

E AND R AMENDMENTS TO LB 113

Introduced by Wishart, 27, Chairman Enrollment and Review

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

3 Section 1. Section 10-119, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 10-119 The county board shall, at the usual time of levying taxes in
6 each year, levy a tax upon all the property of the proper precinct,
7 sufficient to pay the annual interest on the bonds and the principal
8 thereof, in accordance with the terms of the proposition under which the
9 bonds were issued. Taxes so levied shall be collected by the county
10 treasurer as other taxes are collected, and the proceeds of the levy
11 shall be retained by the county treasurer and used for the payment of
12 interest on the bonds and the principal thereof as the same become due to
13 the holder thereof, except that in cities having a population of more
14 than fifty thousand inhabitants as determined by the most recent federal
15 decennial census or the most recent revised certified count by the United
16 States Bureau of the Census, the money so collected shall be forwarded to
17 or retained in the treasury of the city for the payment of bonds and
18 interest for which the money was collected.

19 Sec. 2. Section 12-401, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 12-401 The mayor of any city having fewer than twenty-five thousand
22 inhabitants as determined by the most recent federal decennial census or
23 the most recent revised certified count by the United States Bureau of
24 the Census, by and with the consent of the council or a majority thereof,
25 and the chairperson of the board of trustees of any village, by and with
26 the consent of the village board or a majority thereof, may appoint a
27 board of not fewer than three nor more than six members, to be known as

1 the cemetery board, from among the citizens at large of such city or
2 village, who shall serve without pay and shall have entire control and
3 management of any cemetery belonging to such city or village. Neither the
4 mayor nor any member of the council nor the chairperson nor any member of
5 the village board of trustees may be a member of the cemetery board. At
6 the time of establishing such cemetery board, approximately one-third of
7 the members shall be appointed for a term of one year, one-third for a
8 term of two years, and one-third for a term of three years, and
9 thereafter members shall be appointed for terms of three years. Vacancies
10 in the membership of the board other than through the expiration of a
11 term shall be filled for the unexpired portion of the term.

12 Sec. 3. Section 13-2705, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 13-2705 The department may conditionally approve grants of
15 assistance from the fund to eligible and competitive applicants within
16 the following limits:

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

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

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

23 (ii) For a city municipality with a population of more than forty
24 thousand but less than one hundred thousand inhabitants as determined by
25 the most recent federal decennial census or the most recent revised
26 certified count by the United States Bureau of the Census, seven hundred
27 fifty thousand dollars;

28 (iii) For a city municipality with a population of more than twenty
29 thousand but less than forty thousand inhabitants as determined by the
30 most recent federal decennial census or the most recent revised certified
31 count by the United States Bureau of the Census, five hundred thousand

1 dollars;

2 (iv) For a city municipality with a population of more than ten
3 thousand but less than twenty thousand inhabitants as determined by the
4 most recent federal decennial census or the most recent revised certified
5 count by the United States Bureau of the Census, four hundred thousand
6 dollars; and

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

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

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

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

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

21 (ii) For a city municipality with a population of more than forty
22 thousand but less than one hundred thousand inhabitants as determined by
23 the most recent federal decennial census or the most recent revised
24 certified count by the United States Bureau of the Census, one million
25 one hundred twenty-five thousand dollars;

26 (iii) For a city municipality with a population of more than twenty
27 thousand but less than forty thousand inhabitants as determined by the
28 most recent federal decennial census or the most recent revised certified
29 count by the United States Bureau of the Census, seven hundred fifty
30 thousand dollars;

31 (iv) For a city municipality with a population of more than ten

1 thousand but less than twenty thousand inhabitants as determined by the
2 most recent federal decennial census or the most recent revised certified
3 count by the United States Bureau of the Census, six hundred thousand
4 dollars; and

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

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

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

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

16 Sec. 4. Section 14-101, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-101 All cities in this state which have attained a population of
19 three hundred thousand inhabitants or more as determined by the most
20 recent federal decennial census or the most recent revised certified
21 count by the United States Bureau of the Census shall be cities of the
22 metropolitan class and governed by this act. Whenever the words this act
23 occur in sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376,
24 14-501 to 14-556, 14-601 to 14-609, 14-702 to 14-704, and 14-804 to
25 14-816, they shall be construed as referring exclusively to those
26 sections. The population of a city of the metropolitan class shall
27 consist of the people residing within the territorial boundaries of such
28 city and the residents of any territory duly and properly annexed to such
29 city. Each city of the metropolitan class shall be a body corporate and
30 politic and shall have power (1) to sue and be sued, (2) to purchase,
31 lease, lease with option to buy, acquire by gift or devise, and hold real

1 and personal property within or without the limits of the city for the
2 use of the city, and real estate sold for taxes, (3) to sell, exchange,
3 lease, and convey any real or personal estate owned by the city, in such
4 manner and upon such terms as may be to the best interests of the city,
5 except that real estate acquired for state armory sites shall be conveyed
6 strictly in the manner provided in sections 18-1001 to 18-1006, (4) to
7 make all contracts and do all other acts in relation to the property and
8 concerns of the city necessary to the exercise of its corporate or
9 administrative powers, and (5) to exercise such other and further powers
10 as may be conferred by law. The powers hereby granted shall be exercised
11 by the mayor and city council of such city, ~~as hereinafter set forth,~~
12 except when otherwise specially provided.

13 Sec. 5. Whenever any city of the primary class shall attain a
14 population of three hundred thousand inhabitants or more as determined by
15 the most recent federal decennial census or the most recent revised
16 certified count by the United States Bureau of the Census, the mayor of
17 such city shall certify such fact to the Secretary of State, who upon the
18 filing of such certificate shall by proclamation declare such city to be
19 of the metropolitan class.

20 Sec. 6. Section 14-117, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-117 The corporate limits of any city of the metropolitan class
23 shall be fixed and determined by ordinance by the city council ~~of such~~
24 ~~city~~. The city council of any city of the metropolitan class may at any
25 time extend the corporate limits of such city over any contiguous or
26 adjacent lands, lots, tracts, streets, or highways, such distance as may
27 be deemed proper in any direction, and may include, annex, merge, or
28 consolidate with such city of the metropolitan class, by such extension
29 of its limits, any adjoining city of the first class having a population
30 of less than ten thousand inhabitants as determined by the most recent
31 federal decennial census or the most recent revised certified count by

1 ~~the United States Bureau of the Census less than ten thousand population~~
2 or any adjoining city of the second class or village. Any other laws and
3 limitations defining the boundaries of cities or villages or the increase
4 of area or extension of limits thereof shall not apply to lots, lands,
5 cities, or villages annexed, consolidated, or merged under this section.

6 Sec. 7. Section 15-101, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 15-101 All cities having more than one hundred thousand and less
9 than three hundred thousand inhabitants as determined by the most recent
10 federal decennial census or the most recent revised certified count by
11 the United States Bureau of the Census shall be known as cities of the
12 primary class. The population of a city of the primary class shall
13 consist of the people residing within the territorial boundaries of such
14 city and the residents of any territory duly and properly annexed to such
15 city.

16 Sec. 8. Section 15-102, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 15-102 Whenever any city of the first ~~not of the metropolitan~~ class
19 shall attain a population of more than ~~over~~ one hundred thousand
20 inhabitants as determined by the most recent federal decennial census or
21 the most recent revised certified count by the United States Bureau of
22 the Census, the mayor of such city shall certify such fact to the
23 Secretary of State, who upon the filing of such certificate ~~, and such~~
24 ~~fact shall be duly certified by the mayor thereof to the Governor under~~
25 ~~seal, he shall by proclamation declare such city to be of the primary~~
26 class.

27 Sec. 9. Section 16-101, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-101 All cities having more than five thousand and not more than
30 one hundred thousand inhabitants as determined by the most recent federal
31 decennial census or the most recent revised certified count by the United

1 ~~States Bureau of the Census , as may be ascertained and officially~~
2 ~~promulgated by the United States or under the authority of the State of~~
3 ~~Nebraska or by the authority of the mayor and city council of any such~~
4 ~~city,~~ shall be known as cities of the first class. The population of a
5 city of the first class shall consist of the people residing within the
6 territorial boundaries of such city and the residents of any territory
7 duly and properly annexed to such city.

8 Sec. 10. Section 16-222.02, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 16-222.02 Each city of the first class with a population in excess
11 of forty-one thousand inhabitants as determined by the most recent
12 federal decennial census or the most recent revised certified count by
13 the United States Bureau of the Census shall employ a full-time fire
14 chief with appropriate training, credentials, and experience and for whom
15 firefighting or emergency medical first response is a full-time career.
16 The fire chief shall be appointed under the Civil Service Act by the
17 mayor with the approval of the city council or by the city manager in
18 cities that have adopted the city manager plan of government. The fire
19 chief shall have the immediate superintendence of the fire prevention,
20 fire suppression, and emergency medical first response services and the
21 facilities and equipment related to such services of the city. The fire
22 chief shall promulgate, implement, and enforce rules governing the
23 actions and conduct of volunteer members of the department so as to be in
24 conformity with the personnel policies of the city.

25 Sec. 11. Section 16-901, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 16-901 (1) Except as provided in section 13-327 and subsection (2)
28 of this section, the extraterritorial zoning jurisdiction of a city of
29 the first class shall consist of the unincorporated area two miles beyond
30 and adjacent to its corporate boundaries.

31 (2) For purposes of sections 70-1001 to 70-1020, the

1 extraterritorial zoning jurisdiction of a city of the first class shall
2 consist of the unincorporated area one mile beyond and adjacent to its
3 corporate boundaries.

4 (3) Any city of the first class may apply by ordinance any existing
5 or future zoning regulations, property use regulations, building
6 ordinances, electrical ordinances, plumbing ordinances, and ordinances
7 authorized by section 16-240 within its extraterritorial zoning
8 jurisdiction with the same force and effect as if such area were within
9 the corporate limits of the city, except that no such ordinance shall be
10 extended or applied so as to prohibit, prevent, or interfere with the
11 conduct of existing farming, livestock operations, businesses, or
12 industry. The fact that the extraterritorial zoning jurisdiction is
13 located in a different county or counties than some or all portions of
14 the municipality shall not be construed as affecting the powers of the
15 city to apply such ordinances.

16 (4)(a) A city of the first class shall provide written notice to the
17 county board of the county in which the city's two-mile extraterritorial
18 zoning jurisdiction is located when proposing to adopt or amend a zoning
19 ordinance which affects the city's two-mile extraterritorial zoning
20 jurisdiction within such county. The written notice of the proposed
21 change to the zoning ordinance shall be sent to the county board or its
22 designee at least thirty days prior to the final decision by the city.
23 The county board may submit comments or recommendations regarding the
24 change in the zoning ordinance at the public hearings on the proposed
25 change or directly to the city within thirty days after receiving such
26 notice. The city may make its final decision (i) upon the expiration of
27 the thirty days following the notice or (ii) when the county board
28 submits comments or recommendations, if any, to the city prior to the
29 expiration of the thirty days following the notice.

30 (b) Subdivision (4)(a) of this section does not apply to a city of
31 the first class (i) located in a county with a population in excess of

1 one hundred thousand inhabitants as determined by the most recent federal
2 decennial census or the most recent revised certified count by the United
3 States Bureau of the Census or (ii) if the city and the county have a
4 joint planning commission or joint planning department.

5 Sec. 12. Section 17-101, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 17-101 All municipalities ~~cities, towns, and villages~~ containing
8 more than eight hundred and not more than five thousand inhabitants as
9 determined by the most recent federal decennial census or the most recent
10 revised certified count by the United States Bureau of the Census shall
11 be cities of the second class and be governed by sections 17-101 to
12 17-153 unless they adopt or retain a village government as provided in
13 sections 17-306 to 17-312. The population of a city of the second class
14 shall consist of the people residing within the territorial boundaries of
15 such city and the residents of any territory duly and properly annexed to
16 such city.

17 Sec. 13. Section 17-201, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 17-201 (1) Any municipality ~~town or village~~ containing not less than
20 one hundred nor more than eight hundred inhabitants as determined by the
21 most recent federal decennial census or the most recent revised certified
22 count by the United States Bureau of the Census incorporated as a ~~city,~~
23 ~~town,~~ or village under the laws of this state, any village that votes to
24 retain village government as provided in section 17-312, and any city of
25 the second class that has adopted village government as provided by
26 sections 17-306 to 17-309 shall be a village and shall have the rights,
27 powers, and immunities granted in sections 17-201 to 17-231, and none
28 other, except that all county seat towns shall have the powers and
29 immunities granted in sections 17-201 to 17-231. The population of a
30 village shall consist of the people residing within the territorial
31 boundaries of such village and the residents of any territory duly and

1 properly annexed to such village.

