

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 113

FINAL READING

Introduced by Hansen, 26.

Read first time January 06, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 10-119,
2 12-401, 14-101, 14-117, 15-101, 15-102, 16-101, 17-301, 17-310,
3 17-311, 18-1753, 19-401, 19-414, 19-415, 19-418, 19-501, 19-602,
4 19-1102, 19-1827, 19-5101, 23-204, 31-501, 31-508, 32-538, 32-539,
5 39-207, 39-1328.01, 39-1804, 39-2103, 39-2106, 48-307, 48-1209.01,
6 53-124.14, 60-680, 60-6,120, 60-6,190, 70-408, 70-604.01, 79-407,
7 81-1417, 81-1430, 81-2102, 81-2107, 81-2109, and 81-2110, Reissue
8 Revised Statutes of Nebraska, and sections 13-2705, 16-222.02,
9 16-901, 17-101, 17-201, 17-306.01, 17-312, 17-313, 17-1001, 18-2709,
10 19-1101, 19-3501, 44-5502, 71-3305, 77-3,119, 81-8,122.01, and
11 81-15,153, Revised Statutes Cumulative Supplement, 2016; to change
12 provisions relating to how population thresholds of municipalities
13 are determined; to provide for a process by which a city of the
14 primary class becomes a city of the metropolitan class; to change a
15 provision relating to declaration as a city of the primary class; to
16 eliminate obsolete provisions; to harmonize provisions; and to
17 repeal the original sections.

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

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

3 10-119 The county board shall, at the usual time of levying taxes in
4 each year, levy a tax upon all the property of the proper precinct,
5 sufficient to pay the annual interest on the bonds and the principal
6 thereof, in accordance with the terms of the proposition under which the
7 bonds were issued. Taxes so levied shall be collected by the county
8 treasurer as other taxes are collected, and the proceeds of the levy
9 shall be retained by the county treasurer and used for the payment of
10 interest on the bonds and the principal thereof as the same become due to
11 the holder thereof, except that in cities having a population of more
12 than fifty thousand inhabitants as determined by the most recent federal
13 decennial census or the most recent revised certified count by the United
14 States Bureau of the Census, the money so collected shall be forwarded to
15 or retained in the treasury of the city for the payment of bonds and
16 interest for which the money was collected.

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

19 12-401 The mayor of any city having fewer than twenty-five 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, by and with the consent of the council or a majority thereof,
23 and the chairperson of the board of trustees of any village, by and with
24 the consent of the village board or a majority thereof, may appoint a
25 board of not fewer than three nor more than six members, to be known as
26 the cemetery board, from among the citizens at large of such city or
27 village, who shall serve without pay and shall have entire control and
28 management of any cemetery belonging to such city or village. Neither the
29 mayor nor any member of the council nor the chairperson nor any member of
30 the village board of trustees may be a member of the cemetery board. At
31 the time of establishing such cemetery board, approximately one-third of

1 the members shall be appointed for a term of one year, one-third for a
2 term of two years, and one-third for a term of three years, and
3 thereafter members shall be appointed for terms of three years. Vacancies
4 in the membership of the board other than through the expiration of a
5 term shall be filled for the unexpired portion of the term.

6 Sec. 3. Section 13-2705, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 13-2705 The department may conditionally approve grants of
9 assistance from the fund to eligible and competitive applicants within
10 the following limits:

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

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

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

17 (ii) For a ~~city municipality~~ with a population of more than forty
18 thousand but less than one hundred thousand inhabitants as determined by
19 the most recent federal decennial census or the most recent revised
20 certified count by the United States Bureau of the Census, seven hundred
21 fifty thousand dollars;

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

27 (iv) For a ~~city municipality~~ with a population of more than ten
28 thousand but less than twenty thousand inhabitants as determined by the
29 most recent federal decennial census or the most recent revised certified
30 count by the United States Bureau of the Census, four hundred thousand
31 dollars; and

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

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

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

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

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

15 (ii) For a city municipality with a population of more than forty
16 thousand but less than one hundred 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, one million
19 one hundred twenty-five thousand dollars;

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

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

30 (v) For a municipality with a population of less than ten 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, three hundred seventy-five thousand dollars; and

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

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

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

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

12 14-101 All cities in this state which have attained a population of
13 three hundred thousand inhabitants or more as determined by the most
14 recent federal decennial census or the most recent revised certified
15 count by the United States Bureau of the Census shall be cities of the
16 metropolitan class and governed by this act. Whenever the words this act
17 occur in sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376,
18 14-501 to 14-556, 14-601 to 14-609, 14-702 to 14-704, and 14-804 to
19 14-816, they shall be construed as referring exclusively to those
20 sections. The population of a city of the metropolitan class shall
21 consist of the people residing within the territorial boundaries of such
22 city and the residents of any territory duly and properly annexed to such
23 city. Each city of the metropolitan class shall be a body corporate and
24 politic and shall have power (1) to sue and be sued, (2) to purchase,
25 lease, lease with option to buy, acquire by gift or devise, and hold real
26 and personal property within or without the limits of the city for the
27 use of the city, and real estate sold for taxes, (3) to sell, exchange,
28 lease, and convey any real or personal estate owned by the city, in such
29 manner and upon such terms as may be to the best interests of the city,
30 except that real estate acquired for state armory sites shall be conveyed
31 strictly in the manner provided in sections 18-1001 to 18-1006, (4) to

1 make all contracts and do all other acts in relation to the property and
2 concerns of the city necessary to the exercise of its corporate or
3 administrative powers, and (5) to exercise such other and further powers
4 as may be conferred by law. The powers hereby granted shall be exercised
5 by the mayor and city council of such city, ~~as hereinafter set forth,~~
6 except when otherwise specially provided.

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

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

16 14-117 The corporate limits of any city of the metropolitan class
17 shall be fixed and determined by ordinance by the city council ~~of such~~
18 ~~city~~. The city council of any city of the metropolitan class may at any
19 time extend the corporate limits of such city over any contiguous or
20 adjacent lands, lots, tracts, streets, or highways, such distance as may
21 be deemed proper in any direction, and may include, annex, merge, or
22 consolidate with such city of the metropolitan class, by such extension
23 of its limits, any adjoining city of the first class having a population
24 of less than ten thousand inhabitants as determined by the most recent
25 federal decennial census or the most recent revised certified count by
26 the United States Bureau of the Census ~~less than ten thousand population~~
27 or any adjoining city of the second class or village. Any other laws and
28 limitations defining the boundaries of cities or villages or the increase
29 of area or extension of limits thereof shall not apply to lots, lands,
30 cities, or villages annexed, consolidated, or merged under this section.

