

ENGROSSED LEGISLATIVE BILL 798

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

A BILL FOR AN ACT relating to municipalities; to amend section 19-926, Reissue Revised Statutes of Nebraska, and section 32-554, Revised Statutes Supplement, 2025; to change provisions related to the composition of the planning commission of a city of the second class or village; to allow a city of the second class to elect some council members by ward as provided; and to repeal the original sections.

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

Section 1. Section 19-926, Reissue Revised Statutes of Nebraska, 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, as far as is possible, the different professions or occupations in the city or village and shall be appointed by the mayor by and with the approval of a majority vote of the members of 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. When there is a sufficient number of residents in such area over which the city or village exercises extraterritorial zoning jurisdiction, 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, 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 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 three, 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 three, 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 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 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 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. 2. Section 32-554, Revised Statutes Supplement, 2025, is amended to read:

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

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

electing members to its governing board at large.

(c) Any city of the first class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may, either by ordinance by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing some of the members to its governing body by ward and some at large. No more than four members of the city council may be elected on an at-large basis, and at least four members of the city council shall be elected by ward. The ordinance of the governing body or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths: (i) If one at-large member is to be elected, he or she shall serve for a four-year term; (ii) if two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term; (iii) if three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term; and (iv) if four at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected members shall be elected to serve for two-year terms. Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

(d) Any city of the second class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may, either by ordinance by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of

nominating and electing some of the members to its governing body by ward and some at large. No less than two members of the city council may be elected on an at-large basis, and no more than one-half of the members of the city council shall be elected on an at-large basis. The ordinance of the governing body or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths: (i) If one at-large member is to be elected, he or she shall serve for a four-year term; (ii) if two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term; (iii) if three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term; (iv) if four at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected members shall be elected to serve for two-year terms; and (v) if five or six at-large members are to be elected, the three candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected members shall be elected to serve for two-year terms. Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

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

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

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

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

(4) Except as provided in section 14-204, each city not under a home rule charter, village, county, and school district which votes to nominate and elect members to its governing board by district or ward shall establish districts or

wards so that approximately one-half of the members of its governing board may be nominated and elected from districts or wards at each election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 32-555 shall be followed.

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

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 798 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR