

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 193**

FINAL READING

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

Read first time January 11, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend sections  
2 14-502, 18-2507, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409,  
3 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422,  
4 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604,  
5 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612,  
6 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620,  
7 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703,  
8 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901,  
9 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909,  
10 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916,  
11 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927,  
12 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301,  
13 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308,  
14 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403,  
15 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833,  
16 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103,  
17 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302,  
18 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410,  
19 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419,  
20 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426,  
21 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902,

1 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101,  
2 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308,  
3 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315,  
4 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321,  
5 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701,  
6 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629,  
7 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701,  
8 19-5001, and 77-2602, Reissue Revised Statutes of Nebraska, and  
9 sections 16-238, 16-305, 16-308, 16-404, 17-108.02, 17-121,  
10 18-2102.01, 19-401, 19-415, 19-418, 19-602, 19-922, 19-926, 19-1101,  
11 19-1102, 19-1827, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427,  
12 19-3501, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027,  
13 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030,  
14 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised  
15 Statutes Cumulative Supplement, 2018; to change provisions relating  
16 to cities of particular classes and villages; to correct and include  
17 references as prescribed; to name the Municipal Commission Plan of  
18 Government Act and the City Manager Plan of Government Act; to  
19 eliminate obsolete provisions and provisions relating to an excise  
20 board and its members; to repeal definitions; to harmonize  
21 provisions; to repeal the original sections; and to outright repeal  
22 sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised  
23 Statutes of Nebraska, and sections 19-102 and 19-103, Revised  
24 Statutes Cumulative Supplement, 2018.

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

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

3 14-502 The city council shall at the same time appropriate, from the  
4 remaining amount of tax levy of such year and from revenue to be derived  
5 from all other sources available for such purposes, money and credits of  
6 the city and set the same aside to funds to be designated department  
7 funds. The department funds shall be of the same number and of the same  
8 designation as the departments into which the government of the city is  
9 divided for administration under the commission plan ~~form~~ of government.  
10 The amount so appropriated and set aside to each of the funds  
11 respectively shall be an amount deemed sufficient and necessary to take  
12 care of the expenses in such department for the fiscal year or biennial  
13 period for which the appropriation is made. The amount thus appropriated  
14 to each of such departments respectively may be divided and subdivided  
15 for the purpose of expenditure as the council may direct, but shall be  
16 the maximum amount which may be appropriated to any such department for  
17 the fiscal year or biennial period, or which may be expended for the  
18 purpose of such department for the fiscal year or biennial period. Any  
19 transfer of duties or burdens of one department to another, after an  
20 appropriation has been made, shall carry with it a just and equitable pro  
21 rata proportion of the appropriation. The amounts so appropriated to the  
22 several department funds shall be used only for the purpose of paying the  
23 expenses and liabilities for which appropriated. The city council shall,  
24 at the time of the appropriation, estimate the total credits available  
25 from taxes levied and other sources for municipal purposes for the fiscal  
26 year or biennial period, and the amount remaining after deducting  
27 therefrom the amounts appropriated for statutory and department funds  
28 shall be the miscellaneous expense fund. The money and credits in the  
29 miscellaneous expense fund may be used from time to time to pay the  
30 miscellaneous expenses and obligations of the city for which an  
31 appropriation has not been made or which are not properly included within

1 the purposes of the appropriation to any of the other funds.

2 Sec. 2. Section 16-238, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

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

22 Sec. 3. Section 16-305, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 16-305 All officers and employees of the city shall receive such  
25 compensation as the mayor and city council may fix at the time of their  
26 appointment or employment, subject to the limitations set forth in this  
27 section. The city council may at its discretion by ordinance combine and  
28 merge any elective or appointive office or employment or any combination  
29 of duties of any such offices or employments, except mayor and city  
30 council member, with any other elective or appointive office or  
31 employment so that one or more of such offices or employments or any

1 combination of duties of any such offices or employments may be held by  
2 the same officer or employee at the same time. The city manager in a city  
3 under the city manager plan of government as provided in the City Manager  
4 Plan of Government Act Chapter 19, article 6, may in his or her  
5 discretion combine and merge any elective or appointive office or  
6 employment or any combination of duties of any such offices or  
7 employments, except mayor and city council member, with any other  
8 elective or appointive office or employment so that one or more of such  
9 offices or employments or any combination of duties of any such offices  
10 or employments may be held by the same officer or employee at the same  
11 time. The offices or employments so merged and combined shall always be  
12 construed to be separate, and the effect of the combination or merger  
13 shall be limited to a consolidation of official duties only. The salary  
14 or compensation of the officer or employee holding the merged and  
15 combined offices or employments or offices and employments shall not be  
16 in excess of the maximum amount provided by law for the salary or  
17 compensation of the office, offices, employment, or employments so merged  
18 and combined.

19 Sec. 4. Section 16-308, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 16-308 Each city of the first class shall have such departments and  
22 appointed officers as shall be established by ordinance passed by the  
23 city council, which shall include a city clerk, treasurer, engineer, and  
24 attorney, and such officers as may otherwise be required by law. Except  
25 as provided in the City Manager Plan of Government Act Chapter 19,  
26 article 6, the mayor may, with the approval of the city council, appoint  
27 the necessary officers, as well as an administrator, who shall perform  
28 such duties as prescribed by ordinance. Except as provided in the City  
29 Manager Plan of Government Act Chapter 19, article 6, the appointed  
30 officers may be removed at any time by the mayor with approval of a  
31 majority of the city council. The office of administrator may not be held

1 by the mayor. The appointed administrator may concurrently hold any other  
2 appointive office provided for in this section and section 16-325.