31 Sec. 7. Section 15-101, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 15-101 All cities having more than one hundred thousand and less
3 than three hundred thousand inhabitants as determined by the most recent
4 federal decennial census or the most recent revised certified count by
5 the United States Bureau of the Census shall be known as cities of the
6 primary class. The population of a city of the primary class shall
7 consist of the people residing within the territorial boundaries of such
8 city and the residents of any territory duly and properly annexed to such
9 city.

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

12 15-102 Whenever any city of the first ~~not of the metropolitan~~ class
13 shall attain a population of more than ~~over~~ one hundred thousand
14 inhabitants as determined by the most recent federal decennial census or
15 the most recent revised certified count by the United States Bureau of
16 the Census, the mayor of such city shall certify such fact to the
17 Secretary of State, who upon the filing of such certificate ~~, and such~~
18 ~~fact shall be duly certified by the mayor thereof to the Governor under~~
19 ~~seal,~~ he shall by proclamation declare such city to be of the primary
20 class.

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

23 16-101 All cities having more than five thousand and not more than
24 one hundred thousand inhabitants as determined by the most recent federal
25 decennial census or the most recent revised certified count by the United
26 States Bureau of the Census ~~, as may be ascertained and officially~~
27 ~~promulgated by the United States or under the authority of the State of~~
28 ~~Nebraska or by the authority of the mayor and city council of any such~~
29 ~~city,~~ shall be known as cities of the first class. The population of a
30 city of the first class shall consist of the people residing within the
31 territorial boundaries of such city and the residents of any territory

1 duly and properly annexed to such city.

2 Sec. 10. Section 16-222.02, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-222.02 Each city of the first class with a population in excess
5 of forty-one thousand inhabitants as determined by the most recent
6 federal decennial census or the most recent revised certified count by
7 the United States Bureau of the Census shall employ a full-time fire
8 chief with appropriate training, credentials, and experience and for whom
9 firefighting or emergency medical first response is a full-time career.
10 The fire chief shall be appointed under the Civil Service Act by the
11 mayor with the approval of the city council or by the city manager in
12 cities that have adopted the city manager plan of government. The fire
13 chief shall have the immediate superintendence of the fire prevention,
14 fire suppression, and emergency medical first response services and the
15 facilities and equipment related to such services of the city. The fire
16 chief shall promulgate, implement, and enforce rules governing the
17 actions and conduct of volunteer members of the department so as to be in
18 conformity with the personnel policies of the city.

19 Sec. 11. Section 16-901, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 16-901 (1) Except as provided in section 13-327 and subsection (2)
22 of this section, the extraterritorial zoning jurisdiction of a city of
23 the first class shall consist of the unincorporated area two miles beyond
24 and adjacent to its corporate boundaries.

25 (2) For purposes of sections 70-1001 to 70-1020, the
26 extraterritorial zoning jurisdiction of a city of the first class shall
27 consist of the unincorporated area one mile beyond and adjacent to its
28 corporate boundaries.

29 (3) Any city of the first class may apply by ordinance any existing
30 or future zoning regulations, property use regulations, building
31 ordinances, electrical ordinances, plumbing ordinances, and ordinances

1 authorized by section 16-240 within its extraterritorial zoning
2 jurisdiction with the same force and effect as if such area were within
3 the corporate limits of the city, except that no such ordinance shall be
4 extended or applied so as to prohibit, prevent, or interfere with the
5 conduct of existing farming, livestock operations, businesses, or
6 industry. The fact that the extraterritorial zoning jurisdiction is
7 located in a different county or counties than some or all portions of
8 the municipality shall not be construed as affecting the powers of the
9 city to apply such ordinances.

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

24 (b) Subdivision (4)(a) of this section does not apply to a city of
25 the first class (i) located in a county with a population in excess of
26 one hundred thousand 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 or (ii) if the city and the county have a
29 joint planning commission or joint planning department.

30 Sec. 12. Section 17-101, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 17-101 ~~Each municipality All cities, towns, and villages~~ containing
2 more than eight hundred and not more than five thousand inhabitants as
3 determined by the most recent federal decennial census or the most recent
4 revised certified count by the United States Bureau of the Census shall
5 be ~~a city~~ ~~cities~~ of the second class and be governed by sections 17-101
6 to 17-153 unless it adopts or retains ~~they adopt or retain~~ a village
7 government as provided in sections 17-306 to 17-312. The population of a
8 city of the second class shall consist of the people residing within the
9 territorial boundaries of such city and the residents of any territory
10 duly and properly annexed to such city.

11 Sec. 13. Section 17-201, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 17-201 (1) Any municipality ~~town or village~~ containing not less than
14 one hundred nor more than eight hundred 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 incorporated as a ~~city,~~
17 ~~town,~~ ~~or~~ village under the laws of this state, any village that votes to
18 retain village government as provided in section 17-312, and any city of
19 the second class that has adopted village government as provided by
20 sections 17-306 to 17-309 shall be a village and shall have the rights,
21 powers, and immunities granted in sections 17-201 to 17-231, and none
22 other, except that all county seat towns shall have the powers and
23 immunities granted in sections 17-201 to 17-231. The population of a
24 village shall consist of the people residing within the territorial
25 boundaries of such village and the residents of any territory duly and
26 properly annexed to such village.

27 (2) Whenever a majority of the taxable inhabitants of any ~~town or~~
28 village, not incorporated under any laws of this state, shall present a
29 petition to the county board of the county in which the petitioners
30 reside, praying that they may be incorporated as a village and
31 designating the name they wish to assume and the metes and bounds of the

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

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

20 17-301 (1) This section applies to cities of the first class whose
21 population is less than five thousand inhabitants but more than eight
22 hundred inhabitants as determined by ~~according to~~ the federal decennial
23 census conducted in the year 2010 or any subsequent federal decennial
24 census or the most recent revised certified count by the United States
25 Bureau of the Census.

26 (2)(a) If a city of the first class has a population of less than
27 five thousand inhabitants but not less than four thousand inhabitants, as
28 determined ~~ascertained and officially promulgated~~ by the most recent
29 federal decennial census or the most recent revised certified count by
30 the United States Bureau of the Census, the mayor of the city shall
31 certify such fact to the Secretary of State. If the mayor and city

1 council of the city determine that it is in the best interests of such
2 city to become a city of the second class, the mayor and city council
3 shall adopt an ordinance to that effect and shall notify the Secretary of
4 State and notice and a copy of such ordinance shall accompany the
5 certification. If the Secretary of State receives such notification, he
6 or she shall declare such city to be a city of the second class. If the
7 mayor and city council determine that it is in the best interests of such
8 city to remain a city of the first class, they shall submit to the
9 Secretary of State, within nine years after the certification is required
10 to be submitted pursuant to this subdivision, an explanation of the
11 city's plan to increase the city's population.