2 (2) Whenever a majority of the taxable inhabitants of any ~~town or~~
3 village, not incorporated under any laws of this state, shall present a
4 petition to the county board of the county in which the petitioners
5 reside, praying that they may be incorporated as a village and
6 designating the name they wish to assume and the metes and bounds of the
7 proposed village, and such county board or majority of the members
8 thereof shall be satisfied that a majority of the taxable inhabitants of
9 the proposed village have signed such petition and that inhabitants to
10 the number of one hundred or more are actual residents of the territory
11 described in the petition, the board shall declare the proposed village
12 incorporated, enter the order of incorporation upon its records, and
13 designate the metes and bounds thereof. Thereafter the village shall be
14 governed by the provisions of law applicable to the government of
15 villages. The county board shall, at the time of the incorporation of the
16 village, appoint five persons, having the qualifications provided in
17 section 17-203, as trustees, who shall hold their offices and perform all
18 the duties required of them by law until the election and qualification
19 of their successors at the time and in the manner provided in section
20 17-202, except that the county board shall not declare a proposed village
21 incorporated or enter an order of incorporation if any portion of the
22 territory of such proposed village is within five miles of another a
23 ~~Nebraska incorporated municipality village or city of any class.~~

24 Sec. 14. Section 17-301, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 17-301 (1) This section applies to cities of the first class whose
27 population is less than five thousand inhabitants but more than eight
28 hundred inhabitants as determined by according to the federal decennial
29 census conducted in the year 2010 or any subsequent federal decennial
30 census or the most recent revised certified count by the United States
31 Bureau of the Census.

1 (2)(a) If a city of the first class has a population of less than
2 five thousand inhabitants but not less than four thousand inhabitants, as
3 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
4 federal decennial census or the most recent revised certified count by
5 the United States Bureau of the Census, the mayor of the city shall
6 certify such fact to the Secretary of State. If the mayor and city
7 council of the city determine that it is in the best interests of such
8 city to become a city of the second class, the mayor and city council
9 shall adopt an ordinance to that effect and shall notify the Secretary of
10 State and notice and a copy of such ordinance shall accompany the
11 certification. If the Secretary of State receives such notification, he
12 or she shall declare such city to be a city of the second class. If the
13 mayor and city council determine that it is in the best interests of such
14 city to remain a city of the first class, they shall submit to the
15 Secretary of State, within nine years after the certification is required
16 to be submitted pursuant to this subdivision, an explanation of the
17 city's plan to increase the city's population.

18 (b) If a city of the first class has a population of less than five
19 thousand inhabitants but not less than four thousand inhabitants, as
20 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
21 federal decennial census or the most recent revised certified count by
22 the United States Bureau of the Census immediately following the census
23 or revised certified count referred to in subdivision (a) of this
24 subsection, the mayor of the city shall certify such fact to the
25 Secretary of State. If the mayor and city council of the city determine
26 that it is in the best interests of such city to become a city of the
27 second class, the mayor and city council shall adopt an ordinance to that
28 effect and shall notify the Secretary of State and notice and a copy of
29 such ordinance shall accompany the certification. If the Secretary of
30 State receives such notification, he or she shall declare such city to be
31 a city of the second class.

1 (c) If a city of the first class has a population of less than five
2 thousand inhabitants but not less than four thousand inhabitants, as
3 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
4 federal decennial census or the most recent revised certified count by
5 the United States Bureau of the Census immediately following the census
6 or revised certified count referred to in subdivision (b) of this
7 subsection, the mayor of the city shall certify such fact to the
8 Secretary of State. After receipt of such certification, the Secretary of
9 State shall declare such city to be a city of the second class.

10 (3) If a city of the first class has a population of less than four
11 thousand inhabitants but more than eight hundred inhabitants, as
12 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
13 federal decennial census or the most recent revised certified count by
14 the United States Bureau of the Census, the mayor of the city shall
15 certify such fact to the Secretary of State. After receipt of such
16 certification, the Secretary of State shall declare such city to be a
17 city of the second class.

18 (4) Beginning on the date upon which a city becomes a city of the
19 second class pursuant to section 17-305, such city shall be governed by
20 the laws of this state applicable to cities of the second class.

21 Sec. 15. Section 17-306.01, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 17-306.01 (1) The registered voters of a village which was
24 reorganized under section 17-306 from a city of the second class to a
25 village may vote to discontinue organization as a village and reorganize
26 as a city of the second class under this section if the population
27 exceeds eight hundred inhabitants as determined by the most recent
28 federal decennial census or the most recent revised certified count by
29 the United States Bureau of the Census. The issue may be placed before
30 the voters by a resolution adopted by the board of trustees of the
31 village or by petition signed by one-fourth of the registered voters of

1 the village.

2 (2) The petitions shall conform to section 32-628. The Secretary of
3 State shall design the form to be used for the petitions. Petition
4 signers and petition circulators shall conform to the requirements of
5 sections 32-629 and 32-630. The board of trustees shall submit the
6 petitions to the election commissioner or county clerk for signature
7 verification pursuant to section 32-631. The required number of
8 signatures shall be one-fourth of the number of voters registered in the
9 village at the last statewide general election. The election commissioner
10 or county clerk shall notify the board of trustees within thirty days
11 after receiving the petitions from the board of trustees whether the
12 required number of signatures has been gathered. The village shall
13 reimburse the county for any costs incurred by the election commissioner
14 or county clerk.

15 (3) If the board of trustees determines that the petitions are in
16 proper form and signed by the necessary number of registered voters or
17 after adoption of the resolution by the board of trustees, the board of
18 trustees shall submit the question to the voters of whether to organize
19 as a city of the second class at a special election pursuant to section
20 32-559 or at the same time as a local or statewide primary or general
21 election held in the village. The form of the ballot at such election
22 shall be For reorganization of the Village of as a city of the
23 second class and Against reorganization of the Village of as a
24 city of the second class.

25 (4) If the majority of the votes cast are for reorganization as a
26 city of the second class, the board of trustees shall certify such fact
27 to the Secretary of State who, upon the filing of such a certificate,
28 shall by proclamation so declare and shall declare such village to have
29 become a city of the second class. Thereafter such village shall become a
30 city of the second class and such city shall be governed under the laws
31 of this state applicable to cities of the second class. The government of

1 such city shall continue as organized at the date of such proclamation
2 until the reorganization as a city of the second class.

3 (5) Upon such proclamation, the governing body of the city shall
4 call a special election for the purpose of electing new members of the
5 city's governing body to be held not more than eight months after the
6 proclamation is issued. At the initial election of officers, the names of
7 the candidates receiving the greatest number of votes at the primary
8 election if one is held shall be placed on the general election ballot.
9 One-half or the bare majority of the candidates in each precinct or ward
10 or at-large candidates, as the case may be, receiving the greatest number
11 of votes at the general election, shall be elected to terms of the
12 longest duration, and those receiving the next greatest number of votes
13 shall be elected to the remaining term or terms. Thereafter all members
14 shall be nominated at the statewide primary election and elected at the
15 statewide general election for four-year terms as provided in section
16 32-533. The members of the board of trustees shall hold office only until
17 the newly elected city officials assume office.

18 (6) All ordinances, bylaws, acts, rules, regulations, obligations,
19 and proclamations existing and in force in or with respect to any village
20 at the time of its incorporation as a city of the second class shall
21 remain in full force and effect after such incorporation as a city of the
22 second class until repealed or modified by such city within one year
23 after the date of the filing of the certificate pursuant to subsection
24 (4) of this section.

25 Sec. 16. Section 17-310, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 17-310 Whenever any city of the second class decreases in population
28 until it has a population of less than eight hundred inhabitants and more
29 than one hundred inhabitants, as determined ~~ascertained and officially~~
30 ~~promulgated~~ by the most recent federal decennial census or the most
31 recent revised certified count by the United States Bureau of the Census,

1 ~~enumeration, and return taken by the United States, by the State of~~
2 ~~Nebraska, or by the authority of the mayor and council of such city, and~~
3 the mayor and city council may decide by ordinance to remain a city of
4 the second class, the mayor shall certify such fact to the Secretary of
5 State who, upon the filing of such a certificate, shall by proclamation
6 so declare and shall declare such city to remain a city of the second
7 class. Such city shall continue to be governed by laws of this state
8 applicable to cities of the second class.

9 Sec. 17. Section 17-311, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 17-311 (1) Except as provided in section 17-312, whenever any
12 village increases in population until it has a population of more than
13 eight hundred inhabitants but less than five thousand inhabitants, as
14 determined ~~ascertained and officially promulgated~~ by the most recent
15 federal decennial census or the most recent revised certified count by
16 the United States Bureau of the Census, enumeration, and return taken by
17 ~~the United States, by the State of Nebraska, or by the authority of the~~
18 ~~village board of such village,~~ the village board shall certify such fact
19 to the Secretary of State who, upon the filing of such a certificate,
20 shall by proclamation so declare and shall declare such village to have
21 become a city of the second class. Thereafter such city shall be governed
22 by the laws of this state applicable to cities of the second class. The
23 government of such city shall continue as organized at the date of such
24 proclamation until the reorganization as a city of the second class.

25 (2) If any village becomes a city of the second class, the governing
26 body shall call a special election for the purpose of electing new
27 members of the city's governing body to be held not more than eight
28 months after the proclamation is issued. At the initial election of
29 officers, the names of the candidates receiving the greatest number of
30 votes at the primary election if one is held shall be placed on the
31 general election ballot. One-half or the bare majority of the candidates

1 in each precinct or ward or at-large candidates, as the case may be,
2 receiving the greatest number of votes at the general election, shall be
3 elected to terms of the longest duration, and those receiving the next
4 greatest number of votes shall be elected to the remaining term or terms.
5 The members of the village board of trustees shall hold office only until
6 the newly elected city officials assume office. All ordinances, bylaws,
7 acts, rules, regulations, obligations, and proclamations existing and in
8 force in or with respect to any village at the time of its incorporation
9 as a city of the second class shall remain in full force and effect after
10 such incorporation as a city of the second class until repealed or
11 modified by such city within one year after the date of the filing of the
12 certificate pursuant to subsection (1) of this section.

13 Sec. 18. Section 17-312, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 17-312 (1) Whenever any village attains a population exceeding eight
16 hundred inhabitants as determined by the most recent federal decennial
17 census or the most recent revised certified count by the United States
18 Bureau of the Census, the registered voters of the village may vote to
19 retain a village form of government. The issue may be placed before the
20 voters by a resolution adopted by the board of trustees of the village or
21 by petition signed by one-fourth of the registered voters of the village.

22 (2) The petitions shall conform to section 32-628. The Secretary of
23 State shall design the form to be used for the petitions. Petition
24 signers and petition circulators shall conform to the requirements of
25 sections 32-629 and 32-630. The board of trustees shall submit the
26 petitions to the election commissioner or county clerk for signature
27 verification pursuant to section 32-631. The required number of
28 signatures shall be one-fourth of the number of voters registered in the
29 village at the last statewide general election. The election commissioner
30 or county clerk shall notify the board of trustees within thirty days
31 after receiving the petitions from the board of trustees whether the

1 required number of signatures has been gathered. The village shall
2 reimburse the county for any costs incurred by the election commissioner
3 or county clerk.

4 (3) If the board of trustees determines that the petitions are in
5 proper form and signed by the necessary number of registered voters or
6 after adoption of the resolution by the board of trustees, the board of
7 trustees shall submit the question to the voters of whether to retain the
8 village form of government at a special election pursuant to section
9 32-559 or at the same time as a local or statewide primary or general
10 election held in the village. The form of the ballot at such election
11 shall be For retention of village government and Against retention of
12 village government. If the majority of the votes cast are for retention
13 of village government, then such village shall remain a village and be
14 governed under the laws of this state applicable to villages unless at
15 some future election such village votes to reorganize as a city of the
16 second class in the manner provided in section 17-313.

17 (4) If the question is submitted at a special election, such
18 election shall be held not later than October 15 of an odd-numbered year.
19 If the question is rejected, city of the second class officials shall be
20 elected at the next regularly scheduled election.

21 (5) If the question is submitted at a regularly scheduled election,
22 no village trustees shall be elected at such election, but trustees whose
23 terms are to expire following such election shall hold office until
24 either their successors or city officials take office as follows:

25 (a) If the question is rejected, the village board shall call a
26 special election, to be held not more than eight months after the
27 election at which the question was rejected, for the purpose of electing
28 city officials under the provisions of law relating to cities of the
29 second class. The terms of office for such officials shall be established
30 pursuant to section 17-311. The members of the board of trustees shall
31 hold office only until the newly elected city officials assume office;

1 and

2 (b) If the question is approved, the village board shall call a
3 special election, to be held not more than eight months after the
4 election at which the question was approved, for the purpose of electing
5 successors to those members of the village board who held office beyond
6 the normal expiration of their terms. Such special election shall be
7 conducted under the provisions of law relating to villages. Persons so
8 elected shall take office as soon after the completion of the canvass of
9 the votes as is practicable, and their terms of office shall be as if the
10 holdovers had not occurred.

