

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 865

Introduced by Crawford, 45.

Read first time January 05, 2018

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 14-137
2 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404,
3 Revised Statutes Cumulative Supplement, 2016, and section 17-614,
4 Revised Statutes Supplement, 2017; to changes provisions relating to
5 the passage of ordinances by cities and villages; and to repeal the
6 original sections.

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

1 Section 1. Section 14-137, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-137 The enacting clause of all ordinances shall be as follows: Be
4 it ordained by the city council of the city of All
5 ordinances of the city shall be passed pursuant to such rules and
6 regulations as the city council may prescribe. ~~Upon ; Provided, upon~~ the
7 passage of all ordinances the yeas and nays shall be entered upon the
8 record of the city council, and a majority of the votes of all the
9 members of the city council shall be necessary to their passage. No
10 ordinance shall be passed within a week after its introduction, except
11 the general appropriation ordinances for salaries and wages. Ordinances
12 of a general or permanent nature shall be read by title on three
13 different days unless three-fourths of the city council vote to suspend
14 this requirement, except that such requirement shall not be suspended for
15 any ordinance for the annexation of territory or redrawing of district
16 boundaries.

17 Sec. 2. Section 15-404, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 15-404 All ordinances, resolutions, or orders for the appropriation
20 or payment of money shall require for passage or adoption the concurrence
21 of a majority of the members elected to the city council. Ordinances of a
22 general or permanent nature shall be ~~fully and distinctly read by title~~
23 on three different days, unless the city council votes to suspend shall
24 ~~dispense with this requirement rule~~ by a two-thirds vote of the members,
25 except that such requirement shall not be suspended for any ordinance for
26 the annexation of territory or redrawing of district boundaries elected.
27 No ordinance shall contain a subject which is not clearly expressed in
28 its title. No ordinance or section thereof shall be revised or amended
29 unless the new ordinance contains the entire ordinance or section as
30 revised or amended, and the ordinance or section so amended shall be
31 repealed.

1 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-404 (1) All ordinances and resolutions or orders for the
4 appropriation or payment of money shall require for their passage or
5 adoption the concurrence of a majority of all members elected to the city
6 council. The mayor may vote on any such matter when his or her vote will
7 provide the additional vote required to create a number of votes equal to
8 a majority of the number of members elected to the city council, and the
9 mayor shall, for the purpose of such vote, be deemed to be a member of
10 the city council.

11 (2) Ordinances of a general or permanent nature shall be read by
12 title on three different days unless three-fourths of the city council
13 members vote to suspend this requirement, except that in a city having a
14 commission form of government such requirement may be suspended by a
15 three-fifths majority vote. Regardless of the form of government, such
16 requirement shall not be suspended for any ordinance for the annexation
17 of territory or redrawing of district boundaries. In case such
18 requirement is suspended, the ordinances shall be read by title or number
19 and then moved for final passage. Three-fourths of the city council
20 members may require a reading of any such ordinance in full before
21 enactment under either procedure set out in this section, except that in
22 a city having a commission form of government, such reading may be
23 required by a three-fifths majority vote.

24 (3) Ordinances shall contain no subject which is not clearly
25 expressed in the title, and, except as provided in section 19-915, no
26 ordinance or section thereof shall be revised or amended unless the new
27 ordinance contains the entire ordinance or section as revised or amended
28 and the ordinance or section so amended is repealed, except that:

29 (a) For an ordinance revising all the ordinances of the city, the
30 only title necessary shall be An ordinance of the city of,
31 revising all the ordinances of the city. Under such title all the

1 ordinances may be revised in sections and chapters or otherwise, may be
2 corrected, added to, and any part suppressed, and may be repealed with or
3 without a saving clause as to the whole or any part without other title;
4 and

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

15 Sec. 4. Section 17-614, Revised Statutes Supplement, 2017, is
16 amended to read:

17 17-614 (1) All ordinances and resolutions or orders for the
18 appropriation or payment of money shall require for their passage or
19 adoption the concurrence of a majority of all members elected to the city
20 council in a city of the second class or village board of trustees. The
21 mayor of a city of the second class may vote when his or her vote would
22 provide the additional vote required to attain the number of votes equal
23 to a majority of the number of members elected to the city council, and
24 the mayor shall, for the purpose of such vote, be deemed to be a member
25 of the city council. Ordinances of a general or permanent nature shall be
26 read by title on three different days unless three-fourths of the city
27 council or village board of trustees vote to suspend this requirement,
28 except that such requirement shall not be suspended for any ordinance for
29 the annexation of territory or redrawing of district boundaries. In case
30 such requirement is suspended, the ordinances shall be read by title and
31 then moved for final passage. Three-fourths of the city council or

1 village board of trustees may require a reading of any such ordinance in
2 full before enactment under either procedure set out in this section.

3 (2) Ordinances shall contain no subject which is not clearly
4 expressed in the title, and, except as provided in section 19-915, no
5 ordinance or section of such ordinance shall be revised or amended unless
6 the new ordinance contains the entire ordinance or section as revised or
7 amended and the ordinance or section so amended is repealed, except that:

8 (a) For an ordinance revising all the ordinances of the city of the
9 second class or village, the title need only state that the ordinance
10 revises all the ordinances of the city or village. Under such title all
11 the ordinances may be revised in sections and chapters or otherwise, may
12 be corrected, added to, and any part suppressed, and may be repealed with
13 or without a saving clause as to the whole or any part without other
14 title; and

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

25 Sec. 5. Original sections 14-137 and 15-404, Reissue Revised
26 Statutes of Nebraska, section 16-404, Revised Statutes Cumulative
27 Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017,
28 are repealed.