12 (b) If a city of the first class has a population of less than five
13 thousand inhabitants but not less than four 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 immediately following the census
17 or revised certified count referred to in subdivision (a) of this
18 subsection, the mayor of the city shall certify such fact to the
19 Secretary of State. If the mayor and city council of the city determine
20 that it is in the best interests of such city to become a city of the
21 second class, the mayor and city council shall adopt an ordinance to that
22 effect and shall notify the Secretary of State and notice and a copy of
23 such ordinance shall accompany the certification. If the Secretary of
24 State receives such notification, he or she shall declare such city to be
25 a city of the second class.

26 (c) If a city of the first class has a population of less than five
27 thousand inhabitants but not less than four thousand inhabitants, as
28 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
29 federal decennial census or the most recent revised certified count by
30 the United States Bureau of the Census immediately following the census
31 or revised certified count referred to in subdivision (b) of this

1 subsection, the mayor of the city shall certify such fact to the
2 Secretary of State. After receipt of such certification, the Secretary of
3 State shall declare such city to be a city of the second class.

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

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

15 Sec. 15. Section 17-306.01, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

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

27 (2) The petitions shall conform to section 32-628. The Secretary of
28 State shall design the form to be used for the petitions. Petition
29 signers and petition circulators shall conform to the requirements of
30 sections 32-629 and 32-630. The board of trustees shall submit the
31 petitions to the election commissioner or county clerk for signature

1 verification pursuant to section 32-631. The required number of
2 signatures shall be one-fourth of the number of voters registered in the
3 village at the last statewide general election. The election commissioner
4 or county clerk shall notify the board of trustees within thirty days
5 after receiving the petitions from the board of trustees whether the
6 required number of signatures has been gathered. The village shall
7 reimburse the county for any costs incurred by the election commissioner
8 or county clerk.

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

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

28 (5) Upon such proclamation, the governing body of the city shall
29 call a special election for the purpose of electing new members of the
30 city's governing body to be held not more than eight months after the
31 proclamation is issued. At the initial election of officers, the names of

1 the candidates receiving the greatest number of votes at the primary
2 election if one is held shall be placed on the general election ballot.
3 One-half or the bare majority of the candidates in each precinct or ward
4 or at-large candidates, as the case may be, receiving the greatest number
5 of votes at the general election, shall be elected to terms of the
6 longest duration, and those receiving the next greatest number of votes
7 shall be elected to the remaining term or terms. Thereafter all members
8 shall be nominated at the statewide primary election and elected at the
9 statewide general election for four-year terms as provided in section
10 32-533. The members of the board of trustees shall hold office only until
11 the newly elected city officials assume office.

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

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

21 17-310 Whenever any city of the second class decreases in population
22 until it has a population of less than eight hundred inhabitants and more
23 than one hundred inhabitants, as determined ~~ascertained and officially~~
24 ~~promulgated~~ by the most recent federal decennial census or the most
25 recent revised certified count by the United States Bureau of the Census,
26 ~~enumeration, and return taken by the United States, by the State of~~
27 ~~Nebraska, or by the authority of the mayor and council of such city, and~~
28 the mayor and city council may decide by ordinance to remain a city of
29 the second class. If the mayor and city council enact such an ordinance,
30 the mayor shall certify such fact to the Secretary of State who, upon the
31 filing of such a certificate, shall by proclamation so declare and shall

1 declare such city to remain a city of the second class. Such city shall
2 continue to be governed by laws of this state applicable to cities of the
3 second class.

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

6 17-311 (1) Except as provided in section 17-312, whenever any
7 village increases in population until it has a population of more than
8 eight hundred inhabitants but less than five thousand inhabitants, as
9 ~~determined~~ ~~ascertained~~ ~~and~~ ~~officially~~ ~~promulgated~~ by the most recent
10 federal decennial census ~~or the most recent revised certified count by~~
11 the United States Bureau of the Census, enumeration, and return taken by
12 ~~the United States, by the State of Nebraska, or by the authority of the~~
13 ~~village board of such village,~~ the village board shall certify such fact
14 to the Secretary of State who, upon the filing of such a certificate,
15 shall by proclamation so declare and shall declare such village to have
16 become a city of the second class. Thereafter such city shall be governed
17 by the laws of this state applicable to cities of the second class. The
18 government of such city shall continue as organized at the date of such
19 proclamation until the reorganization as a city of the second class.

20 (2) If any village becomes a city of the second class, the governing
21 body shall call a special election for the purpose of electing new
22 members of the city's governing body to be held not more than eight
23 months after the proclamation is issued. At the initial election of
24 officers, the names of the candidates receiving the greatest number of
25 votes at the primary election if one is held shall be placed on the
26 general election ballot. One-half or the bare majority of the candidates
27 in each precinct or ward or at-large candidates, as the case may be,
28 receiving the greatest number of votes at the general election, shall be
29 elected to terms of the longest duration, and those receiving the next
30 greatest number of votes shall be elected to the remaining term or terms.
31 The members of the village board of trustees shall hold office only until

1 the newly elected city officials assume office. All ordinances, bylaws,
2 acts, rules, regulations, obligations, and proclamations existing and in
3 force in or with respect to any village at the time of its incorporation
4 as a city of the second class shall remain in full force and effect after
5 such incorporation as a city of the second class until repealed or
6 modified by such city within one year after the date of the filing of the
7 certificate pursuant to subsection (1) of this section.

8 Sec. 18. Section 17-312, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 17-312 (1) Whenever any village attains a population exceeding eight
11 hundred inhabitants as determined by the most recent federal decennial
12 census or the most recent revised certified count by the United States
13 Bureau of the Census, the registered voters of the village may vote to
14 retain a village form of government. The issue may be placed before the
15 voters by a resolution adopted by the board of trustees of the village or
16 by petition signed by one-fourth of the registered voters of the village.

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

30 (3) If the board of trustees determines that the petitions are in
31 proper form and signed by the necessary number of registered voters or

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

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

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

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

28 (b) If the question is approved, the village board shall call a
29 special election, to be held not more than eight months after the
30 election at which the question was approved, for the purpose of electing
31 successors to those members of the village board who held office beyond

1 the normal expiration of their terms. Such special election shall be
2 conducted under the provisions of law relating to villages. Persons so
3 elected shall take office as soon after the completion of the canvass of
4 the votes as is practicable, and their terms of office shall be as if the
5 holdovers had not occurred.

6 Sec. 19. Section 17-313, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 17-313 (1) The registered voters of a village may vote to
9 discontinue organization as a village and organize as a city of the
10 second class under this section if the population of the village exceeds
11 eight hundred inhabitants as determined by the most recent federal
12 decennial census or the most recent revised certified count by the United
13 States Bureau of the Census and the prior vote pursuant to section 17-312
14 was in favor of retaining the village form of government. The issue may
15 be placed before the voters by a resolution adopted by the board of
16 trustees of the village or by petition signed by one-fourth of the
17 registered voters of the village.