11 Sec. 19. Section 17-313, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 17-313 (1) The registered voters of a village may vote to
14 discontinue organization as a village and organize as a city of the
15 second class under this section if the population of the village exceeds
16 eight hundred inhabitants as determined by the most recent federal
17 decennial census or the most recent revised certified count by the United
18 States Bureau of the Census and the prior vote pursuant to section 17-312
19 was in favor of retaining the village form of government. The issue may
20 be placed before the voters by a resolution adopted by the board of
21 trustees of the village or by petition signed by one-fourth of the
22 registered voters of the village.

23 (2) The petitions shall conform to section 32-628. The Secretary of
24 State shall design the form to be used for the petitions. Petition
25 signers and petition circulators shall conform to the requirements of
26 sections 32-629 and 32-630. The board of trustees shall submit the
27 petitions to the election commissioner or county clerk for signature
28 verification pursuant to section 32-631. The required number of
29 signatures shall be one-fourth of the number of voters registered in the
30 village at the last statewide general election. The election commissioner
31 or county clerk shall notify the board of trustees within thirty days

1 after receiving the petitions from the board of trustees whether the
2 required number of signatures has been gathered. The village shall
3 reimburse the county for any costs incurred by the election commissioner
4 or county clerk.

5 (3) If the board of trustees determines that the petitions are in
6 proper form and signed by the necessary number of registered voters or
7 after adoption of the resolution by the board of trustees, the board of
8 trustees shall submit the question to the voters of whether to organize
9 as a city of the second class at a special election pursuant to section
10 32-559 or at the same time as a local or statewide primary or general
11 election held in the village. The form of the ballot at such election
12 shall be For reorganization of the Village of as a city of the
13 second class and Against reorganization of the Village of as a
14 city of the second class.

15 (4) If the majority of the votes cast are for reorganization as a
16 city of the second class, the board of trustees shall certify such fact
17 to the Secretary of State who, upon the filing of such a certificate,
18 shall by proclamation declare such village to have become a city of the
19 second class. Thereafter such village is a city of the second class, and
20 such city shall be governed under the laws of this state applicable to
21 cities of the second class. The government of such city shall continue as
22 organized at the date of such proclamation until the reorganization as a
23 city of the second class.

24 (5) Upon such proclamation, the governing body of the city shall
25 call a special election for the purpose of electing new members of the
26 city's governing body to be held not more than eight months after the
27 proclamation is issued. At the initial election of officers, the names of
28 the candidates receiving the greatest number of votes at the primary
29 election if one is held shall be placed on the general election ballot.
30 One-half or the bare majority of the candidates in each precinct or ward
31 or at-large candidates, as the case may be, receiving the greatest number

1 of votes at the general election, shall be elected to terms of the
2 longest duration, and those receiving the next greatest number of votes
3 shall be elected to the remaining term or terms. Thereafter all members
4 shall be nominated at the statewide primary election and elected at the
5 statewide general election for four-year terms as provided in section
6 32-533. The members of the board of trustees shall hold office only until
7 the newly elected city officials assume office.

8 (6) All ordinances, bylaws, acts, rules, regulations, obligations,
9 and proclamations existing and in force in or with respect to any village
10 at the time of its incorporation as a city of the second class shall
11 remain in full force and effect after such incorporation as a city of the
12 second class until repealed or modified by such city within one year
13 after the date of the filing of the certificate pursuant to subsection
14 (4) of this section.

15 Sec. 20. Section 17-1001, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 17-1001 (1) Except as provided in section 13-327, any city of the
18 second class or village may apply by ordinance any existing or future
19 zoning ordinances, property use regulation ordinances, building
20 ordinances, electrical ordinances, and plumbing ordinances to an area
21 within one mile of the corporate limits of such municipality, with the
22 same force and effect as if such area was within its corporate limits. No
23 such ordinance shall be extended or applied so as to prohibit, prevent,
24 or interfere with the conduct of existing farming, livestock operations,
25 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
26 zoning area of a city of the second class or village shall be one-half
27 mile from the corporate limits of such municipalities. The fact that the
28 zoning area or part thereof is located in a different county or counties
29 than some or all portions of the municipality shall not be construed as
30 affecting the necessity of obtaining the approval of the city council or
31 board of trustees of such municipality or its agent designated pursuant

1 to section 19-916.

2 (2)(a) A city of the second class or village shall provide written
3 notice to the county board of the county in which the one-mile
4 extraterritorial zoning jurisdiction of the city or village is located
5 when proposing to adopt or amend a zoning ordinance which affects the
6 one-mile extraterritorial zoning jurisdiction of the city or village
7 within such county. The written notice of the proposed change to the
8 zoning ordinance shall be sent to the county board or its designee at
9 least thirty days prior to the final decision by the city or village. The
10 county board may submit comments or recommendations regarding the change
11 in the zoning ordinance at the public hearings on the proposed change or
12 directly to the city or village within thirty days after receiving such
13 notice. The city or village may make its final decision (i) upon the
14 expiration of the thirty days following the notice or (ii) when the
15 county board submits comments or recommendations, if any, to the city or
16 village prior to the expiration of the thirty days following the notice.

17 (b) Subdivision (2)(a) of this section does not apply to a city of
18 the second class or a village (i) located in a county with a population
19 in excess of one hundred thousand inhabitants as determined by the most
20 recent federal decennial census or the most recent revised certified
21 count by the United States Bureau of the Census or (ii) if the city or
22 village and the county have a joint planning commission or joint planning
23 department.

24 Sec. 21. Section 18-1753, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-1753 (1) Any city or village annexing territory which thereby
27 adds additional population to the city or village shall report such
28 annexation to the Tax Commissioner. The annexing city or village shall
29 provide the Tax Commissioner with a copy of the ordinance annexing the
30 territory and specify the effective date of the annexation. The annexing
31 city or village shall provide its calculation of the number of additional

1 residents added to the population of the city or village by reason of the
2 annexation and the new combined total population of the city or village
3 and shall inform the Tax Commissioner of the source and date of the
4 federal census relied upon in the calculations.

5 (2)(a) All calculations of additional population shall be based upon
6 federal census figures from the most recent federal decennial census or
7 the most recent revised federal census update or recount certified count
8 by the United States Bureau of the Census.

9 (b) If the boundaries of the territory annexed and those of federal
10 census enumeration districts are the same, or if federal census
11 enumeration districts are wholly contained within the boundaries of the
12 area annexed, the most recent federal census figures for such enumeration
13 districts shall be added directly to the population of the city or
14 village.

15 (c) If the federal census enumeration districts are partly within
16 and partly without the boundaries of the territory annexed, the federal
17 census figures for such enumeration districts shall be adjusted by
18 reasonable interpretation and supplemented by other evidence to arrive at
19 a figure for the number of people residing in the area annexed as such
20 population existed in that area at the time of the most recent federal
21 decennial census or the most recent revised certified count by the United
22 States Bureau of the Census. Reasonable interpretation shall include, but
23 not be limited to, the following methods: An actual house count of the
24 annexed territory multiplied by the average number of persons per
25 household as this information existed at the time of the most recent
26 federal census; or multiplying the population that existed at the time of
27 the most recent federal census in the enumeration district by a ratio of
28 the actual current population of the enumeration district divided in the
29 same manner as the annexation.

30 (d) The population of the city or village following annexation shall
31 be (i) the population of the city or village as reported by the most

1 recent federal decennial census or the most recent revised certified
2 count by the United States Bureau of the Census or (ii) the population of
3 the city or village as reported by the most recent federal decennial
4 census or the most recent revised certified count by the United States
5 Bureau of the Census plus the population of the territory annexed as
6 calculated in subdivisions (b) and (c) of this subsection.

7 Sec. 22. Section 18-2709, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 18-2709 (1) Qualifying business means any corporation, partnership,
10 limited liability company, or sole proprietorship which derives its
11 principal source of income from any of the following: The manufacture of
12 articles of commerce; the conduct of research and development; the
13 processing, storage, transport, or sale of goods or commodities which are
14 sold or traded in interstate commerce; the sale of services in interstate
15 commerce; headquarters facilities relating to eligible activities as
16 listed in this section; telecommunications activities, including services
17 providing advanced telecommunications capability; tourism-related
18 activities; or the production of films, including feature, independent,
19 and documentary films, commercials, and television programs.

20 (2) Qualifying business also means:

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

24 (b) A business that derives its principal source of income from
25 retail trade, except that no more than forty percent of the total revenue
26 generated pursuant to the Local Option Municipal Economic Development Act
27 for an economic development program in any twelve-month period and no
28 more than twenty percent of the total revenue generated pursuant to the
29 act for an economic development program in any five-year period,
30 commencing from the date of municipal approval of an economic development
31 program, shall be used by the city for or devoted to the use of retail

1 trade businesses. For purposes of this subdivision, retail trade means a
2 business which is principally engaged in the sale of goods or commodities
3 to ultimate consumers for their own use or consumption and not for
4 resale; and

5 (c) In cities with a population of two thousand five hundred
6 inhabitants or less as determined by the most recent federal decennial
7 census or the most recent revised certified count by the United States
8 Bureau of the Census, a business shall be a qualifying business even
9 though it derives its principal source of income from activities other
10 than those set out in this section.

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

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

23 (5) Qualifying business does not include a political subdivision, a
24 state agency, or any other governmental entity, except as allowed for
25 cities of the first and second class and villages for rural
26 infrastructure development as provided for in subsection (4) of section
27 18-2705.

28 Sec. 23. Section 19-401, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-401 Any city in this state having not less than two thousand
31 inhabitants as determined by the most recent federal decennial census or

1 the most recent revised certified count by the United States Bureau of
2 the Census according to the last official state or national census, or
3 according to the last census taken and promulgated in such city by the
4 authority of the mayor and city council of any such city, may adopt the
5 commission form of government provisions of sections 19-401 to 19-433 and
6 be governed thereunder by proceeding as ~~hereinafter~~ provided in sections
7 19-401 to 19-433.

8 Sec. 24. Section 19-414, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-414 The executive and administrative powers, authorities, and
11 duties in cities adopting the commission plan of government ~~such cities~~
12 shall be distributed into and among departments as follows:

13 In ~~metropolitan~~ cities of the metropolitan class, (1) department of
14 public affairs, (2) department of accounts and finances, (3) department
15 of police, sanitation, and public safety, (4) department of fire
16 protection and water supply, (5) department of street cleaning and
17 maintenance, (6) department of public improvements, and (7) department of
18 parks and public property;

19 In ~~primary~~ cities of the primary class, (1) department of public
20 affairs, (2) department of accounts and finances, (3) department of
21 public safety, (4) department of streets and public improvements, and (5)
22 department of parks and public property; and

23 In cities containing two thousand or more and not more than forty
24 thousand inhabitants as determined by the most recent federal decennial
25 census or the most recent revised certified count by the United States
26 Bureau of the Census ~~population,~~ (1) department of public affairs and
27 public safety, (2) department of accounts and finances, (3) department of
28 streets, public improvements, and public property, (4) department of
29 public works, and (5) department of parks and recreation.

30 The city council shall provide, as nearly as possible, the powers
31 and duties to be exercised and performed by, and assign them to, the

1 appropriate departments. The city council ~~It~~ may prescribe the powers and
2 duties of all officers and employees of the city and may assign
3 particular officers, or employees, to more than one of the departments,
4 may require any officer or employee to perform duties in two or more of
5 the departments, and may make such other rules and regulations as may be
6 necessary or proper for the efficient and economical management of the
7 business affairs of the city.

8 Sec. 25. Section 19-415, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 19-415 In cities of the metropolitan class, the city council shall
11 consist of the mayor who shall be superintendent of the department of
12 public affairs, one council member to be superintendent of the department
13 of accounts and finances, one council member to be superintendent of the
14 department of police, sanitation, and public safety, one council member
15 to be superintendent of the department of fire protection and water
16 supply, one council member to be superintendent of the department of
17 street cleaning and maintenance, one council member to be superintendent
18 of the department of public improvements, and one council member to be
19 superintendent of parks and public property.

20 In cities containing at least forty thousand and less than three
21 hundred thousand inhabitants as determined by the most recent federal
22 decennial census or the most recent revised certified count by the United
23 States Bureau of the Census, the city council shall consist of the mayor
24 who shall be superintendent of the department of public affairs, one
25 council member to be superintendent of the department of accounts and
26 finances, one council member to be superintendent of the department of
27 public safety, one council member to be superintendent of the department
28 of streets and public improvements, and one council member to be
29 superintendent of the department of parks and public property.

30 In cities containing at least two thousand and less than forty
31 thousand inhabitants as determined by the most recent federal decennial

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

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

15 Sec. 26. Section 19-418, Reissue Revised Statutes of Nebraska, is
16 amended to read:

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

1 pass any measure or transact any business.