3 Sec. 5. Section 16-404, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

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

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

27 (3) Ordinances in a city of the first class shall contain no subject  
28 which is not clearly expressed in the title, and, except as provided in  
29 section 19-915, no ordinance or section thereof shall be revised or  
30 amended unless the new ordinance contains the entire ordinance or section  
31 as revised or amended and the ordinance or section so amended is

1 repealed, except that:

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

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

19 Sec. 6. Section 17-108.02, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 17-108.02 (1) All officers and employees of a city of the second  
22 class shall receive such compensation as the mayor and city council may  
23 fix at the time of their appointment or employment subject to the  
24 limitations set forth in this section.

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

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

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

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

20 Sec. 7. Section 17-121, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 17-121 (1) A city of the second class shall have the power to make  
23 regulations to prevent the introduction and spread of contagious,  
24 infectious, or malignant diseases into the city, to make quarantine laws  
25 for that purpose, and to enforce such regulations.

26 (2) In cities of the second class with a commission plan form of  
27 government as provided in the Municipal Commission Plan of Government Act  
28 Chapter 19, article 4, and cities of the second class with a city manager  
29 plan of government as provided in the City Manager Plan of Government Act  
30 Chapter 19, article 6, a board of health shall be created consisting of  
31 five members: The mayor, who shall be chairperson, and four other



1 members. One member shall be a physician or health care provider, if one  
2 can be found who is willing to serve. Such physician or health care  
3 provider, if appointed, shall be the board's medical advisor. If the city  
4 manager has appointed a chief of police, the chief of police shall serve  
5 on the board as secretary and quarantine officer.

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

14 (4) A majority of the board of health shall constitute a quorum and  
15 shall enact rules and regulations, which shall have the force and effect  
16 of law, to safeguard the health of the people of such city, may enforce  
17 them, and may provide fines and punishments for the violation of such  
18 rules and regulations. The board of health shall have power to and shall  
19 make all necessary rules and regulations relating to matters of  
20 sanitation of such city, including the removal of dead animals, the  
21 sanitary condition of the streets, alleys, vacant grounds, stockyards,  
22 wells, cisterns, privies, waterclosets, cesspools, and all buildings and  
23 places not specified where filth, nuisances, or offensive matter is kept  
24 or is liable to or does accumulate. The board of health may regulate,  
25 suppress, and prevent the occurrence of nuisances and enforce all laws of  
26 the state and ordinances of the city relating to nuisances or to matters  
27 of sanitation of such city. The board of health shall also have control  
28 of hospitals, dispensaries, places for treatment of sick, and related  
29 matters under such restrictions and provisions as may be provided by  
30 ordinance of such city.

31 Sec. 8. Section 18-2102.01, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 18-2102.01 Cities of all classes and villages of this state are  
3 hereby granted power and authority to create community redevelopment  
4 authorities and limited community redevelopment authorities.

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

11 (2) When it is determined by the governing body of any city by  
12 ordinance in the exercise of its discretion that it is expedient to  
13 create a community redevelopment authority or limited community  
14 redevelopment authority, the mayor of the city or, if the mayor shall  
15 fail to act within ninety days after the passage of the ordinance, the  
16 president or other presiding officer other than the mayor of the  
17 governing body, with the approval of the governing body of the city,  
18 shall appoint five or seven persons who shall constitute the authority or  
19 the limited authority. The terms of office of the members of a five-  
20 member authority initially appointed shall be for one year, two years,  
21 three years, four years, and five years, as designated by the mayor,  
22 president, other presiding officer, or city manager in making the  
23 respective appointments. The terms of office of the members of a seven-  
24 member authority initially appointed shall be one member each for one  
25 year, two years, and five years, and two members each for three years and  
26 four years, as designated by the mayor, president, other presiding  
27 officer, or city manager in making the respective appointments. As the  
28 terms of the members of the authority expire in cities not having the  
29 city manager plan form of government, the mayor, with the approval of the  
30 governing body of the city, shall appoint or reappoint a member of the  
31 authority for a term of five years to succeed the member whose term

1 expires. In cities having the city manager plan ~~form~~ of government, the  
2 city manager shall appoint or reappoint the members with the approval of  
3 the governing body. The terms of office of the members of a limited  
4 community redevelopment authority shall be for the duration of only one  
5 single specific limited pilot project authorized in the ordinance  
6 creating the limited community redevelopment authority, and the terms of  
7 the members of a limited community redevelopment authority shall expire  
8 upon the completion of the single specific limited pilot project  
9 authorized in the ordinance creating the limited community redevelopment  
10 authority.

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

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

25 ... Yes

26 ... No.

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

31 Shall the City (or Village) of ..... (name of city or

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

3 ... Yes

4 ... No.