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

31 (3) If the board of trustees determines that the petitions are in

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

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

19 (5) Upon such proclamation, the governing body of the city shall
20 call a special election for the purpose of electing new members of the
21 city's governing body to be held not more than eight months after the
22 proclamation is issued. At the initial election of officers, the names of
23 the candidates receiving the greatest number of votes at the primary
24 election if one is held shall be placed on the general election ballot.
25 One-half or the bare majority of the candidates in each precinct or ward
26 or at-large candidates, as the case may be, receiving the greatest number
27 of votes at the general election, shall be elected to terms of the
28 longest duration, and those receiving the next greatest number of votes
29 shall be elected to the remaining term or terms. Thereafter all members
30 shall be nominated at the statewide primary election and elected at the
31 statewide general election for four-year terms as provided in section

1 32-533. The members of the board of trustees shall hold office only until
2 the newly elected city officials assume office.

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

10 Sec. 20. Section 17-1001, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 17-1001 (1) Except as provided in section 13-327, any city of the
13 second class or village may apply by ordinance any existing or future
14 zoning ordinances, property use regulation ordinances, building
15 ordinances, electrical ordinances, and plumbing ordinances to an area
16 within one mile of the corporate limits of such municipality, with the
17 same force and effect as if such area was within its corporate limits. No
18 such ordinance shall be extended or applied so as to prohibit, prevent,
19 or interfere with the conduct of existing farming, livestock operations,
20 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
21 zoning area of a city of the second class or village shall be one-half
22 mile from the corporate limits of such municipalities. The fact that the
23 zoning area or part thereof is located in a different county or counties
24 than some or all portions of the municipality shall not be construed as
25 affecting the necessity of obtaining the approval of the city council or
26 board of trustees of such municipality or its agent designated pursuant
27 to section 19-916.

28 (2)(a) A city of the second class or village shall provide written
29 notice to the county board of the county in which the one-mile
30 extraterritorial zoning jurisdiction of the city or village is located
31 when proposing to adopt or amend a zoning ordinance which affects the

1 one-mile extraterritorial zoning jurisdiction of the city or village
2 within such county. The written notice of the proposed change to the
3 zoning ordinance shall be sent to the county board or its designee at
4 least thirty days prior to the final decision by the city or village. The
5 county board may submit comments or recommendations regarding the change
6 in the zoning ordinance at the public hearings on the proposed change or
7 directly to the city or village within thirty days after receiving such
8 notice. The city or village may make its final decision (i) upon the
9 expiration of the thirty days following the notice or (ii) when the
10 county board submits comments or recommendations, if any, to the city or
11 village prior to the expiration of the thirty days following the notice.

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

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

21 18-1753 (1) Any city or village annexing territory which thereby
22 adds additional population to the city or village shall report such
23 annexation to the Tax Commissioner. The annexing city or village shall
24 provide the Tax Commissioner with a copy of the ordinance annexing the
25 territory and specify the effective date of the annexation. The annexing
26 city or village shall provide its calculation of the number of additional
27 residents added to the population of the city or village by reason of the
28 annexation and the new combined total population of the city or village
29 and shall inform the Tax Commissioner of the source and date of the
30 federal census relied upon in the calculations.

31 (2)(a) All calculations of additional population shall be based upon

1 federal census figures from the most recent federal decennial census or
2 the most recent revised federal census update or recount certified count
3 by the United States Bureau of the Census.

4 (b) If the boundaries of the territory annexed and those of federal
5 census enumeration districts are the same, or if federal census
6 enumeration districts are wholly contained within the boundaries of the
7 area annexed, the most recent federal census figures for such enumeration
8 districts shall be added directly to the population of the city or
9 village.

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

28 (d) The population of the city or village following annexation shall
29 be (i) the population of the city or village as reported by the most
30 recent federal decennial census or the most recent revised certified
31 count by the United States Bureau of the Census or (ii) the population of

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

5 Sec. 22. Section 18-2709, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 18-2709 (1) Qualifying business means any corporation, partnership,
8 limited liability company, or sole proprietorship which derives its
9 principal source of income from any of the following: The manufacture of
10 articles of commerce; the conduct of research and development; the
11 processing, storage, transport, or sale of goods or commodities which are
12 sold or traded in interstate commerce; the sale of services in interstate
13 commerce; headquarters facilities relating to eligible activities as
14 listed in this section; telecommunications activities, including services
15 providing advanced telecommunications capability; tourism-related
16 activities; or the production of films, including feature, independent,
17 and documentary films, commercials, and television programs.

18 (2) Qualifying business also means:

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

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

1 to ultimate consumers for their own use or consumption and not for
2 resale; and

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

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

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

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

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

28 19-401 Any city in this state having not less than two thousand
29 inhabitants as determined by the most recent federal decennial census or
30 the most recent revised certified count by the United States Bureau of
31 the Census ~~according to the last official state or national census, or~~

1 ~~according to the last census taken and promulgated in such city by the~~
2 ~~authority of the mayor and city council of any such city,~~ may adopt the
3 commission form of government provisions of sections 19-401 to 19-433 and
4 be governed thereunder by proceeding as hereinafter provided in sections
5 19-401 to 19-433.

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

8 19-414 The executive and administrative powers, authorities, and
9 duties in cities adopting the commission plan of government ~~such cities~~
10 shall be distributed into and among departments as follows:

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

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

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

28 The city council shall provide, as nearly as possible, the powers
29 and duties to be exercised and performed by, and assign them to, the
30 appropriate departments. The city council ~~It~~ may prescribe the powers and
31 duties of all officers and employees of the city and may assign

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

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

8 19-415 In cities of the metropolitan class, the city council shall
9 consist of the mayor who shall be superintendent of the department of
10 public affairs, one council member to be superintendent of the department
11 of accounts and finances, one council member to be superintendent of the
12 department of police, sanitation, and public safety, one council member
13 to be superintendent of the department of fire protection and water
14 supply, one council member to be superintendent of the department of
15 street cleaning and maintenance, one council member to be superintendent
16 of the department of public improvements, and one council member to be
17 superintendent of parks and public property.

18 In cities containing at least forty thousand and less than three
19 hundred 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, the city council shall consist of the mayor
22 who shall be superintendent of the department of public affairs, one
23 council member to be superintendent of the department of accounts and
24 finances, one council member to be superintendent of the department of
25 public safety, one council member to be superintendent of the department
26 of streets and public improvements, and one council member to be
27 superintendent of the department of parks and public property.

28 In cities containing at least two thousand and less 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, the city council shall consist of the mayor who

1 shall be commissioner of the department of public affairs and public
2 safety, one council member to be commissioner of the department of
3 streets, public improvements and public property, one council member to
4 be commissioner of the department of public accounts and finances, one
5 council member to be commissioner of the department of public works, and
6 one council member to be commissioner of the department of parks and
7 recreation.