2 Sec. 27. Section 19-501, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 19-501 Whenever, in any city having a population of more than five
5 thousand inhabitants as determined by the most recent federal decennial
6 census or the most recent revised certified count by the United States
7 Bureau of the Census, a charter convention shall have prepared and
8 proposed any charter for the government of such ~~said~~ city or any
9 amendments to the charter previously in force, it shall be the duty of
10 the city clerk to also publish and submit, at the same time and in the
11 same manner as in the case of the submission of such ~~said~~ proposed
12 charter, any additional or alternative articles or sections, to the
13 qualified voters of such ~~said~~ city for their approval, which shall be
14 proposed by the petition of at least ten percent of the qualified
15 electors of such ~~said~~ city voting for the gubernatorial candidates at the
16 next preceding general election. ~~The ; Provided,~~ said petition must be
17 filed within thirty days after the work of such ~~said~~ charter convention
18 shall have been completed.

19 Sec. 28. Section 19-602, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 19-602 For the purposes of sections 19-601 to 19-648, the population
22 of a city shall be the number of inhabitants as determined by the most
23 recent federal decennial census or the most recent revised certified
24 count by the United States Bureau of the Census ~~ascertained by the last~~
25 ~~state census or United States census, whichever shall be later.~~

26 Sec. 29. Section 19-1101, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 19-1101 The treasurer of each city or village that has a population
29 of not more than one hundred thousand inhabitants as determined by the
30 most recent federal decennial census or the most recent revised certified
31 count by the United States Bureau of the Census shall prepare and publish

1 annually within sixty days after the close of its municipal fiscal year a
2 statement of the receipts and expenditures of funds of the city or
3 village for the preceding fiscal year. The statement shall also include
4 the information required by subsection (3) of section 16-318 or
5 subsection (2) of section 17-606. Not more than the legal rate provided
6 for in section 33-141 shall be charged and paid for such publication.

7 Sec. 30. Section 19-1102, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

26 Sec. 31. Section 19-1827, Reissue Revised Statutes of Nebraska, is
27 amended to read:

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

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

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

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

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

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

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

4 Sec. 32. Section 19-3501, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 19-3501 (1) The governing body of cities of the first and second
7 classes and villages may, by appropriate ordinance or proper resolution,
8 establish a pension plan designed and intended for the benefit of the
9 regularly employed or appointed full-time employees of the city or
10 village. Any recognized method of funding a pension plan may be employed.
11 The plan shall be established by appropriate ordinance or proper
12 resolution, which may provide for mandatory contribution by the employee.
13 The city or village may also contribute, in addition to any amounts
14 contributed by the employee, amounts to be used for the purpose of
15 funding employee past service benefits. Any two or more cities of the
16 first and second classes and villages may jointly establish such a
17 pension plan by adoption of appropriate ordinances or resolutions. Such a
18 pension plan may be integrated with old age and survivors insurance,
19 otherwise generally known as social security.

20 (2)(a) Beginning December 31, 1998, and each December 31 thereafter,
21 the clerk of a city or village with a retirement plan established
22 pursuant to this section and section 401(a) of the Internal Revenue Code
23 shall file with the Public Employees Retirement Board an annual report on
24 such plan and shall submit copies of such report to the Auditor of Public
25 Accounts. The Auditor of Public Accounts may prepare a review of such
26 report pursuant to section 84-304.02 but is not required to do so. The
27 annual report shall be in a form prescribed by the Public Employees
28 Retirement Board and shall contain the following information for each
29 such retirement plan:

30 (i) The number of persons participating in the retirement plan;

31 (ii) The contribution rates of participants in the plan;

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

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

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

1 Academy of Actuaries, and which organization or entity has demonstrated
2 expertise to perform this type of analysis and is unrelated to any
3 organization offering investment advice or which provides investment
4 management services to the retirement plan. The report to the Nebraska
5 Retirement Systems Committee shall be submitted electronically.

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

18 Sec. 33. Section 19-5101, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 19-5101 Pursuant to Article XI, section 1, of the Constitution of
21 Nebraska, the Legislature authorizes the investment of public endowment
22 funds by any city having a population of more than five thousand
23 inhabitants as determined by the most recent federal decennial census or
24 the most recent revised certified count by the United States Bureau of
25 the Census in the manner required of a prudent investor who shall act
26 with care, skill, and diligence under the prevailing circumstance and in
27 such investments as the governing body of such city, acting in a
28 fiduciary capacity for the exclusive purpose of protecting and benefiting
29 such investment, may determine.

30 Sec. 34. Section 23-204, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 23-204 On the second Tuesday after the election under section 23-201
2 adopting township organization in any county, the county attorney, county
3 clerk, and county treasurer of the county shall meet at the county seat
4 of such county and shall, within three days from and after the first day
5 of meeting, divide such county into seven districts to be known as
6 supervisor districts. Such districts shall be divided as nearly as
7 possible with regular boundary lines and in regular and compact form and
8 shapes, and each of such districts shall as nearly as possible have the
9 same number of inhabitants as any other district. No voting precinct
10 shall be divided by any such district, except that in counties having
11 cities of more than ~~over~~ one thousand inhabitants as determined by the
12 most recent federal decennial census or the most recent revised certified
13 count by the United States Bureau of the Census and when such cities have
14 more inhabitants than the average outlying district, the county board
15 shall add enough contiguous territory to such city so that the
16 inhabitants in such city and contiguous territory equal the inhabitants
17 of two of the other districts. The county attorney, county clerk, and
18 county treasurer shall then divide the tract thus segregated into two
19 supervisor districts with population as nearly equal as possible, and
20 when so divided, each of the districts shall elect one supervisor who
21 shall reside in such supervisor district and be nominated and elected by
22 the registered voters residing in that district. If any such city has
23 more than the requisite inhabitants for two supervisor districts, then
24 sufficient outlying territory may be added to such city to make three
25 supervisor districts. The supervisor in each supervisor district in such
26 city shall reside in such supervisor district and be nominated and
27 elected by the registered voters residing in that supervisor district.
28 The remainder of the county outside of such city districts shall be
29 divided so as to create a total of seven supervisor districts, except
30 that if any county under township organization has gone to an at-large
31 basis for election of supervisors under section 32-554, the board of

1 supervisors of such county may stay on the at-large voting basis.

2 Sec. 35. Section 31-501, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 31-501 Whenever one or more municipalities ~~municipal corporation or~~
5 ~~corporations~~ may be situated upon or near a stream which is bordered by
6 lands subject to overflow from natural causes, or which is obstructed by
7 dams or artificial obstructions so that the natural flow of waters is
8 impeded so that drainage or the improvement of the channel of the stream
9 will conduce to the preservation of public health, such municipalities
10 ~~municipal corporation or corporations~~ and the surrounding lands
11 deleteriously affected by the conditions of the stream, may be
12 incorporated as a sanitary drainage district under sections 31-501 to
13 31-523 in the manner following: Any one hundred legal voters, residents
14 ~~freeholders resident~~ within the limits of such proposed sanitary drainage
15 district, may petition the county board of the county wherein they reside
16 to cause the question to be submitted to the legal voters within the
17 limits of such proposed sanitary drainage district whether they will
18 organize as a sanitary drainage district under such said sections. In ÷
19 ~~Provided, that in~~ the case of municipalities ~~municipal corporations~~ of
20 less than one thousand inhabitants ~~population~~, as determined by the most
21 recent federal decennial last preceding census or the most recent revised
22 certified count by the United States Bureau of the Census, two-thirds of
23 the legal voters, residents ~~freeholders resident~~ within the limits of
24 such proposed sanitary drainage district, may petition the county board
25 of the county wherein they reside to cause the question to be submitted
26 to the legal voters within the limits of such proposed sanitary drainage
27 district whether they will organize as a sanitary drainage district under
28 such said sections, and if a majority of those voting on the question are
29 in favor of the proposition the district shall be organized.

30 Sec. 36. Section 31-508, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 31-508 If a sanitary drainage district has constructed one or more
2 channels, drains, or ditches from a city having a population of more than
3 one hundred thousand and less than three hundred thousand inhabitants as
4 determined by the most recent federal decennial census or the most recent
5 revised certified count by the United States Bureau of the Census to or
6 beyond the boundaries of the district downstream and there remains from
7 the lower terminus of such improvement a portion or continuation of the
8 watercourse unimproved, the Department of Natural Resources shall
9 investigate the conditions of such watercourse, and if the department
10 determines that further improvement in such watercourse downstream is for
11 the interest of lands adjacent to such watercourse below the point of the
12 improvement, the department shall file a plan of such improvement in the
13 office of the county clerk of each of the counties in which any of the
14 lands to be benefited are situated and in which any portion of the
15 watercourse to be improved is located. Such plan shall describe the
16 boundaries of the district to be benefited and shall contain an estimate
17 of the benefits that would accrue to the sanitary district by reason of
18 such improvement as well as the cost thereof and an estimate of the
19 special benefits that would accrue to lands adjacent to the watercourse
20 by reason of improved drainage, such estimate being detailed as to the
21 various tracts of land under separate ownership as shown by the records
22 of the county in which such lands are situated.

23 Sec. 37. Section 32-538, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-538 (1) In a city which adopts the city manager plan of
26 government pursuant to sections 19-601 to 19-610, the number of city
27 council members shall be determined by the class and population of the
28 city. In cities having one thousand or more but not more than forty
29 thousand inhabitants as determined by the most recent federal decennial
30 census or the most recent revised certified count by the United States
31 Bureau of the Census, there shall be five members, and in cities having

1 more than forty thousand but less than two hundred thousand inhabitants
2 as determined by the most recent federal decennial census or the most
3 recent revised certified count by the United States Bureau of the Census,
4 there shall be seven members, except that in cities having between
5 twenty-five thousand and forty thousand inhabitants as determined by the
6 most recent federal decennial census or the most recent revised certified
7 count by the United States Bureau of the Census, the city council may by
8 ordinance provide for seven members. Council members shall be elected
9 from the city at large unless the city council by ordinance provides for
10 the election of all or some of its council members by wards, the number
11 and boundaries of which are provided for in section 16-104. Council
12 members shall serve for terms of four years or until their successors are
13 elected and qualified. The council members shall meet the qualifications
14 found in sections 19-613 and 19-613.01.

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

30 (2) Commencing with the statewide primary election in 1976, and
31 every two years thereafter, those candidates whose terms will be expiring

1 shall be nominated at the statewide primary election and elected at the
2 statewide general election.

3 Sec. 38. Section 32-539, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-539 (1) In a city which adopts the commission plan of government
6 pursuant to sections 19-401 to 19-433, the number of city council members
7 shall be determined by the class and population of the city. In cities
8 having two thousand or more but not more than forty thousand inhabitants
9 as determined by the most recent federal decennial census or the most
10 recent revised certified count by the United States Bureau of the Census,
11 there shall be five members, in cities of the primary class, there shall
12 be five members, and in cities of the metropolitan class, there shall be
13 seven members. Council members shall be elected from the city at large.
14 In cities of the primary class, three excise members shall be elected in
15 addition to the five council members. Nomination and election of all
16 council members shall be by nonpartisan ballot. The mayor shall be
17 elected for a four-year term.

18 (2) In cities containing two thousand or more but not more than
19 forty thousand inhabitants as determined by the most recent federal
20 decennial census or the most recent revised certified count by the United
21 States Bureau of the Census, at the city council election in 1980, the
22 council member elected as the commissioner of the department of public
23 works and the council member elected as the commissioner of the
24 department of parks and recreation shall each serve a term of four years.
25 If a city elects to adopt the commission plan of government after 1980,
26 the council member elected as the commissioner of the department of
27 public works and the council member elected as the commissioner of the
28 department of public accounts and finances shall each serve a term of
29 four years and the council member elected as the commissioner of the
30 department of streets, public improvements, and public property and the
31 council member elected as the commissioner of the department of parks and

1 recreation shall each serve a term of two years. Upon the expiration of
2 such terms, all council members shall serve terms of four years and until
3 their successors are elected and qualified.

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

8 Sec. 39. Section 39-207, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 39-207 Tourist-oriented directional sign panels shall be erected and
11 maintained by or at the direction of the Department of Roads within the
12 right-of-way of rural highways which are part of the state highway system
13 to provide tourist-oriented information to the traveling public in
14 accordance with sections 39-207 to 39-211.

15 For purposes of such sections:

16 (1) Rural highways means (a) all public highways and roads outside
17 the limits of an incorporated municipality exclusive of freeways and
18 interchanges on expressways and (b) all public highways and roads within
19 incorporated municipalities having a population of forty thousand
20 inhabitants ~~people~~ or less as determined by the most recent federal
21 decennial census or the most recent revised certified count by the United
22 States Bureau of the Census exclusive of freeways and interchanges on
23 expressways. Expressway, freeway, and interchange are used in this
24 subdivision as they are defined in section 39-1302; and

25 (2) Sign panel means one or more individual signs mounted as an
26 assembly on the same supports.