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

12 (5) Any authority established under this section shall organize by  
13 electing one of its members chairperson and another vice-chairperson,  
14 shall have power to employ counsel, a director who shall be ex officio  
15 secretary of the authority, and such other officers and employees as may  
16 be desired, and shall fix the term of office, qualifications, and  
17 compensation of each. The holder of the office of community redevelopment  
18 administrator or coordinator of the city may, but need not, be appointed  
19 the director but at no additional compensation by the authority.  
20 Community redevelopment authorities of cities of the first and second  
21 class and villages may secure the services of a director, community  
22 redevelopment administrator, or coordinator, and other officers and  
23 employees as may be desired through contract with the Department of  
24 Economic Development upon terms which are mutually agreeable. Any  
25 authority established under this section may validly and effectively act  
26 on all matters requiring a resolution or other official action by the  
27 concurrence of three members of a five-member authority or four members  
28 of a seven-member authority present and voting at a meeting of the  
29 authority. Orders, requisitions, warrants, and other documents may be  
30 executed by the chairperson or vice-chairperson or by or with others  
31 designated in its bylaws.

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

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

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

19 (9) All income, revenue, profits, and other funds received by any  
20 authority established under this section from whatever source derived, or  
21 appropriated by the city, or realized from tax receipts or comprised in  
22 the special revenue fund of the city designated for the authority or from  
23 the proceeds of bonds, or otherwise, shall be deposited with the city  
24 treasurer as ex officio treasurer of the authority without commingling  
25 the money with any other money under his or her control and disbursed by  
26 him or her by check, draft, or order only upon warrants, orders, or  
27 requisitions by the chairperson of the authority or other person  
28 authorized by the authority which shall state distinctly the purpose for  
29 which the same are drawn. A permanent record shall be kept by the  
30 authority of all warrants, orders, or requisitions so drawn, showing the  
31 date, amount, consideration, and to whom payable. When paid, the same

1 shall be canceled and kept on file by the city treasurer. The books of  
2 any authority established under this section shall from time to time be  
3 audited upon the order of the governing body of the municipality in such  
4 manner as it may direct, and all books and records of the authority shall  
5 at all times be open to public inspection. The Auditor of Public Accounts  
6 may audit, or cause to be audited, any authority established under this  
7 section or any redevelopment plan of such authority when the Auditor of  
8 Public Accounts determines such audit is necessary or when requested by  
9 the governing body, and such audit shall be at the expense of the  
10 authority. The authority may contract with the holders of any of its  
11 bonds or notes as to collection, custody, securing investment, and  
12 payment of any money of the authority or any money held in trust or  
13 otherwise for the payment of bonds or notes or in any way to secure bonds  
14 or notes. The authority may carry out the contract notwithstanding that  
15 such contract may be inconsistent with the previous provisions of this  
16 subdivision. All banks, capital stock financial institutions, qualifying  
17 mutual financial institutions, and trust companies are hereby authorized  
18 to give security for the deposits of money of any authority established  
19 under the provisions of this section pursuant to the Public Funds Deposit  
20 Security Act. Section 77-2366 applies to deposits in capital stock  
21 financial institutions. Section 77-2365.01 shall apply to deposits in  
22 qualifying mutual financial institutions.

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

25       18-2507 Municipal subdivision shall mean all cities, not operating  
26 under home rule charters, of metropolitan, primary, first, and second  
27 classes, including those functioning under the commission and city  
28 manager plans ~~forms~~ of government, and villages.

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

31       19-201 The mayor and city council in any city of the metropolitan

1 class or city of the first class shall have power to license and regulate  
2 the keeping of toll bridges within or terminating within the city, for  
3 the passage of persons and property over any river passing wholly or in  
4 part within or running by and adjoining the corporate limits of any such  
5 city, to fix and determine the rates of toll over any such bridge, or  
6 over the part thereof within the city, and to authorize the owner or  
7 owners of any such bridge to charge and collect the rates of toll so  
8 fixed and determined from all persons passing over or using the same.

9       Sec. 11. Section 19-401, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11       19-401 Sections 19-401 to 19-433 shall be known and may be cited as  
12 the Municipal Commission Plan of Government Act.

13       Any city in this state having not less than two thousand inhabitants  
14 as determined by the most recent federal decennial census or the most  
15 recent revised certified count by the United States Bureau of the Census  
16 may adopt the commission plan ~~form~~ of government and be governed  
17 thereunder ~~by proceeding~~ as provided in the act ~~sections 19-401 to~~  
18 ~~19-433.~~

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

21       19-402 If a petition to adopt the commission plan of government is  
22 filed with the city clerk of any city meeting the requirements of section  
23 19-401, signed by registered voters equal in number to at least twenty-  
24 five percent of the votes cast for all candidates for mayor at the last  
25 preceding general city election, the mayor of the city shall, ~~by~~  
26 ~~appropriate proclamation and notice~~ within twenty days after such filing,  
27 call and proclaim a special election to be held upon a date fixed in such  
28 ~~proclamation and notice~~, which date shall not be less than fifteen nor  
29 more than sixty days after the date and issuance of such proclamation.  
30 After the filing of any petition provided for in this section, no signer  
31 of such petition ~~thereon~~ shall be permitted to withdraw his or her name

1 ~~from such petition therefrom.~~ At such special election the proposition of  
2 adopting the commission plan of government ~~provisions of sections 19-401~~  
3 ~~to 19-433~~ shall be submitted to the registered voters of the city, and  
4 such proposition shall be stated as follows: Shall the city of (name of  
5 city) adopt the ~~provisions of (naming the charter of the published law~~  
6 ~~containing such sections)~~ called the commission plan of city government?  
7 The special election shall be held and conducted, the vote canvassed, and  
8 the result declared in the same manner as provided for the holding and  
9 conducting of the general city election in any such city. All officers  
10 charged with any duty respecting the calling, holding, and conducting of  
11 such general city election shall perform such duties for and at such  
12 special election.