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

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

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

31 Sec. 27. Section 19-501, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-501 Whenever, in any city having a population of more than five
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, a charter convention shall have prepared and
6 proposed any charter for the government of such ~~said~~ city or any
7 amendments to the charter previously in force, it shall be the duty of
8 the city clerk to also publish and submit, at the same time and in the
9 same manner as in the case of the submission of such ~~said~~ proposed
10 charter, any additional or alternative articles or sections, to the
11 qualified voters of such ~~said~~ city for their approval, which shall be
12 proposed by the petition of at least ten percent of the qualified
13 electors of such ~~said~~ city voting for the gubernatorial candidates at the
14 next preceding general election. ~~The ; Provided, said~~ petition must be
15 filed within thirty days after the work of such ~~said~~ charter convention
16 shall have been completed.

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

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

24 Sec. 29. Section 19-1101, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 19-1101 The treasurer of each city or village that has a population
27 of not more than one hundred 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 shall prepare and publish
30 annually within sixty days after the close of its municipal fiscal year a
31 statement of the receipts and expenditures of funds of the city or

1 village for the preceding fiscal year. The statement shall also include
2 the information required by subsection (3) of section 16-318 or
3 subsection (2) of section 17-606. Not more than the legal rate provided
4 for in section 33-141 shall be charged and paid for such publication.

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

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

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

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

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

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

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

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

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

1 of the same political party.

2 Sec. 32. Section 19-3501, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 19-3501 (1) The governing body of cities of the first and second
5 classes and villages may, by appropriate ordinance or proper resolution,
6 establish a pension plan designed and intended for the benefit of the
7 regularly employed or appointed full-time employees of the city or
8 village. Any recognized method of funding a pension plan may be employed.
9 The plan shall be established by appropriate ordinance or proper
10 resolution, which may provide for mandatory contribution by the employee.
11 The city or village may also contribute, in addition to any amounts
12 contributed by the employee, amounts to be used for the purpose of
13 funding employee past service benefits. Any two or more cities of the
14 first and second classes and villages may jointly establish such a
15 pension plan by adoption of appropriate ordinances or resolutions. Such a
16 pension plan may be integrated with old age and survivors insurance,
17 otherwise generally known as social security.

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

- 28 (i) The number of persons participating in the retirement plan;
29 (ii) The contribution rates of participants in the plan;
30 (iii) Plan assets and liabilities;
31 (iv) The names and positions of persons administering the plan;

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

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

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

1 organization offering investment advice or which provides investment
2 management services to the retirement plan. The report to the Nebraska
3 Retirement Systems Committee shall be submitted electronically.

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

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

18 19-5101 Pursuant to Article XI, section 1, of the Constitution of
19 Nebraska, the Legislature authorizes the investment of public endowment
20 funds by any city having a population of more than five thousand
21 inhabitants as determined by the most recent federal decennial census or
22 the most recent revised certified count by the United States Bureau of
23 the Census in the manner required of a prudent investor who shall act
24 with care, skill, and diligence under the prevailing circumstance and in
25 such investments as the governing body of such city, acting in a
26 fiduciary capacity for the exclusive purpose of protecting and benefiting
27 such investment, may determine.

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

30 23-204 On the second Tuesday after the election under section 23-201
31 adopting township organization in any county, the county attorney, county

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

31 Sec. 35. Section 31-501, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 31-501 Whenever one or more municipalities ~~municipal corporation or~~
3 ~~corporations~~ may be situated upon or near a stream which is bordered by
4 lands subject to overflow from natural causes, or which is obstructed by
5 dams or artificial obstructions so that the natural flow of waters is
6 impeded so that drainage or the improvement of the channel of the stream
7 will conduce to the preservation of public health, such municipalities
8 ~~municipal corporation or corporations~~ and the surrounding lands
9 deleteriously affected by the conditions of the stream, may be
10 incorporated as a sanitary drainage district under sections 31-501 to
11 31-523 in the manner following: Any one hundred legal voters, residents
12 ~~freeholders resident~~ within the limits of such proposed sanitary drainage
13 district, may petition the county board of the county wherein they reside
14 to cause the question to be submitted to the legal voters within the
15 limits of such proposed sanitary drainage district whether they will
16 organize as a sanitary drainage district under such said sections. In ÷
17 ~~Provided, that in~~ the case of municipalities ~~municipal corporations~~ of
18 less than one thousand inhabitants ~~population~~, as determined by the most
19 recent federal decennial last preceding census or the most recent revised
20 certified count by the United States Bureau of the Census, two-thirds of
21 the legal voters, residents ~~freeholders resident~~ within the limits of
22 such proposed sanitary drainage district, may petition the county board
23 of the county wherein they reside to cause the question to be submitted
24 to the legal voters within the limits of such proposed sanitary drainage
25 district whether they will organize as a sanitary drainage district under
26 such said sections, and if a majority of those voting on the question are
27 in favor of the proposition the district shall be organized.

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

30 31-508 If a sanitary drainage district has constructed one or more
31 channels, drains, or ditches from a city having a population of more than

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

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

23 32-538 (1) In a city which adopts the city manager plan of
24 government pursuant to sections 19-601 to 19-610, the number of city
25 council members shall be determined by the class and population of the
26 city. In cities having one thousand or more but not more than forty
27 thousand inhabitants as determined by the most recent federal decennial
28 census or the most recent revised certified count by the United States
29 Bureau of the Census, there shall be five members, and in cities having
30 more than forty thousand but less than two hundred thousand inhabitants
31 as determined by the most recent federal decennial census or the most

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

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

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

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

3 32-539 (1) In a city which adopts the commission plan of government
4 pursuant to sections 19-401 to 19-433, the number of city council members
5 shall be determined by the class and population of the city. In cities
6 having two thousand or more but not more than forty thousand inhabitants
7 as determined by the most recent federal decennial census or the most
8 recent revised certified count by the United States Bureau of the Census,
9 there shall be five members, in cities of the primary class, there shall
10 be five members, and in cities of the metropolitan class, there shall be
11 seven members. Council members shall be elected from the city at large.
12 In cities of the primary class, three excise members shall be elected in
13 addition to the five council members. Nomination and election of all
14 council members shall be by nonpartisan ballot. The mayor shall be
15 elected for a four-year term.

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

1 their successors are elected and qualified.

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

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

8 39-207 Tourist-oriented directional sign panels shall be erected and
9 maintained by or at the direction of the Department of Roads within the
10 right-of-way of rural highways which are part of the state highway system
11 to provide tourist-oriented information to the traveling public in
12 accordance with sections 39-207 to 39-211.