27 Sec. 40. Section 39-1328.01, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 39-1328.01 Whenever a highway not a freeway, which formerly
30 traversed the corporate limits of a municipality of not more than five
31 thousand inhabitants as determined by the most recent federal decennial

1 census or the most recent revised certified count by the United States
2 Bureau of the Census, is relocated and is made a controlled-access
3 facility, and the Department of Roads is or is not providing any frontage
4 road as authorized by section 39-1328, near an intersection with a
5 roadway connecting with such municipality, the department shall, when
6 consistent with requirements of traffic safety, and when the cost of
7 drainage structures does not exceed five thousand dollars, and upon the
8 conditions hereinafter set out construct such frontage roads if requested
9 to do so by such municipality, the county, or by the owners of sixty
10 percent of the property abutting on such relocated highway if such
11 request is made prior to the purchase, lease, or lease with option to
12 purchase of right-of-way by the department. The quadrant of such
13 intersection in which the frontage road or roads shall be located shall
14 be designated by the governing board of such municipality. The department
15 shall at the request of the county or municipality procure the right-of-
16 way for such frontage road by lease or lease-option to buy or in the same
17 manner as though it were for state highway purposes after receiving from
18 the county or municipality reasonable assurance of reimbursement for such
19 right-of-way costs. The responsibility for the maintenance of such
20 frontage road shall be as provided in section 39-1372.

21 Sec. 41. Section 39-1804, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 39-1804 The county board may, with the approval of the mayor and
24 council or the chairperson and board of trustees, as the case may be,
25 whenever conditions warrant, furnish, deliver, and spread gravel of a
26 depth not exceeding three inches on certain streets in cities of the
27 second class and villages having a population of not more than fifteen
28 hundred inhabitants as determined by the most recent federal decennial
29 census or the most recent revised certified count by the United States
30 Bureau of the Census and shall charge the cost of such improvement to
31 that portion of the Highway Allocation Fund allocated to such counties

1 from the Highway Trust Fund under section 39-2215. No improvement of any
2 street or streets in cities of the second class or villages having a
3 population of not more than fifteen hundred inhabitants as determined by
4 the most recent federal decennial census or the most recent revised
5 certified count by the United States Bureau of the Census shall be made
6 under the provisions of this section unless the street or streets, when
7 graveled, will constitute one main thoroughfare through such city or
8 village that connects with or forms a part of the county highway system
9 of such county which has been or which shall be graveled up to the
10 corporate limits of such city or village. Before being entitled to such
11 county aid in graveling such thoroughfare, the same must have been
12 properly graded by such city or village in accordance with the grade
13 established in the construction of the county road system.

14 Sec. 42. Section 39-2103, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 39-2103 Rural highways are hereby divided into nine functional
17 classifications as follows:

18 (1) Interstate, which shall consist of the federally designated
19 National System of Interstate and Defense Highways;

20 (2) Expressway, which shall consist of a group of highways following
21 major traffic desires in Nebraska which rank next in importance to the
22 National System of Interstate and Defense Highways. The expressway system
23 is one which ultimately should be developed to multilane divided highway
24 standards;

25 (3) Major arterial, which shall consist of the balance of routes
26 which serve major statewide interests for highway transportation. This
27 system is characterized by high-speed, relatively long-distance travel
28 patterns;

29 (4) Scenic-recreation, which shall consist of highways or roads
30 located within or which provide access to or through state parks,
31 recreation or wilderness areas, other areas of geographical, historical,

1 geological, recreational, biological, or archaeological significance, or
2 areas of scenic beauty;

3 (5) Other arterial, which shall consist of a group of highways of
4 less importance as through-travel routes which would serve places of
5 smaller population and smaller recreation areas not served by the higher
6 systems;

7 (6) Collector, which shall consist of a group of highways which pick
8 up traffic from many local or land-service roads and carry it to
9 community centers or to the arterial systems. They are the main school
10 bus routes, mail routes, and farm-to-market routes;

11 (7) Local, which shall consist of all remaining rural roads, except
12 minimum maintenance roads and remote residential roads;

13 (8) Minimum maintenance, which shall consist of (a) roads used
14 occasionally by a limited number of people as alternative access roads
15 for areas served primarily by local, collector, or arterial roads or (b)
16 roads which are the principal access roads to agricultural lands for farm
17 machinery and which are not primarily used by passenger or commercial
18 vehicles; and

19 (9) Remote residential, which shall consist of roads or segments of
20 roads in remote areas of counties with (a) a population density of no
21 more than five people per square mile or (b) an area of at least one
22 thousand square miles, and which roads or segments of roads serve as
23 primary access to no more than seven residences. For purposes of this
24 subdivision, residence means a structure which serves as a primary
25 residence for more than six months of a calendar year. Population shall
26 be determined using data from the most recent federal decennial census.

27 The rural highways classified under subdivisions (1) through (3) of
28 this section should, combined, serve every incorporated municipality
29 having a minimum population of one hundred inhabitants as determined by
30 the most recent federal decennial census or the most recent revised
31 certified count by the United States Bureau of the Census or sufficient

1 commerce, a part of which will be served by stubs or spurs, and along
2 with rural highways classified under subdivision (4) of this section,
3 should serve the major recreational areas of the state.

4 For purposes of this section, sufficient commerce means a minimum of
5 two hundred thousand dollars of gross receipts under the Nebraska Revenue
6 Act of 1967.

7 Sec. 43. Section 39-2106, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 39-2106 To assist in developing the functional classification
10 system, there is hereby established the Board of Public Roads
11 Classifications and Standards which shall consist of eleven members to be
12 appointed by the Governor with the approval of the Legislature. Of the
13 members of such board, two shall be representatives of the Department of
14 Roads, three shall be representatives of the counties, one of whom shall
15 be a licensed county highway superintendent in good standing and two of
16 whom shall be county board members, three shall be representatives of the
17 municipalities who shall be either public works directors or licensed
18 city street superintendents in good standing, and three shall be lay
19 citizens who shall represent the three congressional districts of the
20 state. The county members on the board shall represent the various
21 classes of counties, as defined in section 23-1114.01, in the following
22 manner: One shall be a representative from either a Class 1 or Class 2
23 county; one shall be a representative from either a Class 3 or Class 4
24 county; and one shall be a representative from either a Class 5, Class 6,
25 or Class 7 county. The municipal members of the board shall represent
26 municipalities of the following sizes by population: One shall be a
27 representative from a municipality of less than two thousand five hundred
28 inhabitants as determined by the most recent federal decennial census or
29 the most recent revised certified count by the United States Bureau of
30 the Census population; one shall be a representative from a municipality
31 of two thousand five hundred to fifty thousand inhabitants as determined

1 by the most recent federal decennial census or the most recent revised
2 certified count by the United States Bureau of the Census ~~population~~; and
3 one shall be a representative from a municipality of over fifty thousand
4 inhabitants as determined by the most recent federal decennial census or
5 the most recent revised certified count by the United States Bureau of
6 the Census ~~population~~. In making such appointments, the Governor shall
7 consult with the Director-State Engineer and with the appropriate county
8 and municipal officials and may consult with organizations representing
9 such officials or representing counties or municipalities as may be
10 appropriate. At the expiration of the existing term, one member from the
11 county representatives, the municipal representatives, and the lay
12 citizens shall be appointed for a term of two years; and two members from
13 the county representatives, the municipal representatives, and the lay
14 citizens shall be appointed for terms of four years. One representative
15 from the Department of Roads shall be appointed for a two-year term and
16 the other representative shall be appointed for a four-year term.
17 Thereafter, all such appointments shall be for terms of four years each.
18 Members of such board shall receive no compensation for their services as
19 such, except that the lay members shall receive the same compensation as
20 members of the State Highway Commission, and all members shall be
21 reimbursed for their actual and necessary expenses incurred in the
22 performance of their official duties as provided in sections 81-1174 to
23 81-1177 for state employees. All expenses of such board shall be paid by
24 the Department of Roads.

25 Sec. 44. Section 44-5502, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 44-5502 For purposes of the Surplus Lines Insurance Act:

28 (1) Affiliated group means a group of entities in which each entity,
29 with respect to an insured, controls, is controlled by, or is under
30 common control with the insured;

31 (2) Control means:

1 (a) To own, control, or have the power of an entity directly,
2 indirectly, or acting through one or more other persons to vote twenty-
3 five percent or more of any class of voting securities of another entity;
4 or

5 (b) To direct, by an entity, in any manner, the election of a
6 majority of the directors or trustees of another entity;

7 (3) Department means the Department of Insurance;

8 (4) Director means the Director of Insurance;

9 (5)(a) Exempt commercial purchaser means any person purchasing
10 commercial insurance that, at the time of placement, meets the following
11 requirements:

12 (i) The person employs or retains a qualified risk manager to
13 negotiate insurance coverage;

14 (ii) The person has paid aggregate nationwide commercial property
15 and casualty insurance premiums in excess of one hundred thousand dollars
16 in the immediately preceding twelve months; and

17 (iii) The person meets at least one of the following criteria:

18 (A) The person possesses a net worth in excess of twenty million
19 dollars, as such amount is adjusted pursuant to subdivision (5)(b) of
20 this section;

21 (B) The person generates annual revenue in excess of fifty million
22 dollars, as such amount is adjusted pursuant to subdivision (5)(b) of
23 this section;

24 (C) The person employs more than five hundred full-time or full-time
25 equivalent employees per individual insured or is a member of an
26 affiliated group employing more than one thousand employees in the
27 aggregate;

28 (D) The person is a not-for-profit organization or public entity
29 generating annual budgeted expenditures of at least thirty million
30 dollars, as such amount is adjusted pursuant to subdivision (5)(b) of
31 this section; or

1 (E) The person is a municipality with a population in excess of
2 fifty thousand inhabitants as determined by the most recent federal
3 decennial census or the most recent revised certified count by the United
4 States Bureau of the Census.

5 (b) Beginning on the fifth occurrence of January 1 after July 21,
6 2011, and each fifth occurrence of January 1 thereafter, the amounts in
7 subdivisions (5)(a)(iii)(A), (B), and (D) of this section shall be
8 adjusted to reflect the percentage change for such five-year period in
9 the Consumer Price Index for All Urban Consumers published by the Federal
10 Bureau of Labor Statistics;

11 (6) Foreign, alien, admitted, and nonadmitted, when referring to
12 insurers, have ~~has~~ the same meanings as in section 44-103 but do ~~does~~ not
13 include a risk retention group as defined in 15 U.S.C. 3901(a)(4);

14 (7)(a) Except as provided in subdivision (7)(b) of this section,
15 home state means, with respect to an insured, (i) the state in which an
16 insured maintains its principal place of business or, in the case of an
17 individual, the individual's principal residence or (ii) if one hundred
18 percent of the insured risk is located out of the state referred to in
19 subdivision (7)(a)(i) of this section, the state to which the greatest
20 percentage of the insured's taxable premium for that insurance contract
21 is allocated.

22 (b) If more than one insured from an affiliated group are named
23 insureds on a single nonadmitted insurance contract, home state means the
24 home state, as determined pursuant to subdivision (7)(a) of this section,
25 of the member of the affiliated group that has the largest percentage of
26 premium attributed to it under such insurance contract.

27 (c) When determining the home state of the insured, the principal
28 place of business is the state in which the insured maintains its
29 headquarters and where the insured's high-level officers direct, control,
30 and coordinate the business activities of the insured;

31 (8) Insurer has the same meaning as in section 44-103;

1 (9) Nonadmitted insurance means any property and casualty insurance
2 permitted to be placed directly or through surplus lines licensees with a
3 nonadmitted insurer eligible to accept such insurance; and

4 (10) Qualified risk manager means, with respect to a policyholder of
5 commercial insurance, a person who meets the definition in section 527 of
6 the Nonadmitted and Reinsurance Reform Act of 2010, which is Subtitle B
7 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public
8 Law 111-203, as such section existed on January 1, 2011.

9 Sec. 45. Section 48-307, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 48-307 The superintendent of public schools in all cities ~~and towns~~
12 having a population of more than one thousand inhabitants as determined
13 by the most recent federal decennial census or the most recent revised
14 certified count by the United States Bureau of the Census according to
15 the last official census and the presiding officer of all other school
16 boards shall furnish a duplicate copy of all certificates issued under
17 sections 48-302 to 48-313 to the Department of Labor. The duplicate
18 certificates in the form set forth in section 48-309 shall be filed with
19 the Department of Labor at the time of the issuance of the original
20 certificate.

21 Sec. 46. Section 48-1209.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 48-1209.01 The officers and members of the police and paid fire
24 departments of cities of the metropolitan and primary classes and of
25 cities of the first class having a population of more than ten thousand
26 inhabitants as determined by the most recent federal decennial census or
27 the most recent revised certified count by the United States Bureau of
28 the Census shall each receive a salary of not less than three hundred
29 fifty dollars per month. The city council may, by ordinance, at any time,
30 change, fix or revise the salaries of the officers or members of the
31 police and fire departments of such cities, but in no instance shall the

1 minimum salary of any officer or member be less than three hundred fifty
2 dollars per month.

3 Sec. 47. Section 53-124.14, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 53-124.14 (1) The commission may license the sale of alcoholic
6 liquor at retail in the original package to applicants who reside in any
7 county in which there is no incorporated city or village or in which the
8 county seat is not located in an incorporated city or village if the
9 licensed premises are situated in an unincorporated village having a
10 population of twenty-five inhabitants or more as determined by the most
11 recent federal decennial census or the most recent revised certified
12 count by the United States Bureau of the Census.