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

15 19-403 If the proposition of adopting the commission plan of  
16 government is not adopted at the any such special election under section  
17 19-402 by a majority vote, the question of adopting it shall not be again  
18 submitted in the same any such city within two years thereafter.

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

21 19-404 If the proposition under section 19-402 is adopted for the  
22 commission plan of ~~city~~ government at least sixty days prior to the next  
23 general city election in the city, then at the next general city election  
24 provided by law in such city, city council members shall be elected as  
25 provided in section 32-539. If the proposition is not adopted at least  
26 sixty days prior to the date of holding the next general city election in  
27 such city, then such city shall continue to be governed under its  
28 existing laws until city council members are elected as provided in  
29 section 32-539 at the next general city election thereafter occurring in  
30 ~~any~~ such city.

31 Sec. 15. Section 19-405, Reissue Revised Statutes of Nebraska, is



1 amended to read:

2 19-405 (1) Any person desiring to become a candidate for the office  
3 of city council member under the commission plan of government ~~provided~~  
4 ~~for in section 19-404~~ shall file a candidate filing form as provided in  
5 sections 32-606 and 32-607 and pay the filing fee as provided in section  
6 32-608.

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

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

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

26 19-409 (1) In a city under the commission plan of government, the  
27 ~~The~~ two candidates for city council member receiving the highest number  
28 of votes at the primary election shall be placed upon the official ballot  
29 for such position at the statewide general election. If no candidates  
30 appeared on the primary election ballot or if the city council waived the  
31 primary election under section 19-405, all persons filing pursuant to

1 section 19-405 shall be the only candidates whose names shall be placed  
2 upon the official ballot for such position at the statewide general  
3 election.

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

10 (2) ~~(3)~~ Terms for city council members under the commission plan of  
11 government shall begin on the date of the first regular meeting of the  
12 city council in December following the statewide general election. The  
13 ~~terms of council members holding office on August 28, 1999, shall be~~  
14 ~~extended to the first regular meeting of the council in December~~  
15 ~~following the statewide general election.~~ The changes made to this  
16 section by Laws 1999, LB 250, shall not change the staggering of the  
17 terms of city council members in cities that have adopted the commission  
18 plan of government prior to January 1, 1999.

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

21 19-411 The city council members in a city under the commission plan  
22 of government ~~and excise members~~ shall qualify and give bond in the  
23 manner and amount provided by the existing laws governing the city in  
24 which they are elected. If any vacancy occurs in the office of city  
25 council member, the vacancy shall be filled as provided in section  
26 32-568. ~~If any vacancy occurs in the office of excise members, the~~  
27 ~~remaining members of the excise board shall appoint a person to fill such~~  
28 ~~vacancy for the remainder of the term.~~ The terms of office of all other  
29 elective or appointive officers in force within or for any such city  
30 shall cease as soon as the city council selects or appoints their  
31 successors and such successors qualify and give bond as by law provided

1 or as soon as such city council by resolution declares the terms of any  
2 such elective or appointive officers at an end or abolishes or  
3 discontinues any of such offices.

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

6 19-412 (1) The officers and employees of a ~~the~~ city under the  
7 commission plan of government shall receive such compensation as the  
8 mayor and city council shall fix by ordinance.

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

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

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

27 19-413 The city council in a city under the commission plan of  
28 government ~~herein provided for, upon taking office,~~ shall have, possess,  
29 and exercise, by itself or through such methods as it may provide, all  
30 executive or legislative or judicial powers and duties previously  
31 ~~theretofore~~ held, possessed, or exercised under the then existing laws

1 governing any such city, by the mayor, ~~or~~ mayor and city council, ~~or~~  
2 water commissioners, ~~or~~ water board, ~~or~~ water and light commissioner, ~~or~~  
3 board of fire and police commissioners, ~~or~~ park commissioners, ~~or~~ park  
4 board. ~~The or excise board, or members thereof, or fire warden; and the~~  
5 powers, duties, ~~and office of such fire warden and~~ of all such boards and  
6 the members thereof shall ~~then and thereupon~~ cease and terminate, ~~;~~ and  
7 the powers and duties and officers of all other boards created by statute  
8 for the government of any such city shall also ~~thereupon~~ cease and  
9 terminate. ~~Nothing ; Provided, however, nothing herein contained in this~~  
10 section shall be so construed as to interfere with the powers, duties,  
11 authority, and privileges that have been, are, or may be hereafter  
12 conferred and imposed upon the water board in cities of the metropolitan  
13 class cities as prescribed by law ~~or shall affect the power of city~~  
14 ~~school or school district officers,~~ nor of any office or officer named in  
15 the ~~state~~ Constitution of Nebraska exercising office, powers, ~~or~~  
16 functions within any such city. Such city council, upon taking office,  
17 shall have and may exercise all executive or legislative or judicial  
18 powers possessed or exercised by any other officer or board ~~theretofore~~  
19 provided by law for or within any such city, except officers named in the  
20 state Constitution of Nebraska ; ~~Provided, however, the excise board~~  
21 ~~herein provided for, upon taking office, shall possess and exercise by~~  
22 ~~itself all of the duties and powers theretofore possessed or exercised by~~  
23 ~~the excise board under the existing laws governing any such city except~~  
24 ~~the appointment, removal and control of the police force, which power~~  
25 ~~shall be vested in the council.~~

