivision (3)(d) of this section. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by the tax rate per package of cigarettes containing not more than twenty cigarettes.

(3) The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(b) Second, beginning July 1, 1993, the State Treasurer shall place the equivalent of three cents of such tax in the Health and Human Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(c) Third, beginning October 1, 2002, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of seven cents of such tax in the Building Renewal Allocation Fund. The distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(d) Fourth, until July 1, 2009, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of five hundred twenty thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of five hundred twenty thousand dollars each year for fiscal year 2003-04 through fiscal year 2008-09;

(e) Fifth, beginning July 1, 2001, and continuing until June 30, 2008, the State Treasurer shall place the equivalent of two cents of such tax in the Information Technology Infrastructure Fund. The distribution under this subdivision shall not be less than two million fifty thousand dollars. Any money needed to increase the amount distributed under this subdivision to two million fifty thousand dollars shall reduce the distribution to the General Fund;

~~(f) Sixth, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million dollars each fiscal year in the City of the Primary Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the one million dollars to be distributed pursuant to this subdivision;~~

~~(g) Seventh, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million five hundred thousand dollars each fiscal year in the City of the Metropolitan Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the one million five hundred thousand dollars to be distributed pursuant to this subdivision;~~

~~(f) Sixth~~ (h) Eighth, beginning July 1, 2008, and continuing until June 30, 2009, the State Treasurer shall place the equivalent of two million fifty

thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. Beginning July 1, 2009, and continuing until June 30, 2016, the State Treasurer shall place the equivalent of two million five hundred seventy thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. Beginning July 1, 2016, and every fiscal year thereafter, the State Treasurer shall place the equivalent of three million eight hundred twenty thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the distribution pursuant to this subdivision; and

(g) ~~Seventh~~ ~~(i) Ninth~~, beginning July 1, 2016, and every fiscal year thereafter, the State Treasurer shall place the equivalent of one million two hundred fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the distribution pursuant to this subdivision.

(4) If, after distributing the proceeds of such tax pursuant to subsections (2) and (3) of this section, any proceeds of such tax remain, the State Treasurer shall place such remainder in the Nebraska Capital Construction Fund.

(5) The Legislature hereby finds and determines that the projects funded from the Municipal Infrastructure Redevelopment Fund and the Building Renewal Allocation Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Health and Human Services Cash Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation Fund, (f) the Information Technology Infrastructure Fund, (g) ~~the City of the Primary Class Development Fund~~, ~~(h) the City of the Metropolitan Class Development Fund~~, (i) the Nebraska Public Safety Communication System Cash Fund, and (h) ~~(j)~~ the Nebraska Health Care Cash Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through ~~(h)~~ ~~(j)~~ of this subsection.

Sec. 243. Original sections 14-502, 18-2507, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, 19-5001, and 77-2602, Reissue Revised Statutes of Nebraska, and sections 16-238, 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415, 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018, are repealed.

Sec. 244. The following sections are outright repealed: Sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement, 2018.