13 For purposes of such sections:

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

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

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

27 39-1328.01 Whenever a highway not a freeway, which formerly
28 traversed the corporate limits of a municipality of not more than five
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, is relocated and is made a controlled-access

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

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

21 39-1804 The county board may, with the approval of the mayor and
22 council or the chairperson and board of trustees, as the case may be,
23 whenever conditions warrant, furnish, deliver, and spread gravel of a
24 depth not exceeding three inches on certain streets in cities of the
25 second class and villages having a population of not more than fifteen
26 hundred inhabitants as determined by the most recent federal decennial
27 census or the most recent revised certified count by the United States
28 Bureau of the Census and shall charge the cost of such improvement to
29 that portion of the Highway Allocation Fund allocated to such counties
30 from the Highway Trust Fund under section 39-2215. No improvement of any
31 street or streets in cities of the second class or villages having a

1 population of not more than fifteen hundred inhabitants as determined by
2 the most recent federal decennial census or the most recent revised
3 certified count by the United States Bureau of the Census shall be made
4 under the provisions of this section unless the street or streets, when
5 graveled, will constitute one main thoroughfare through such city or
6 village that connects with or forms a part of the county highway system
7 of such county which has been or which shall be graveled up to the
8 corporate limits of such city or village. Before being entitled to such
9 county aid in graveling such thoroughfare, the same must have been
10 properly graded by such city or village in accordance with the grade
11 established in the construction of the county road system.

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

14 39-2103 Rural highways are hereby divided into nine functional
15 classifications as follows:

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

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

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

27 (4) Scenic-recreation, which shall consist of highways or roads
28 located within or which provide access to or through state parks,
29 recreation or wilderness areas, other areas of geographical, historical,
30 geological, recreational, biological, or archaeological significance, or
31 areas of scenic beauty;

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

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

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

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

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

25 The rural highways classified under subdivisions (1) through (3) of
26 this section should, combined, serve every incorporated municipality
27 having a minimum population of one hundred inhabitants as determined by
28 the most recent federal decennial census or the most recent revised
29 certified count by the United States Bureau of the Census or sufficient
30 commerce, a part of which will be served by stubs or spurs, and along
31 with rural highways classified under subdivision (4) of this section,

1 should serve the major recreational areas of the state.

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

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

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

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

23 Sec. 44. Section 44-5502, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 44-5502 For purposes of the Surplus Lines Insurance Act:

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

29 (2) Control means:

30 (a) To own, control, or have the power of an entity directly,
31 indirectly, or acting through one or more other persons to vote twenty-

1 five percent or more of any class of voting securities of another entity;
2 or

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

5 (3) Department means the Department of Insurance;

6 (4) Director means the Director of Insurance;

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

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

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

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

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

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

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

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

30 (E) The person is a municipality with a population in excess of
31 fifty thousand inhabitants as determined by the most recent federal

1 decennial census or the most recent revised certified count by the United
2 States Bureau of the Census.

3 (b) Beginning on the fifth occurrence of January 1 after July 21,
4 2011, and each fifth occurrence of January 1 thereafter, the amounts in
5 subdivisions (5)(a)(iii)(A), (B), and (D) of this section shall be
6 adjusted to reflect the percentage change for such five-year period in
7 the Consumer Price Index for All Urban Consumers published by the Federal
8 Bureau of Labor Statistics;

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

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

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

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

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

30 (9) Nonadmitted insurance means any property and casualty insurance
31 permitted to be placed directly or through surplus lines licensees with a

1 nonadmitted insurer eligible to accept such insurance; and

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

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

9 48-307 The superintendent of public schools in all cities ~~and towns~~
10 having a population of more than one thousand inhabitants as determined
11 by the most recent federal decennial census or the most recent revised
12 certified count by the United States Bureau of the Census according to
13 ~~the last official census~~ and the presiding officer of all other school
14 boards shall furnish a duplicate copy of all certificates issued under
15 sections 48-302 to 48-313 to the Department of Labor. The duplicate
16 certificates in the form set forth in section 48-309 shall be filed with
17 the Department of Labor at the time of the issuance of the original
18 certificate.

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

21 48-1209.01 The officers and members of the police and paid fire
22 departments of cities of the metropolitan and primary classes and of
23 cities of the first class having a population of more than ten thousand
24 inhabitants as determined by the most recent federal decennial census or
25 the most recent revised certified count by the United States Bureau of
26 the Census shall each receive a salary of not less than three hundred
27 fifty dollars per month. The city council may, by ordinance, at any time,
28 change, fix or revise the salaries of the officers or members of the
29 police and fire departments of such cities, but in no instance shall the
30 minimum salary of any officer or member be less than three hundred fifty
31 dollars per month.

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

3 53-124.14 (1) The commission may license the sale of alcoholic
4 liquor at retail in the original package to applicants who reside in any
5 county in which there is no incorporated city or village or in which the
6 county seat is not located in an incorporated city or village if the
7 licensed premises are situated in an unincorporated village having a
8 population of twenty-five inhabitants or more as determined by the most
9 recent federal decennial census or the most recent revised certified
10 count by the United States Bureau of the Census.

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

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

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

22 60-680 (1) Any local authority with respect to highways under its
23 jurisdiction and within the reasonable exercise of the police power may:

- 24 (a) Regulate or prohibit stopping, standing, or parking;
- 25 (b) Regulate traffic by means of peace officers or traffic control
26 devices;
- 27 (c) Regulate or prohibit processions or assemblages on the highways;
- 28 (d) Designate highways or roadways for use by traffic moving in one
29 direction;
- 30 (e) Establish speed limits for vehicles in public parks;
- 31 (f) Designate any highway as a through highway or designate any

1 intersection as a stop or yield intersection;

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

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

5 (i) Regulate operation of electric personal assistive mobility
6 devices;

7 (j) Regulate or prohibit the turning of vehicles or specified types
8 of vehicles;

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

11 (l) Designate no-passing zones;

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

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

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

21 (p) Designate hazardous railroad grade crossings as authorized in
22 the rules;

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

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

27 (s) Restrict pedestrian crossings at unmarked crosswalks as
28 authorized in the rules;

29 (t) Regulate persons propelling push carts;

30 (u) Regulate persons upon skates, coasters, sleds, and other toy
31 vehicles;

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

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

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

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

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

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

27 60-6,120 (1) The Department of Roads shall place and maintain, or
28 provide for such placing and maintaining, such traffic control devices,
29 conforming to the manual, upon all state highways as it deems necessary
30 to indicate and to carry out the Nebraska Rules of the Road or to
31 regulate, warn, or guide traffic.

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

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

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

26 (4) The placing of traffic control devices by the department shall
27 not be a departmental rule, regulation, or order subject to the statutory
28 procedures for such rules, regulations, or orders but shall be considered
29 as establishing precepts extending the provisions of the Nebraska Rules
30 of the Road as necessary to regulate, warn, or guide traffic. Violation
31 of such traffic control devices shall be punishable as provided in the

1 rules.