26 Sec. 20. Section 19-415, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 19-415 In cities of the metropolitan class under the commission plan  
29 of government, the city council shall consist of the mayor who shall be  
30 superintendent of the department of public affairs, one city council  
31 member to be superintendent of the department of accounts and finances,

1 one city council member to be superintendent of the department of police,  
2 sanitation, and public safety, one city council member to be  
3 superintendent of the department of fire protection and water supply, one  
4 city council member to be superintendent of the department of street  
5 cleaning and maintenance, one city council member to be superintendent of  
6 the department of public improvements, and one city council member to be  
7 superintendent of parks and public property.

8 In cities under the commission plan of government containing at  
9 least forty thousand and less than three hundred thousand inhabitants as  
10 determined by the most recent federal decennial census or the most recent  
11 revised certified count by the United States Bureau of the Census, the  
12 city council shall consist of the mayor who shall be superintendent of  
13 the department of public affairs, one city council member to be  
14 superintendent of the department of accounts and finances, one city  
15 council member to be superintendent of the department of public safety,  
16 one city council member to be superintendent of the department of streets  
17 and public improvements, and one city council member to be superintendent  
18 of the department of parks and public property.

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

30 In all of such cities, the commissioner of the department of  
31 accounts and finances shall be vice president of the city council and

1 shall, in the absence or inability of the mayor to serve, perform the  
2 duties of the mayor. In case of vacancy in the office of mayor by death  
3 or otherwise, the vacancy shall be filled as provided in section 32-568.

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

6 19-416 The city council in a city under the commission plan of  
7 government shall, at its first meeting, or as soon as possible  
8 thereafter, elect as many of the city officers provided for by the laws  
9 or ordinances governing ~~any~~ such city as may, in the judgment of the city  
10 council, be essential and necessary to the economical but efficient and  
11 proper conduct of the government of the city and shall at the same time  
12 fix the salaries of the officers so elected either by providing that such  
13 salaries shall remain the same as previously fixed by the laws or  
14 ordinances for such officers or may then raise or lower the existing  
15 salaries of any such officers. The city ~~;~~ ~~and the council~~ may modify the  
16 powers or duties of any such officers, as provided by the laws or  
17 ordinances, or may completely define and fix such powers or duties, anew.  
18 Any such officers or any assistant or employee elected or appointed by  
19 the city council may be removed by the city council at any time, except  
20 that ~~;~~ ~~Provided, however,~~ in cities of the metropolitan class no member  
21 or officer of the fire department ~~or department of fire protection and~~  
22 ~~water supply~~ shall be discharged for political reasons, nor shall any a  
23 person be employed in ~~or taken into either of such department departments~~  
24 for political reasons. Before any such officer or employee can be  
25 discharged, charges must be filed against him or her before the city  
26 council and a hearing had thereon, and an opportunity given such officer  
27 or employee to defend against such charges. This section ~~,~~ ~~but this~~  
28 ~~provision~~ shall not be construed to prevent peremptory suspension of such  
29 officer or employee member by the city council in case of misconduct, ~~or~~  
30 neglect of duty, or disobedience of orders. Whenever any such suspension  
31 is made, charges shall be at once filed by the city council with the

1 officer having charge of the records of the city council and a trial had  
2 thereon at the second meeting of the city council after such charges are  
3 filed. For the purpose of hearing such charges the city council shall  
4 have power to enforce attendance of witnesses, and the production of  
5 books and papers, and to administer oaths to witnesses in the same manner  
6 and with like effect and under the same penalty, as in the case of  
7 magistrates exercising civil and criminal jurisdiction under the statutes  
8 of the State of Nebraska.

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

11 19-417 The city council in a city under the commission plan of  
12 government shall have power to discontinue any employment or abolish any  
13 office at any time, when, in the judgment of the city council, such  
14 employment or office is no longer necessary. The city council shall have  
15 power, at any time and at any meeting, to create any office or board it  
16 deems necessary, including the office of city manager, and fix salaries.  
17 The city council ; ~~and it~~ may create a board of three or more members  
18 composed of other officers of the city, and confer upon such board any  
19 power not required to be exercised by the city council itself. The city  
20 council ~~It~~ may require such officers to serve upon any such board and  
21 perform the services required of it with or without any additional pay  
22 for such additional service.