13 (2) The commission may license the sale of beer at retail in any
14 county outside the corporate limits of any city or village therein and
15 license the sale of alcoholic liquor at retail for consumption on the
16 premises and off the premises, sales in the original package only.

17 (3) The commission may license the sale of alcoholic liquor for
18 consumption on the premises as provided in subdivision (6)(a)(iii) of
19 section 53-124 on lands controlled by airport authorities when such land
20 is located on and under county jurisdiction or by the Nebraska State Fair
21 Board.

22 Sec. 48. Section 60-680, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 60-680 (1) Any local authority with respect to highways under its
25 jurisdiction and within the reasonable exercise of the police power may:

- 26 (a) Regulate or prohibit stopping, standing, or parking;
- 27 (b) Regulate traffic by means of peace officers or traffic control
28 devices;
- 29 (c) Regulate or prohibit processions or assemblages on the highways;
- 30 (d) Designate highways or roadways for use by traffic moving in one
31 direction;

1 (e) Establish speed limits for vehicles in public parks;

2 (f) Designate any highway as a through highway or designate any
3 intersection as a stop or yield intersection;

4 (g) Restrict the use of highways as authorized in section 60-681;

5 (h) Regulate operation of bicycles and require registration and
6 inspection of such, including requirement of a registration fee;

7 (i) Regulate operation of electric personal assistive mobility
8 devices;

9 (j) Regulate or prohibit the turning of vehicles or specified types
10 of vehicles;

11 (k) Alter or establish speed limits authorized in the Nebraska Rules
12 of the Road;

13 (l) Designate no-passing zones;

14 (m) Prohibit or regulate use of controlled-access highways by any
15 class or kind of traffic except those highways which are a part of the
16 state highway system;

17 (n) Prohibit or regulate use of heavily traveled highways by any
18 class or kind of traffic it finds to be incompatible with the normal and
19 safe movement of traffic, except that such regulations shall not be
20 effective on any highway which is part of the state highway system unless
21 authorized by the Department of Roads;

22 (o) Establish minimum speed limits as authorized in the rules;

23 (p) Designate hazardous railroad grade crossings as authorized in
24 the rules;

25 (q) Designate and regulate traffic on play streets;

26 (r) Prohibit pedestrians from crossing a roadway in a business
27 district or any designated highway except in a crosswalk as authorized in
28 the rules;

29 (s) Restrict pedestrian crossings at unmarked crosswalks as
30 authorized in the rules;

31 (t) Regulate persons propelling push carts;

1 (u) Regulate persons upon skates, coasters, sleds, and other toy
2 vehicles;

3 (v) Notwithstanding any other provision of law, adopt and enforce an
4 ordinance or resolution prohibiting the use of engine brakes on the
5 National System of Interstate and Defense Highways that has a grade of
6 less than five degrees within its jurisdiction. For purposes of this
7 subdivision, engine brake means a device that converts a power producing
8 engine into a power-absorbing air compressor, resulting in a net energy
9 loss;

10 (w) Adopt and enforce such temporary or experimental regulations as
11 may be necessary to cover emergencies or special conditions; and

12 (x) Adopt other traffic regulations except as prohibited by state
13 law or contrary to state law.

14 (2) No local authority, except an incorporated city with more than
15 forty thousand inhabitants as determined by the most recent federal
16 decennial census or the most recent revised certified count by the United
17 States Bureau of the Census, shall erect or maintain any traffic control
18 device at any location so as to require the traffic on any state highway
19 or state-maintained freeway to stop before entering or crossing any
20 intersecting highway unless approval in writing has first been obtained
21 from the Department of Roads.

22 (3) No ordinance or regulation enacted under subdivision (1)(d),
23 (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section
24 shall be effective until traffic control devices giving notice of such
25 local traffic regulations are erected upon or at the entrances to such
26 affected highway or part thereof affected as may be most appropriate.

27 Sec. 49. Section 60-6,120, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-6,120 (1) The Department of Roads shall place and maintain, or
30 provide for such placing and maintaining, such traffic control devices,
31 conforming to the manual, upon all state highways as it deems necessary

1 to indicate and to carry out the Nebraska Rules of the Road or to
2 regulate, warn, or guide traffic.

3 (2)(a) In incorporated cities and villages with less than forty
4 thousand inhabitants as determined by the most recent federal decennial
5 census or the most recent revised certified count by the United States
6 Bureau of the Census, the department shall have exclusive jurisdiction
7 regarding the erection and maintenance of traffic control devices on the
8 state highway system but shall not place traffic control devices on the
9 state highway system within incorporated cities ~~and villages~~ of more than
10 twenty-five hundred inhabitants as determined by the most recent federal
11 decennial census or the most recent revised certified count by the United
12 States Bureau of the Census without consultation with the proper city
13 officials.

14 (b) In incorporated cities of forty thousand or more inhabitants as
15 determined by the most recent federal decennial census or the most recent
16 revised certified count by the United States Bureau of the Census, except
17 on state-maintained freeways of the state highway system where the
18 department retains exclusive jurisdiction, the city shall have
19 jurisdiction regarding erection and maintenance of traffic control
20 devices on the state highway system after consultation with the
21 department, except that there shall be joint jurisdiction with the
22 department for such traffic control devices for which the department
23 accepts responsibility for the erection and maintenance.

24 (3) No local authority shall place or maintain any traffic control
25 device upon any highway under the jurisdiction of the department, except
26 by permission of the department, or on any state-maintained freeway of
27 the state highway system.

28 (4) The placing of traffic control devices by the department shall
29 not be a departmental rule, regulation, or order subject to the statutory
30 procedures for such rules, regulations, or orders but shall be considered
31 as establishing precepts extending the provisions of the Nebraska Rules

1 of the Road as necessary to regulate, warn, or guide traffic. Violation
2 of such traffic control devices shall be punishable as provided in the
3 rules.

4 Sec. 50. Section 60-6,190, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-6,190 (1) Whenever the Department of Roads determines, upon the
7 basis of an engineering and traffic investigation, that any maximum speed
8 limit is greater or less than is reasonable or safe under the conditions
9 found to exist at any intersection, place, or part of the state highway
10 system outside of the corporate limits of cities and villages as well as
11 inside the corporate limits of cities and villages on freeways which are
12 part of the state highway system, it may determine and set a reasonable
13 and safe maximum speed limit for such intersection, place, or part of
14 such highway which shall be the lawful speed limit when appropriate signs
15 giving notice thereof are erected at such intersection, place, or part of
16 the highway, except that the maximum rural and freeway limits shall not
17 be exceeded. Such a maximum speed limit may be set to be effective at all
18 times or at such times as are indicated upon such signs.

19 (2) The speed limits set by the department shall not be a
20 departmental rule, regulation, or order subject to the statutory
21 procedures for such rules, regulations, or orders but shall be an
22 authorization over the signature of the Director-State Engineer and shall
23 be maintained on permanent file at the headquarters of the department.
24 Certified copies of such authorizations shall be available from the
25 department at a reasonable cost for duplication. Any change to such an
26 authorization shall be made by a new authorization which cancels the
27 previous authorization and establishes the new limit, but the new limit
28 shall not become effective until signs showing the new limit are erected
29 as provided in subsection (1) of this section.

30 (3) On county highways which are not part of the state highway
31 system or within the limits of any state institution or any area under

1 control of the Game and Parks Commission or a natural resources district
2 and which are outside of the corporate limits of cities and villages,
3 county boards shall have the same power and duty to alter the maximum
4 speed limits as the department if the change is based on an engineering
5 and traffic investigation comparable to that made by the department. The
6 limit outside of a business or residential district shall not be
7 decreased to less than thirty-five miles per hour.

8 (4) On all highways within their corporate limits, except on state-
9 maintained freeways which are part of the state highway system,
10 incorporated cities and villages shall have the same power and duty to
11 alter the maximum speed limits as the department if the change is based
12 on engineering and traffic investigation, except that no imposition of
13 speed limits on highways which are part of the state highway system in
14 cities and villages under forty thousand inhabitants as determined by the
15 most recent federal decennial census or the most recent revised certified
16 count by the United States Bureau of the Census shall be effective
17 without the approval of the department.

18 (5) The director of any state institution, the Game and Parks
19 Commission, or a natural resources district, with regard to highways
20 which are not a part of the state highway system, which are within the
21 limits of such institution or area under Game and Parks Commission or
22 natural resources district control, and which are outside the limits of
23 any incorporated city or village, shall have the same power and duty to
24 alter the maximum speed limits as the department if the change is based
25 on an engineering and traffic investigation comparable to that made by
26 the department.

27 (6) Not more than six such speed limits shall be set per mile along
28 a highway, except in the case of reduced limits at intersections. The
29 difference between adjacent speed limits along a highway shall not be
30 reduced by more than twenty miles per hour, and there shall be no limit
31 on the difference between adjacent speed limits for increasing speed

1 limits along a highway.

2 (7) When the department or a local authority determines by an
3 investigation that certain vehicles in addition to those specified in
4 sections 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at
5 the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305,
6 and 60-6,313 or set pursuant to this section or section 60-6,188 or
7 60-6,189, the department or local authority may restrict the speed limit
8 for such vehicles on highways under its respective jurisdiction and post
9 proper and adequate signs.

10 Sec. 51. Section 70-408, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 70-408 All charges, made for electrical energy for residential,
13 commercial, and farm purposes by any person, firm, corporation, or
14 municipality ~~municipal corporation~~ engaged in the sale of electrical
15 energy in cities of the first class having a population of more than five
16 thousand and less than twenty-five thousand inhabitants as determined by
17 the most recent federal decennial census or the most recent revised
18 certified count by the United States Bureau of the Census, cities of the
19 second class, villages, and unincorporated areas in Nebraska, shall be
20 based on the amount of such energy actually furnished by the kilowatt-
21 hour meter, together with such demand as may be registered or indicated
22 by a demand meter, or as may be contracted for, to such purchaser. Such
23 person, firm, corporation, or municipality ~~municipal corporation~~ may
24 provide for either a penalty on or a discount from the amount of any bill
25 to promote prompt payment thereof under uniform rules and regulations
26 governing such penalty or discount. A reasonable minimum charge may be
27 collected from purchasers of electrical energy by any such person, firm,
28 corporation, or municipality ~~municipal corporation~~, even though the
29 charge for the amount of electrical energy actually furnished by the
30 kilowatt-hour to such purchaser or user does not equal such minimum
31 charge for the designated period of service. The ~~;~~ ~~Provided,~~ the

1 provisions of sections 70-407 to 70-409 shall not be construed to affect
2 any contract or franchise in existence at the time of the passage and
3 approval of this section.

4 Sec. 52. Section 70-604.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 70-604.01 (1) Except as the same may be further limited or expanded
7 by requirements in Chapter 70, article 6, the chartered territory of any
8 district organized pursuant to and existing by virtue of or subject to
9 the provisions of Chapter 70, article 6, shall include the area in this
10 state within which such district renders electric service of the nature
11 defined in section 70-604.02 and termed its operating area. There may be
12 included, within the chartered area of such district, areas which are
13 outside the operating area as defined in section 70-604.02, but as to
14 which inclusion is nevertheless authorized by other sections of Chapter
15 70, article 6.

16 (2) Subject to the requirements of section 70-662 and the approval
17 of the Nebraska Power Review Board in accordance with sections 70-663 and
18 70-664, any district organized pursuant to Chapter 70, article 6, and
19 engaged in the operation of electric generation, transmission, or
20 distribution facilities or any combination thereof may, in the discretion
21 of the board of directors of such district and upon a finding by the
22 board of directors of such district that the inclusion or exclusion
23 thereof would be consistent with the best interests of the district and
24 its customers, either include within or exclude from the chartered area
25 all municipalities which have a population of fewer than one thousand
26 five hundred inhabitants as determined by the most recent federal
27 decennial census or the most recent revised certified count by the United
28 States Bureau of the Census and which are within a county where such
29 district provides electric service but are not otherwise in such
30 district's operating area.

31 Sec. 53. Section 71-3305, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 71-3305 (1) Except as otherwise provided in subsection (2) or (3) of
3 this section, any city or village having a population of one thousand or
4 more inhabitants as determined by the most recent federal decennial
5 census or the most recent revised certified count by the United States
6 Bureau of the Census shall add fluoride to the water supply for human
7 consumption for such city or village as provided in the rules and
8 regulations of the Department of Health and Human Services unless such
9 water supply has sufficient amounts of naturally occurring fluoride as
10 provided in such rules and regulations.

11 (2) Subsection (1) of this section does not apply if the voters of
12 the city or village adopted an ordinance, after April 18, 2008, but
13 before June 1, 2010, to prohibit the addition of fluoride to such water
14 supply.