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

4 60-6,190 (1) Whenever the Department of Roads determines, upon the
5 basis of an engineering and traffic investigation, that any maximum speed
6 limit is greater or less than is reasonable or safe under the conditions
7 found to exist at any intersection, place, or part of the state highway
8 system outside of the corporate limits of cities and villages as well as
9 inside the corporate limits of cities and villages on freeways which are
10 part of the state highway system, it may determine and set a reasonable
11 and safe maximum speed limit for such intersection, place, or part of
12 such highway which shall be the lawful speed limit when appropriate signs
13 giving notice thereof are erected at such intersection, place, or part of
14 the highway, except that the maximum rural and freeway limits shall not
15 be exceeded. Such a maximum speed limit may be set to be effective at all
16 times or at such times as are indicated upon such signs.

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

28 (3) On county highways which are not part of the state highway
29 system or within the limits of any state institution or any area under
30 control of the Game and Parks Commission or a natural resources district
31 and which are outside of the corporate limits of cities and villages,

1 county boards shall have the same power and duty to alter the maximum
2 speed limits as the department if the change is based on an engineering
3 and traffic investigation comparable to that made by the department. The
4 limit outside of a business or residential district shall not be
5 decreased to less than thirty-five miles per hour.

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

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

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

31 (7) When the department or a local authority determines by an

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

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

10 70-408 All charges, made for electrical energy for residential,
11 commercial, and farm purposes by any person, firm, corporation, or
12 municipality ~~municipal corporation~~ engaged in the sale of electrical
13 energy in cities of the first class having a population of more than five
14 thousand and less than twenty-five thousand inhabitants 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, cities of the
17 second class, villages, and unincorporated areas in Nebraska, shall be
18 based on the amount of such energy actually furnished by the kilowatt-
19 hour meter, together with such demand as may be registered or indicated
20 by a demand meter, or as may be contracted for, to such purchaser. Such
21 person, firm, corporation, or municipality ~~municipal corporation~~ may
22 provide for either a penalty on or a discount from the amount of any bill
23 to promote prompt payment thereof under uniform rules and regulations
24 governing such penalty or discount. A reasonable minimum charge may be
25 collected from purchasers of electrical energy by any such person, firm,
26 corporation, or municipality ~~municipal corporation~~, even though the
27 charge for the amount of electrical energy actually furnished by the
28 kilowatt-hour to such purchaser or user does not equal such minimum
29 charge for the designated period of service. The ; ~~Provided,~~ the
30 provisions of sections 70-407 to 70-409 shall not be construed to affect
31 any contract or franchise in existence at the time of the passage and

1 approval of this section.

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

4 70-604.01 (1) Except as the same may be further limited or expanded
5 by requirements in Chapter 70, article 6, the chartered territory of any
6 district organized pursuant to and existing by virtue of or subject to
7 the provisions of Chapter 70, article 6, shall include the area in this
8 state within which such district renders electric service of the nature
9 defined in section 70-604.02 and termed its operating area. There may be
10 included, within the chartered area of such district, areas which are
11 outside the operating area as defined in section 70-604.02, but as to
12 which inclusion is nevertheless authorized by other sections of Chapter
13 70, article 6.

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

29 Sec. 53. Section 71-3305, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 71-3305 (1) Except as otherwise provided in subsection (2) or (3) of

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

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

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

27 (4) Any rural water district organized under sections 46-1001 to
28 46-1020 that supplies water for human consumption to any city or village
29 which is required to add fluoride to such water supply under this section
30 shall not be responsible for any costs, equipment, testing, or
31 maintenance related to such fluoridation unless such district has agreed

1 with the city or village to assume such responsibilities.

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

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

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

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

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

23 79-407 The territory within the corporate limits of each
24 incorporated municipality ~~city or village~~ in the State of Nebraska that
25 is not in part within the boundaries of a learning community, together
26 with such additional territory and additions to such municipality ~~city or~~
27 ~~village~~ as may be added thereto, as declared by ordinances to be
28 boundaries of such municipality ~~city or village~~, having a population of
29 more than one thousand and less than one hundred fifty thousand
30 inhabitants as determined by the most recent federal decennial census or
31 the most recent revised certified count by the United States Bureau of

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

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

11 81-8,122.01 Whenever a survey has been executed by a land surveyor
12 who is registered under the Land Surveyors Regulation Act, a record of
13 such survey bearing the signature and seal of the land surveyor shall be
14 filed in the survey record repository established pursuant to section
15 84-412 if such survey meets applicable regulations. Surveys which are
16 within the corporate limits of a city with a population in excess of
17 fifteen thousand inhabitants as determined by the most recent federal
18 decennial census or the most recent revised certified count by the United
19 States Bureau of the Census and do not reference, recover, retrace, or
20 reestablish the original government corners or lines or do not create a
21 new subdivision are not required to be filed in the survey record
22 repository but shall be filed in the county surveyor's office in the
23 county where the land is located if they meet applicable regulations. If
24 no regular office is maintained in the county courthouse for the county
25 surveyor, it shall be filed in the survey record repository. The record
26 of survey shall be filed within ninety days after the completion of the
27 survey, or within any extension of time granted by the office in which it
28 is required to be filed for reasonable cause, and shall consist of the
29 following minimum data: (1) Plat of the tract surveyed; (2) legal
30 description of the tract surveyed; (3) description of all corners found;
31 (4) description of all corners set; (5) ties to any section corners,

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

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

13 81-1417 (1) The Nebraska Commission on Law Enforcement and Criminal
14 Justice shall consist of nineteen members. The membership shall include
15 the Governor, the Attorney General, the Superintendent of Law Enforcement
16 and Public Safety, the Director of Correctional Services, the chief of
17 police or director of public safety of a city of more than two hundred
18 thousand inhabitants as determined by the most recent federal decennial
19 census or the most recent revised certified count by the United States
20 Bureau of the Census ~~population~~, the chief of police or director of
21 public safety of a city of two hundred thousand inhabitants ~~population~~ or
22 less as determined by the most recent federal decennial census or the
23 most recent revised certified count by the United States Bureau of the
24 Census, a county sheriff, a county attorney, a county commissioner, a
25 mayor or city manager, a person involved with the control or prevention
26 of juvenile delinquency, the chairperson of the Nebraska Police Standards
27 Advisory Council, the chairperson of the Nebraska Coalition for Juvenile
28 Justice, and six members, at least one of whom shall be a woman, from the
29 public at large. The seven members of the council shall also be
30 considered members of the commission acting as a special committee of the
31 commission with limited powers and duties. A member of the commission may

1 serve concurrently as a member of the council.

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

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

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

17 81-1430 (1) A task force is hereby established within the Nebraska
18 Commission on Law Enforcement and Criminal Justice for the purposes of
19 investigating and studying human trafficking, the methods for advertising
20 human trafficking services, and the victimization of individuals coerced
21 to participate in human trafficking.

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

1 forward and seek medical attention; investigate the potential to stop
2 human trafficking; and investigate the potential to promote recovery, to
3 protect families and children who may be profoundly impacted by such
4 abuse, and to save lives.