23 Sec. 23. Section 19-418, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 19-418 In cities under the commission plan of government, the ~~The~~  
26 regular meetings of the city council in cities of the metropolitan class  
27 shall be held at least once in each week and upon such day and hour as  
28 the city council may designate. In all other cities under the commission  
29 plan of government having a population of two thousand or more as  
30 determined by the most recent federal decennial census or the most recent  
31 revised certified count by the United States Bureau of the Census, the

1 regular meetings of the city council shall be held at such intervals and  
2 upon such day and hour as the city council may by ordinance or resolution  
3 designate. Special ; ~~and special~~ meetings of the city council in any of  
4 such cities may be called, from time to time, by the mayor or two city  
5 council members, giving notice in such manner as may be fixed or defined  
6 by law or ordinance in any of such cities or as shall be fixed by  
7 ordinance or resolution by such city council. A majority of such city  
8 council shall constitute a quorum for the transaction of any business,  
9 but it shall require a majority vote of the city council in any such city  
10 to pass any measure or transact any business.

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

13 19-419 The mayor and city council members in a city under the  
14 commission plan of government shall maintain offices at the city hall, ;  
15 and the mayor shall regularly , ~~in a general way, constantly~~ investigate  
16 all public affairs concerning the interest of the city and investigate  
17 and ascertain, ~~in a general way,~~ the efficiency and manner in which all  
18 departments of the city government are being conducted. The ; ~~and the~~  
19 mayor shall recommend to the city council all such matters as in his or  
20 her judgment should receive the investigation, consideration, or action  
21 of the city council ~~that body~~.

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

24 19-421 All petitions provided for in the Municipal Commission Plan  
25 of Government Act sections 19-401 to 19-433 shall be subject to and meet  
26 the requirements of sections 32-628 to 32-630. Upon the filing of a  
27 petition ~~or supplementary petition~~, a city, upon passage of a resolution  
28 by the city council, and the county clerk or election commissioner of the  
29 county in which such city is located may by mutual agreement provide that  
30 the county clerk or election commissioner shall ascertain whether the  
31 petition ~~or supplementary petition~~ is signed by the requisite number of



1 legal voters. The city shall reimburse the county for any costs incurred  
2 by the county clerk or election commissioner.

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

5 19-422 All general state laws governing cities described in section  
6 19-401 shall, according to the classification of such city class within  
7 which it is embraced, apply to and govern any city under the commission  
8 plan of government adopting sections 19-401 to 19-433 and electing  
9 officers thereunder so far, ~~and only so far,~~ as such laws are applicable  
10 and not inconsistent with the provisions, intents, and purposes of the  
11 Municipal Commission Plan of Government Act ~~said sections.~~

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

14 19-423 If at the beginning of the term of office of the first city  
15 council elected under sections 19-401 to 19-409 the appropriations or  
16 distribution of the expenditures of the city government for the current  
17 fiscal year have been made, the city council shall have power, by  
18 ordinance, to revise, repeal, or change such distribution or to make  
19 additional appropriation, within the limit of the total taxes levied for  
20 such year.

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

23 19-432 Any city which shall have operated for more than four years  
24 under the commission plan of government ~~provisions of sections 19-401 to~~  
25 ~~19-433~~ may abandon organization thereunder, and accept the provisions of  
26 the general law of the state then applicable to cities of its population,  
27 by proceeding as follows: Upon a petition, signed by such number of the  
28 qualified electors of ~~any~~ such city as equals at least twenty-five  
29 percent of the highest vote cast for any of the city council members  
30 elected at the last preceding general or regular election in ~~any~~ such  
31 city, being filed with and found sufficient by the city clerk ~~or clerk of~~

1 ~~such council~~, a special election shall be called in ~~any~~ such city, at  
2 which special election the following proposition only shall be submitted:  
3 Shall the city of (name of city) abandon its organization under the  
4 commission plan of government Chapter 19, article 4, and become a city  
5 under the general laws of the state governing cities of like population?  
6 If a majority of the votes cast at any such special election are in favor  
7 of such proposition, the officers elected at the next succeeding general  
8 city election in ~~any~~ such city shall be those then prescribed by the  
9 general laws of the state for cities of like population, and upon the  
10 qualification of such officers, according to the terms of such general  
11 state law, such city shall become a city governed by and under such  
12 general state law. If ; ~~Provided,~~ if such special election is not held  
13 and the result thereof declared at least sixty days before the election  
14 date in ~~any~~ such city, then such city shall continue to be governed under  
15 the commission plan of government provisions of said sections until the  
16 second general city election occurring after the date of such special  
17 election, and at such general city election the officers provided by such  
18 general state law for the government of ~~any~~ such city shall be elected,  
19 and, upon their qualification, the terms of office of the city council  
20 members elected under the commission plan of government provisions of  
21 ~~this article~~ shall cease and terminate.

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

24       19-433 (1) Within ten days after the date of filing the petition  
25 asking for a special election on the issue of discontinuing the  
26 commission plan of government, the city clerk shall examine it and, with  
27 the assistance of the election commissioner or county clerk, ascertain  
28 whether the petition is signed by the requisite number of registered  
29 voters. If necessary, the city council shall allow the city clerk extra  
30 help for the purpose of examining the petition. No new signatures may be  
31 added after the initial filing of the petition. If the petition contains

1 the requisite number of signatures, the city clerk shall promptly submit  
2 the petition to the city council.

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

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

12 19-502 The city clerk shall not begin the publication of any  
13 proposed charter or amendments, as required by the Constitution of  
14 Nebraska constitution, in less than thirty days from the time of the  
15 completion of the work of the said charter convention, ~~and~~ and the work of  
16 the said charter convention shall be deemed completed whenever its  
17 certified copy of charter or amendments shall be delivered to the city  
18 clerk, together with twenty-five correct copies thereof. Such said copies  
19 shall when filed be open to the inspection of any elector of such said  
20 city.