15 (3) If any city or village reaches a population of one thousand or
16 more inhabitants as determined by the most recent federal decennial
17 census or the most recent revised certified count by the United States
18 Bureau of the Census after June 1, 2010, and is required to add fluoride
19 to its water supply under subsection (1) of this section, the city or
20 village may adopt an ordinance to prohibit the addition of fluoride to
21 such water supply. The ordinance may be placed on the ballot by a
22 majority vote of the governing body of the city or village or by
23 initiative pursuant to sections 18-2501 to 18-2538. Such proposed
24 ordinance shall be voted upon at the next statewide general election
25 after the population of the city or village reaches one thousand or more
26 inhabitants as determined by the most recent federal decennial census or
27 the most recent revised certified count by the United States Bureau of
28 the Census.

29 (4) Any rural water district organized under sections 46-1001 to
30 46-1020 that supplies water for human consumption to any city or village
31 which is required to add fluoride to such water supply under this section

1 shall not be responsible for any costs, equipment, testing, or
2 maintenance related to such fluoridation unless such district has agreed
3 with the city or village to assume such responsibilities.

4 Sec. 54. Section 77-3,119, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 77-3,119 (1) The Tax Commissioner shall certify the population of
7 cities and villages to be used for purposes of calculations made pursuant
8 to subdivision (4) of section 18-2603, subdivisions (3)(a) and (b) of
9 section 35-1205, subdivision (1) of section 39-2517, and sections 39-2513
10 and 77-27,139.02. The Tax Commissioner shall transmit copies of such
11 certification to all interested parties upon request.

12 (2) The Tax Commissioner shall certify the population of each city
13 and village based upon the most recent federal census figures. The Tax
14 Commissioner shall determine the most recent federal census figures for
15 each city and village by using the most recent federal census figures
16 available from (a) the most recent federal decennial census, (b) the most
17 recent revised certified count ~~federal census update or recount certified~~
18 by the United States Bureau of the Census, or (c) the most recent federal
19 census figure of the city or village plus the population of territory
20 annexed as calculated in sections 18-1753 and 18-1754.

21 (3) The Tax Commissioner may adopt and promulgate rules and
22 regulations to carry out this section.

23 Sec. 55. Section 79-407, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-407 The territory within the corporate limits of each
26 incorporated municipality ~~city or village~~ in the State of Nebraska that
27 is not in part within the boundaries of a learning community, together
28 with such additional territory and additions to such municipality ~~city or~~
29 ~~village~~ as may be added thereto, as declared by ordinances to be
30 boundaries of such municipality ~~city or village~~, having a population of
31 more than one thousand and less than one hundred fifty thousand

1 inhabitants as determined by the most recent federal decennial census or
2 the most recent revised certified count by the United States Bureau of
3 the Census, including such adjacent territory as now is or hereafter may
4 be attached for school purposes, shall constitute a Class III school
5 district, except that nothing in this section shall be construed to
6 change the boundaries of any school district that is a member of a
7 learning community. The school district shall be a body corporate and
8 possess all the usual powers of a corporation for public purposes and may
9 sue and be sued, purchase, hold, and sell such personal and real
10 property, and control such obligations as are authorized by law.

11 Sec. 56. Section 81-8,122.01, Revised Statutes Cumulative
12 Supplement, 2016, is amended to read:

13 81-8,122.01 Whenever a survey has been executed by a land surveyor
14 who is registered under the Land Surveyors Regulation Act, a record of
15 such survey bearing the signature and seal of the land surveyor shall be
16 filed in the survey record repository established pursuant to section
17 84-412 if such survey meets applicable regulations. Surveys which are
18 within the corporate limits of a city with a population in excess of
19 fifteen thousand inhabitants as determined by the most recent federal
20 decennial census or the most recent revised certified count by the United
21 States Bureau of the Census and do not reference, recover, retrace, or
22 reestablish the original government corners or lines or do not create a
23 new subdivision are not required to be filed in the survey record
24 repository but shall be filed in the county surveyor's office in the
25 county where the land is located if they meet applicable regulations. If
26 no regular office is maintained in the county courthouse for the county
27 surveyor, it shall be filed in the survey record repository. The record
28 of survey shall be filed within ninety days after the completion of the
29 survey, or within any extension of time granted by the office in which it
30 is required to be filed for reasonable cause, and shall consist of the
31 following minimum data: (1) Plat of the tract surveyed; (2) legal

1 description of the tract surveyed; (3) description of all corners found;
2 (4) description of all corners set; (5) ties to any section corners,
3 quarter corners, or quarter-quarter corners found or set; (6) plat or
4 record distances as well as field measurements; and (7) date of
5 completion of survey. The record of survey so filed shall become an
6 official record of survey, and shall be presumptive evidence of the facts
7 stated therein, unless the land surveyor filing the survey shall be
8 interested in the same. Plats or maps which are prepared only for the
9 purpose of showing the location of improvements on existing lots, which
10 are not represented as surveys or land surveys and no corners are
11 established or reestablished, shall be specifically exempt from all
12 requirements of this section.

13 Sec. 57. Section 81-1417, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-1417 (1) The Nebraska Commission on Law Enforcement and Criminal
16 Justice shall consist of nineteen members. The membership shall include
17 the Governor, the Attorney General, the Superintendent of Law Enforcement
18 and Public Safety, the Director of Correctional Services, the chief of
19 police or director of public safety of a city of more than two hundred
20 thousand inhabitants as determined by the most recent federal decennial
21 census or the most recent revised certified count by the United States
22 Bureau of the Census ~~population~~, the chief of police or director of
23 public safety of a city of two hundred thousand inhabitants ~~population~~ or
24 less as determined by the most recent federal decennial census or the
25 most recent revised certified count by the United States Bureau of the
26 Census, a county sheriff, a county attorney, a county commissioner, a
27 mayor or city manager, a person involved with the control or prevention
28 of juvenile delinquency, the chairperson of the Nebraska Police Standards
29 Advisory Council, the chairperson of the Nebraska Coalition for Juvenile
30 Justice, and six members, at least one of whom shall be a woman, from the
31 public at large. The seven members of the council shall also be

1 considered members of the commission acting as a special committee of the
2 commission with limited powers and duties. A member of the commission may
3 serve concurrently as a member of the council.

4 (2) The Governor may increase the membership of the commission at
5 any time if such increase is necessary to comply with the provisions of
6 any federal act providing funds for law enforcement or delinquency
7 prevention purposes. Such members of the commission appointed by the
8 Governor shall serve for terms of six years from January 1 next
9 succeeding their appointments.

10 (3) Except for the Governor, the Attorney General, the
11 Superintendent of Law Enforcement and Public Safety, the Director of
12 Correctional Services, the chairperson of the Nebraska Police Standards
13 Advisory Council, and the chairperson of the Nebraska Coalition for
14 Juvenile Justice, the members of the commission shall be appointed by the
15 Governor. The membership of the commission shall represent varying
16 geographic areas and large and small governmental subdivisions.

17 Sec. 58. Section 81-1430, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-1430 (1) A task force is hereby established within the Nebraska
20 Commission on Law Enforcement and Criminal Justice for the purposes of
21 investigating and studying human trafficking, the methods for advertising
22 human trafficking services, and the victimization of individuals coerced
23 to participate in human trafficking.

24 (2) The task force shall examine the extent to which human
25 trafficking is prevalent in this state, the scope of efforts being taken
26 to prevent human trafficking from occurring, and the services available
27 to victims of human trafficking in this state. The task force shall
28 utilize information and research available from the Innocence Lost
29 National Initiative. The task force shall research and recommend a model
30 of rehabilitative services for victims of human trafficking that includes
31 input from the areas of law enforcement, social services, the legal

1 profession, the judiciary, mental health, and immigration. The task force
2 shall also investigate the limitations upon victims who wish to come
3 forward and seek medical attention; investigate the potential to stop
4 human trafficking; and investigate the potential to promote recovery, to
5 protect families and children who may be profoundly impacted by such
6 abuse, and to save lives.

7 (3)(a) The Department of Labor shall work with the task force to
8 develop or select informational posters for placement around the state.
9 The posters shall be in English, Spanish, and any other language deemed
10 appropriate by the task force. The posters shall include a toll-free
11 telephone number a person may call for assistance, preferably the
12 National Human Trafficking Resource Center Hotline (888)373-7888.

13 (b) Posters shall be placed in rest stops and strip clubs. The task
14 force shall work with local businesses and nonprofit entities associated
15 with the prevention of human trafficking to voluntarily place additional
16 signs in high schools, postsecondary educational institutions, gas
17 stations, hotels, hospitals, health care clinics, urgent care centers,
18 airports, train stations, bus stations, and other locations around the
19 state deemed appropriate by the task force.

20 (4) The task force shall consist of the following members:

21 (a) The Attorney General or his or her designee;

22 (b) The executive director of the Nebraska Commission on Law
23 Enforcement and Criminal Justice;

24 (c) The Superintendent of Law Enforcement and Public Safety or his
25 or her designee;

26 (d) The Director of Correctional Services or his or her designee;

27 (e) The chief of police or director of public safety of a city of
28 two hundred thousand inhabitants or more as determined by the most recent
29 federal decennial census or the most recent revised certified count by
30 the United States Bureau of the Census;

31 (f) The chief of police or director of public safety of a city of

1 less than two hundred thousand inhabitants as determined by the most
2 recent federal decennial census or the most recent revised certified
3 count by the United States Bureau of the Census;

4 (g) A county sheriff;

5 (h) A county attorney;

6 (i) A county commissioner;

7 (j) A mayor or city manager;

8 (k) A person involved with the control or prevention of juvenile
9 delinquency;

10 (l) A person involved with the control or prevention of child abuse;

11 (m) The Commissioner of Education or his or her designee;

12 (n) The director of the Commission on Latino-Americans or his or her
13 designee; and

14 (o) Six members, at least three of whom shall be women, from the
15 public at large.

16 (5) The Governor shall appoint the members of the task force listed
17 in subdivisions (4)(e) through (l) and (o) of this section for terms as
18 provided in subsection (6) of this section. The membership of the task
19 force shall represent varying geographic areas and large and small
20 political subdivisions. One member from the public at large shall be a
21 professional representing child welfare, and one member of the public at
22 large shall represent juvenile pretrial diversion programs.

23 (6) The members of the task force appointed by the Governor shall
24 serve six-year terms, except that of the members first appointed, four
25 shall serve initial two-year terms, four shall serve initial four-year
26 terms, and six shall serve initial six-year terms from January 1 next
27 succeeding their appointments. Thereafter, all members shall serve six-
28 year terms. A member may be reappointed at the expiration of his or her
29 term. Any vacancy occurring otherwise than by expiration of a term shall
30 be filled for the balance of the unexpired term in the same manner as the
31 original appointment.

1 (7) No member shall serve beyond the time when he or she holds the
2 office, employment, or status by reason of which he or she was initially
3 eligible for appointment. Any member of the task force appointed by the
4 Governor may be removed from the task force for cause upon notice and an
5 opportunity to be heard at a public hearing. One of the causes for
6 removal shall be absence from three regularly scheduled meetings of the
7 task force during any six-month period when the member has failed to
8 advise the task force in advance of such meeting that he or she will be
9 absent and stating a reason therefor.

10 (8) The chairperson of the task force shall be designated by the
11 Governor to serve at the pleasure of the Governor. The chairperson shall
12 be the chief executive officer of the task force but may delegate such of
13 his or her duties to other members of the task force as may be authorized
14 by the task force.

15 (9) Notwithstanding any provision of law, ordinance, or charter
16 provision to the contrary, membership on the task force shall not
17 disqualify any member from holding any other public office or employment
18 or cause the forfeiture thereof.

19 (10) The members of the task force shall serve on the task force
20 without compensation, but they shall be entitled to receive reimbursement
21 for any actual expenses incurred as necessary incident to such service as
22 provided in sections 81-1174 to 81-1177.

23 (11) Eleven members of the task force shall constitute a quorum for
24 the transaction of any business or the exercise of any power of the task
25 force. The task force shall have the power to act by a majority of the
26 members present at any meeting at which a quorum is in attendance.

27 ~~(12) All appointments shall be made not later than thirty days after~~
28 ~~July 19, 2012. The chairperson shall meet with the task force not later~~
29 ~~than sixty days after July 19, 2012.~~

30 ~~(12) Every (13) Not later than one year after July 19, 2012, and~~
31 every July 1 and December 1 thereafter, the task force shall report

1 electronically to the Clerk of the Legislature the results of its
2 investigation and study and its recommendations, if any, together with
3 drafts of legislation necessary to carry its recommendations into effect
4 by filing the report with the clerk.