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

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

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

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

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

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

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

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

29 (f) The chief of police or director of public safety of a city of
30 less than two hundred thousand inhabitants as determined by the most
31 recent federal decennial census or the most recent revised certified

1 count by the United States Bureau of the Census;

2 (g) A county sheriff;

3 (h) A county attorney;

4 (i) A county commissioner;

5 (j) A mayor or city manager;

6 (k) A person involved with the control or prevention of juvenile
7 delinquency;

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

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

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

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

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

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

30 (7) No member shall serve beyond the time when he or she holds the
31 office, employment, or status by reason of which he or she was initially

1 eligible for appointment. Any member of the task force appointed by the
2 Governor may be removed from the task force for cause upon notice and an
3 opportunity to be heard at a public hearing. One of the causes for
4 removal shall be absence from three regularly scheduled meetings of the
5 task force during any six-month period when the member has failed to
6 advise the task force in advance of such meeting that he or she will be
7 absent and stating a reason therefor.

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

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

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

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

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

28 ~~(12) Every~~ (13) ~~Not later than one year after July 19, 2012, and~~
29 every July 1 and December 1 ~~thereafter~~, the task force shall report
30 electronically to the Clerk of the Legislature the results of its
31 investigation and study and its recommendations, if any, together with

1 drafts of legislation necessary to carry its recommendations into effect
2 by filing the report with the clerk.

3 Sec. 59. Section 81-15,153, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 81-15,153 The department shall have the following powers and duties:

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

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

18 (3) The power, if so authorized by the council pursuant to section
19 81-15,152, to execute and deliver documents obligating the Wastewater
20 Treatment Facilities Construction Loan Fund and the assets thereof to the
21 extent permitted by section 81-15,151 to repay, with interest, loans to
22 or deposits into the fund and to execute and deliver documents pledging
23 to the extent permitted by section 81-15,151 all or part of the fund and
24 its assets to secure, directly or indirectly, the loans or deposits;

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

30 (5) The duty to prepare an annual report for the Governor and the
31 Legislature containing information which shows the financial status of

1 the program. The report submitted to the Legislature shall be submitted
2 electronically;

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

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

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

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

10 (d) Balancing the fund at the beginning and end of the accounting
11 period;

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

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

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

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

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

31 (12) The power to authorize emergency grants to municipalities with

1 wastewater treatment facilities which have been damaged or destroyed by
2 natural disaster or other unanticipated actions or circumstances. Such
3 grants shall not be used for routine repair or maintenance of facilities;

4 (13) The power to provide financial assistance to municipalities
5 with populations of ten thousand inhabitants or less 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 for completion of
8 engineering studies, research projects, investigating low-cost options
9 for achieving compliance with the Clean Water Act, encouraging wastewater
10 reuse, and conducting other studies for the purpose of enhancing the
11 ability of communities to meet the requirements of the Clean Water Act.
12 The department may authorize financial assistance for up to ninety
13 percent of the eligible project cost. Such state allocation shall contain
14 a provision that payment of the amount obligated is conditional upon the
15 availability of appropriated funds;

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

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

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

26 81-2102 For purposes of the State Electrical Act, unless the context
27 otherwise requires:

28 (1) Apprentice electrician means any person, other than a licensee,
29 who, as such person's principal occupation, is engaged in learning and
30 assisting in the installation, alteration, and repair of electrical
31 equipment as an employee of a licensee and who is registered with the

1 board. For purposes of this subdivision, persons who are not engaged in
2 the installation, alteration, or repair of electrical wiring and
3 apparatus, either inside or outside buildings, shall not be considered
4 apprentice electricians;

5 (2) Board means the State Electrical Board;

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

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

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

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

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

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

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

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

28 (11) Installer means a person who has the necessary qualifications,
29 training, experience, and technical knowledge to properly lay out and
30 install electrical wiring, apparatus, and equipment for major electrical
31 home appliances on the load side of the main service in any municipality

1 which has a population of less than one hundred thousand inhabitants as
2 determined by the most recent federal decennial census or the most recent
3 revised certified count by the United States Bureau of the Census and who
4 is licensed by the board;

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

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

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

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

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

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

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

28 (19) Special electrician means a person having the necessary
29 qualifications, training, and experience in wiring or installing special
30 classes of electrical wiring, apparatus, equipment, or installations
31 which shall include irrigation system wiring, well pump wiring, air

1 conditioning and refrigeration installation, and sign installation and
2 who is licensed by the board.

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

5 81-2107 (1) An applicant for an electrical contractor license shall
6 (a) be a graduate of a four-year electrical course in an accredited
7 college or university, (b) have at least one year's experience,
8 acceptable to the board, as a journeyman electrician, or (c) have at
9 least five years' experience, acceptable to the board, in planning for,
10 laying out, supervising, and installing wiring, apparatus, or equipment
11 for electrical light, heat, and power.

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

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

22 81-2109 (1) An applicant for a journeyman electrician license shall
23 have at least four years' experience, acceptable to the board, in the
24 electrical trade. Registration as an apprentice electrician for those
25 years shall, on the approval of the board, constitute evidence of such
26 experience. The board may by rule or regulation provide for the allowance
27 of one year of experience credit for successful completion of a two-year
28 post-high school electrical course approved by the board.

29 (2) On and after July 16, 2004, an applicant for a residential
30 journeyman electrician license shall have at least three years'
31 experience, acceptable to the board, in the electrical trade.

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

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

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

16 81-2110 Any person holding an installer license may lay out and
17 install electrical wiring, apparatus, and equipment for major electrical
18 home appliances on the load side of the main service in any municipality
19 having a population of less than one hundred thousand inhabitants as
20 determined by the most recent federal decennial census or the most recent
21 revised certified count by the United States Bureau of the Census.

22 Sec. 64. Original sections 10-119, 12-401, 14-101, 14-117, 15-101,
23 15-102, 16-101, 17-301, 17-310, 17-311, 18-1753, 19-401, 19-414, 19-415,
24 19-418, 19-501, 19-602, 19-1102, 19-1827, 19-5101, 23-204, 31-501,
25 31-508, 32-538, 32-539, 39-207, 39-1328.01, 39-1804, 39-2103, 39-2106,
26 48-307, 48-1209.01, 53-124.14, 60-680, 60-6,120, 60-6,190, 70-408,
27 70-604.01, 79-407, 81-1417, 81-1430, 81-2102, 81-2107, 81-2109, and
28 81-2110, Reissue Revised Statutes of Nebraska, and sections 13-2705,
29 16-222.02, 16-901, 17-101, 17-201, 17-306.01, 17-312, 17-313, 17-1001,
30 18-2709, 19-1101, 19-3501, 44-5502, 71-3305, 77-3,119, 81-8,122.01, and
31 81-15,153, Revised Statutes Cumulative Supplement, 2016, are repealed.