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

23 19-503 Whenever any petition, as ~~above~~ provided in section 19-501,  
24 shall be filed with the city clerk and shall contain the required number  
25 of ~~bona fide electoral~~ signatures of qualified electors, asking for the  
26 submission of additional or alternative articles or sections in the  
27 complete form in which such articles or sections are to read as amended,  
28 such articles or sections they shall be deemed to be proposed for  
29 adoption by the qualified electors of the said city with the same force  
30 and effect as if proposed by the charter said convention, and the article  
31 or section which receives the majority of all the votes cast for and

1 against ~~such said~~ additional or alternative articles or sections shall be  
2 declared adopted, and certified to the Secretary of State, a copy  
3 deposited in the archives of the city, and shall become the charter or  
4 part thereof, of ~~such said~~ city.

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

7 19-601 Sections 19-601 to 19-662 shall be known and may be cited as  
8 the City Manager Plan of Government Act.

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

12 Sec. 33. Section 19-602, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 19-602 For the purposes of the City Manager Plan of Government Act  
15 ~~sections 19-601 to 19-648,~~ city means any city having a population of one  
16 thousand or more and less than two hundred thousand inhabitants. The ~~the~~  
17 population of a city shall be the number of inhabitants as determined by  
18 the most recent federal decennial census or the most recent revised  
19 certified count by the United States Bureau of the Census.

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

22 19-603 In any city which adopts the city manager plan of government  
23 as provided in the City Manager Plan of Government Act, the ~~The~~ charter  
24 and all general laws governing ~~such any~~ city shall continue in full force  
25 and effect, except that ~~if insofar as~~ any provisions of such charter or  
26 laws thereof are inconsistent with the act ~~sections 19-601 to 19-648,~~ the  
27 same shall be superseded ~~in any city upon the taking effect of sections~~  
28 ~~19-601 to 19-648 therein.~~

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

31 19-604 All valid ordinances, resolutions, orders, or other

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

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

9 19-605 Whenever the electors of any city, equal in number to twenty  
10 percent of those who voted at the last regular city election, shall file  
11 a petition with the city clerk, asking that the question of organizing  
12 the city under the city manager plan of government ~~provided in sections~~  
13 ~~19-601 to 19-648~~ be submitted to the electors of such city, the city  
14 ~~thereof,~~ said clerk shall within one week certify that fact to the city  
15 ~~council of the city,~~ and the city council shall, within thirty days,  
16 adopt a resolution to provide for submitting such question at a special  
17 election to be held not less than thirty days after the adoption of the  
18 resolution except as provided in this section. Any such election shall be  
19 conducted in accordance with the Election Act ~~general election laws of~~  
20 ~~the state~~ except as otherwise provided in the City Manager Plan of  
21 Government Act ~~sections 19-601 to 19-648~~. If such petition is filed not  
22 more than one hundred eighty days nor less than seventy days prior to the  
23 regular municipal statewide primary or statewide general election, the  
24 city council shall adopt a resolution to provide for submitting such  
25 question at the next such election.

26 Sec. 37. Section 19-606, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-606 The proposition to adopt or to abandon the city manager plan  
29 of government ~~provided in sections 19-601 to 19-648,~~ shall not be  
30 submitted to the electors of any city later than sixty days before a  
31 regular municipal election. If, in any city, a sufficient petition is

1 filed requiring that the question of adopting the commission plan of ~~city~~  
2 government, or the question of choosing a convention to frame a city  
3 charter, be submitted to the electors of such city thereof, or if an  
4 ordinance providing for the election of ~~such~~ a charter convention is  
5 passed by the city council, the proposition to adopt the city manager  
6 plan of government ~~provided in sections 19-601 to 19-648~~ shall not be  
7 submitted in such ~~that~~ city so long as the question of adopting the  
8 commission ~~such~~ plan of government, or of choosing a charter ~~such~~  
9 convention, or adopting a charter framed by such convention ~~it~~, is  
10 pending.

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

13 19-607 In submitting the question of adopting the city manager plan  
14 of government, ~~provided in sections 19-601 to 19-648~~ the city council  
15 shall cause to be printed on the ballots the following question: Shall  
16 the city manager plan of government as provided in the City Manager Plan  
17 of Government Act ~~(giving the legal designation of sections 19-601 to~~  
18 ~~19-648 as published)~~ be adopted? Immediately following such question  
19 there shall be printed on the ballots the following propositions in the  
20 order here set forth: For the adoption of the city manager plan of  
21 government and Against the adoption of the city manager plan of  
22 government. Immediately to the left of each proposition shall be placed  
23 an oval or a square in which the electors may vote by making a cross (X)  
24 or other clear, intelligible mark.

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

27 19-608 If the city manager plan of government ~~provided in sections~~  
28 ~~19-601 to 19-648~~ is approved by a majority of the electors voting  
29 thereon, such plan ~~it~~ shall go into effect immediately, ~~insofar~~ as it  
30 applies to the nomination and election of officers provided for in  
31 sections 19-612 to 19-613.01 herein, and in all other respects such plan

1 ~~it~~ shall go into effect on the first Monday following the next regular  
2 municipal election. If the proposition to adopt the city manager plan of  
3 government provisions of sections 19-601 to 19-648 is rejected by the  
4 electors, it shall not again be submitted in such ~~that~~ city within two  
5 years after the proposition is rejected thereafter.