5 Sec. 59. Section 81-15,153, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 81-15,153 The department shall have the following powers and duties:

8 (1) The power to establish a program to make loans to municipalities
9 or to counties, individually or jointly, for construction or modification
10 of publicly owned wastewater treatment works in accordance with the
11 Wastewater Treatment Facilities Construction Assistance Act and the rules
12 and regulations of the council adopted and promulgated pursuant to such
13 act;

14 (2) The power to establish a program to make loans to municipalities
15 or to counties for construction, rehabilitation, operation, or
16 maintenance of nonpoint source control systems in accordance with the
17 Wastewater Treatment Facilities Construction Assistance Act and the rules
18 and regulations of the council adopted and promulgated pursuant to such
19 act;

20 (3) The power, if so authorized by the council pursuant to section
21 81-15,152, to execute and deliver documents obligating the Wastewater
22 Treatment Facilities Construction Loan Fund and the assets thereof to the
23 extent permitted by section 81-15,151 to repay, with interest, loans to
24 or deposits into the fund and to execute and deliver documents pledging
25 to the extent permitted by section 81-15,151 all or part of the fund and
26 its assets to secure, directly or indirectly, the loans or deposits;

27 (4) The power to establish the linked deposit program to promote
28 loans for construction, rehabilitation, operation, or maintenance of
29 nonpoint source control systems in accordance with the Wastewater
30 Treatment Facilities Construction Assistance Act and the rules and
31 regulations adopted and promulgated pursuant to such act;

1 (5) The duty to prepare an annual report for the Governor and the
2 Legislature containing information which shows the financial status of
3 the program. The report submitted to the Legislature shall be submitted
4 electronically;

5 (6) The duty to establish fiscal controls and accounting procedures
6 sufficient to assure proper accounting during appropriate accounting
7 periods, including the following:

8 (a) Accounting from the Nebraska Investment Finance Authority for
9 the costs associated with the issuance of bonds pursuant to the act;

10 (b) Accounting for payments or deposits received by the fund;

11 (c) Accounting for disbursements made by the fund; and

12 (d) Balancing the fund at the beginning and end of the accounting
13 period;

14 (7) The duty to establish financial capability requirements that
15 assure sufficient revenue to operate and maintain a facility for its
16 useful life and to repay the loan for such facility;

17 (8) The power to determine the rate of interest to be charged on a
18 loan in accordance with the rules and regulations adopted and promulgated
19 by the council;

20 (9) The power to refinance debt obligations of municipalities in
21 accordance with the rules and regulations adopted and promulgated by the
22 council;

23 (10) The power to enter into required agreements with the United
24 States Environmental Protection Agency pursuant to the Clean Water Act;

25 (11) The power to enter into agreements to provide grants concurrent
26 with loans to municipalities with populations of ten thousand inhabitants
27 or less as determined by the most recent federal decennial census or the
28 most recent revised certified count by the United States Bureau of the
29 Census which demonstrate serious financial hardships. The department may
30 authorize grants for up to one-half of the eligible project cost. Such
31 grants shall contain a provision that payment of the amount allocated is

1 conditional upon the availability of appropriated funds;

2 (12) The power to authorize emergency grants to municipalities with
3 wastewater treatment facilities which have been damaged or destroyed by
4 natural disaster or other unanticipated actions or circumstances. Such
5 grants shall not be used for routine repair or maintenance of facilities;

6 (13) The power to provide financial assistance to municipalities
7 with populations of ten thousand inhabitants or less as determined by the
8 most recent federal decennial census or the most recent revised certified
9 count by the United States Bureau of the Census for completion of
10 engineering studies, research projects, investigating low-cost options
11 for achieving compliance with the Clean Water Act, encouraging wastewater
12 reuse, and conducting other studies for the purpose of enhancing the
13 ability of communities to meet the requirements of the Clean Water Act.
14 The department may authorize financial assistance for up to ninety
15 percent of the eligible project cost. Such state allocation shall contain
16 a provision that payment of the amount obligated is conditional upon the
17 availability of appropriated funds;

18 (14) The power to provide grants or an additional interest subsidy
19 on loans for municipalities if the project contains a sustainable
20 community feature, measurable energy-use reductions, or low-impact
21 development or if there are any special assistance needs as determined
22 under section 81-1517; and

23 (15) Such other powers as may be necessary and appropriate for the
24 exercise of the duties created under the Wastewater Treatment Facilities
25 Construction Assistance Act.

26 Sec. 60. Section 81-2102, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-2102 For purposes of the State Electrical Act, unless the context
29 otherwise requires:

30 (1) Apprentice electrician means any person, other than a licensee,
31 who, as such person's principal occupation, is engaged in learning and

1 assisting in the installation, alteration, and repair of electrical
2 equipment as an employee of a licensee and who is registered with the
3 board. For purposes of this subdivision, persons who are not engaged in
4 the installation, alteration, or repair of electrical wiring and
5 apparatus, either inside or outside buildings, shall not be considered
6 apprentice electricians;

7 (2) Board means the State Electrical Board;

8 (3) Class A master electrician means a person having the necessary
9 qualifications, training, experience, and technical knowledge to properly
10 plan, lay out, and supervise the installation of wiring, apparatus, and
11 equipment for electric light, heat, power, and other purposes and who is
12 licensed by the board;

13 (4) Class B electrical contractor means a person having the
14 necessary qualifications, training, experience, and technical knowledge
15 to properly plan, lay out, install, and supervise the installation of
16 wiring, apparatus, and equipment for systems of not over four hundred
17 ampere capacity for light, heat, power, and other purposes in any
18 structure used and maintained as a residential dwelling but not larger
19 than a four-family dwelling located in any municipality which has a
20 population of less than one hundred thousand inhabitants as determined by
21 the most recent federal decennial census or the most recent revised
22 certified count by the United States Bureau of the Census and who is
23 licensed by the board;

24 (5) Class B journeyman electrician means a person having the
25 necessary qualifications, training, experience, and technical knowledge
26 to wire for or install electrical wiring, apparatus, and equipment for
27 systems of not over four hundred ampere capacity for light, heat, power,
28 and other purposes in any structure used and maintained as a residential
29 dwelling but not larger than a four-family dwelling located in any
30 municipality which has a population of less than one hundred thousand
31 inhabitants as determined by the most recent federal decennial census or

1 the most recent revised certified count by the United States Bureau of
2 the Census and who is licensed by the board;

3 (6) Class B master electrician means a person having the necessary
4 qualifications, training, experience, and technical knowledge to properly
5 plan, lay out, and supervise the installation of wiring, apparatus, and
6 equipment for systems of not over four hundred ampere capacity for light,
7 heat, power, and other purposes in any structure used and maintained as a
8 residential dwelling but not larger than a four-family dwelling located
9 in any municipality which has a population of less than one hundred
10 thousand inhabitants as determined by the most recent federal decennial
11 census or the most recent revised certified count by the United States
12 Bureau of the Census and who is licensed by the board;

13 (7) Commercial installation means an installation intended for
14 commerce, but does not include a residential installation;

15 (8) Electrical contractor means a person having the necessary
16 qualifications, training, experience, and technical knowledge to properly
17 plan, lay out, install, and supervise the installation of wiring,
18 apparatus, and equipment for electric light, heat, power, and other
19 purposes and who is licensed by the board;

20 (9) Fire alarm installer means any person having the necessary
21 qualifications, training, and experience to plan, lay out, and install
22 electrical wiring, apparatus, and equipment for only those components of
23 fire alarm systems that operate at fifty volts or less and who is
24 licensed by the board;

25 (10) Industrial installation means an installation intended for use
26 in the manufacture or processing of products involving systematic labor
27 or habitual employment and includes installations in which agricultural
28 or other products are habitually or customarily processed or stored for
29 others, either by buying or reselling on a fee basis;

30 (11) Installer means a person who has the necessary qualifications,
31 training, experience, and technical knowledge to properly lay out and

1 install electrical wiring, apparatus, and equipment for major electrical
2 home appliances on the load side of the main service in any municipality
3 which has a population of less than one hundred thousand inhabitants as
4 determined by the most recent federal decennial census or the most recent
5 revised certified count by the United States Bureau of the Census and who
6 is licensed by the board;

7 (12) Inspector means a person certified as an electrical inspector
8 upon such reasonable conditions as may be adopted by the board. The board
9 may permit more than one class of electrical inspector;

10 (13) Journeyman electrician means a person having the necessary
11 qualifications, training, experience, and technical knowledge to wire for
12 or install electrical wiring, apparatus, and equipment and to supervise
13 apprentice electricians and who is licensed by the board;

14 (14) New electrical installation means the installation of wiring,
15 apparatus, and equipment for electric light, heat, power, and other
16 purposes;

17 (15) Public-use building or facility means any building or facility
18 designated for public use;

19 (16) Residential installation means an installation intended for a
20 single-family or two-family residential dwelling or a multi-family
21 residential dwelling not larger than three stories in height;

22 (17) Residential journeyman electrician means a person having the
23 necessary qualifications, training, experience, and technical knowledge
24 to wire for or install electrical ~~electric~~ wiring, apparatus, and
25 equipment for residential installations and to supervise apprentice
26 electricians and who is licensed by the board;

27 (18) Routine maintenance means the repair or replacement of existing
28 electrical apparatus and equipment of the same size and type for which no
29 changes in wiring are made; and

30 (19) Special electrician means a person having the necessary
31 qualifications, training, and experience in wiring or installing special

1 classes of electrical wiring, apparatus, equipment, or installations
2 which shall include irrigation system wiring, well pump wiring, air
3 conditioning and refrigeration installation, and sign installation and
4 who is licensed by the board.

5 Sec. 61. Section 81-2107, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-2107 (1) An applicant for an electrical contractor license shall
8 (a) be a graduate of a four-year electrical course in an accredited
9 college or university, (b) have at least one year's experience,
10 acceptable to the board, as a journeyman electrician, or (c) have at
11 least five years' experience, acceptable to the board, in planning for,
12 laying out, supervising, and installing wiring, apparatus, or equipment
13 for electrical light, heat, and power.

14 (2) A Class B electrical contractor license and a Class B master
15 electrician license shall be valid only in regard to systems of not over
16 four hundred amperes in capacity in structures used and maintained as
17 residential dwellings but not larger than four-family dwellings located
18 in any municipality which has a population of less than one hundred
19 thousand inhabitants as determined by the most recent federal decennial
20 census or the most recent revised certified count by the United States
21 Bureau of the Census.

22 Sec. 62. Section 81-2109, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-2109 (1) An applicant for a journeyman electrician license shall
25 have at least four years' experience, acceptable to the board, in the
26 electrical trade. Registration as an apprentice electrician for those
27 years shall, on the approval of the board, constitute evidence of such
28 experience. The board may by rule or regulation provide for the allowance
29 of one year of experience credit for successful completion of a two-year
30 post-high school electrical course approved by the board.

31 (2) On and after July 16, 2004, an applicant for a residential

1 journeyman electrician license shall have at least three years'
2 experience, acceptable to the board, in the electrical trade.
3 Registration as an apprentice electrician for those years shall, on the
4 approval of the board, constitute evidence of such experience. The board
5 may by rule or regulation provide for the allowance of one year of
6 experience credit for successful completion of a two-year post-high
7 school electrical course approved by the board. A residential journeyman
8 electrician license shall be valid only for residential installations.

9 (3) A Class B journeyman electrician license shall be valid only for
10 electrical systems of not over four hundred amperes in capacity in
11 structures used and maintained as residential dwellings but not larger
12 than four-family dwellings located in any municipality which has a
13 population of less than one hundred thousand inhabitants as determined by
14 the most recent federal decennial census or the most recent revised
15 certified count by the United States Bureau of the Census.

16 Sec. 63. Section 81-2110, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-2110 Any person holding an installer license may lay out and
19 install electrical wiring, apparatus, and equipment for major electrical
20 home appliances on the load side of the main service in any municipality
21 having a population of less than one hundred thousand inhabitants as
22 determined by the most recent federal decennial census or the most recent
23 revised certified count by the United States Bureau of the Census.

24 Sec. 64. Original sections 10-119, 12-401, 14-101, 14-117, 15-101,
25 15-102, 16-101, 17-301, 17-310, 17-311, 18-1753, 19-401, 19-414, 19-415,
26 19-418, 19-501, 19-602, 19-1102, 19-1827, 19-5101, 23-204, 31-501,
27 31-508, 32-538, 32-539, 39-207, 39-1328.01, 39-1804, 39-2103, 39-2106,
28 48-307, 48-1209.01, 53-124.14, 60-680, 60-6,120, 60-6,190, 70-408,
29 70-604.01, 79-407, 81-1417, 81-1430, 81-2102, 81-2107, 81-2109, and
30 81-2110, Reissue Revised Statutes of Nebraska, and sections 13-2705,
31 16-222.02, 16-901, 17-101, 17-201, 17-306.01, 17-312, 17-313, 17-1001,

1 18-2709, 19-1101, 19-3501, 44-5502, 71-3305, 77-3,119, 81-8,122.01, and
2 81-15,153, Revised Statutes Cumulative Supplement, 2016, are repealed.

3 2. On page 1, line 8, after "16-222.02," insert "16-901,"; in line 9
4 after "17-313," insert "17-1001,"; in line 11 after "change" insert
5 "provisions relating to how"; in line 12 before the semicolon insert "are
6 determined"; and in line 14 strike beginning with "provisions" through
7 "requirements" and insert "a provision relating to declaration as a city
8 of the primary class".