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

8 19-609 Any city which has ~~shall have~~ operated ~~four~~ years under the  
9 city manager plan of government for at least four years ~~provided in~~  
10 ~~sections 19-601 to 19-648~~ may abandon such organization and either accept  
11 the provisions of the general law applicable to such city, or adopt any  
12 other optional plan or organization open to such city ~~thereto~~. The  
13 petition for abandonment shall designate the plan desired, and the  
14 following proposition shall be submitted: Shall the city of  
15 (.....) abandon the city manager plan of government and adopt the  
16 (name of plan) as provided in (giving the legal designation of the law as  
17 published)? If a majority of the votes cast thereon be in favor of such  
18 proposition, the officers elected at the next regular municipal election  
19 shall be those prescribed by the laws designated in the petition, and  
20 upon the qualification of such officers the city shall become organized  
21 under such ~~said~~ law. Such change shall not affect the property right or  
22 ability of any nature of such city, but shall extend merely to its form  
23 of government.

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

26 19-610 Nothing in the City Manager Plan of Government Act ~~sections~~  
27 ~~19-601 to 19-648~~ shall be construed to interfere with or prevent any city  
28 at any time from framing and adopting a charter for its own government as  
29 provided by the state Constitution of Nebraska. In exercising the right  
30 to frame its own charter, it shall not be obligatory upon any city to  
31 adopt or retain the city manager plan of government ~~any of the provisions~~

1 ~~of sections 19-601 to 19-648.~~

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

4       19-611 The governing body of a the city which has adopted the city  
5 manager plan of government shall be the city council, which shall  
6 exercise all the powers which have been or may be conferred upon the city  
7 by the Constitution of Nebraska and laws of the state, except as ~~herein~~  
8 otherwise provided in the City Manager Plan of Government Act.

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

11       19-612 City council members in a city under the city manager plan of  
12 government shall be nominated and elected as provided in section 32-538.  
13 The terms of office of all such members shall commence on the first  
14 regular meeting of such city council ~~board~~ in December following their  
15 election.

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

18       19-613 Members of the city council in a city under the city manager  
19 plan of government shall be residents and registered voters of the city  
20 and shall hold no other employment with the city. Any city council member  
21 who ceases to possess any of the qualifications required by this section  
22 or who has been convicted of a felony or of any public offense involving  
23 the violation of the oath of office of such member while in office shall  
24 forthwith forfeit such office.

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

27       19-613.01 Any city council member in a city under the city manager  
28 plan of government to be elected from a ward, or an appointed successor  
29 in the event of a vacancy, shall be a resident and a registered voter of  
30 such ward. The city council member shall be nominated and elected in the  
31 same manner as provided for at-large candidates, except that only



1 residents and registered voters of the ward may participate in the  
2 signing of nomination petitions. All nominating petitions and ballots  
3 shall clearly identify the ward from which such person shall be a  
4 candidate. The ballots within a ward shall not contain the names of ward  
5 candidates from other wards.

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

8 19-615 At the first regular meeting in December following the  
9 general election in every even-numbered year, the city council in a city  
10 under the city manager plan of government shall meet in the usual place  
11 for holding meetings and the newly elected city council members shall  
12 assume the duties of their office. Thereafter the city council shall meet  
13 at such time and place as it may prescribe by ordinance, but not less  
14 frequently than twice each month in cities of the first class. The mayor,  
15 any two city council members, or the city manager may call special  
16 meetings of the city council upon at least six hours' written notice. The  
17 meetings of the city council and sessions of committees of the city  
18 council shall be public. A majority of the city council members shall  
19 constitute a quorum, but a majority vote of all the city council members  
20 elected shall be required to pass any measure or elect to any office.

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

23 19-616 The annual compensation of the mayor and city a council  
24 members ~~member~~ in cities under the city manager plan of government  
25 ~~adopting sections 19-601 to 19-648~~ shall be payable quarterly in equal  
26 installments and shall be fixed by the city council. The salary  
27 ~~emoluments~~ of any appointive or elective officer shall not be increased  
28 or diminished during the term for which such officer was elected or  
29 appointed, except that when there are officers elected or appointed to  
30 the city council, or a board or commission having more than one member  
31 and the terms of one or more members commence and end at different times,

1 the compensation of all members of such city council, board, or  
2 commission may be increased or diminished at the beginning of the full  
3 term of any member thereof. No person who has resigned or vacated any  
4 office shall be eligible to be elected or appointed to such office ~~the~~  
5 ~~same~~ during the time for which he or she ~~such person~~ was elected or  
6 appointed when, during the same time, the salary has ~~emoluments have~~ been  
7 increased. For each absence from regular meetings of the city council,  
8 unless authorized by a two-thirds vote of all members of the city council  
9 ~~thereof~~, there shall be deducted a sum equal to two percent of such  
10 annual salary.

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

13 19-617 At the first regular meeting in December following the  
14 general election in every even-numbered year, the city council in a city  
15 under the city manager plan of government shall elect one of its members  
16 as president, who shall be ex officio mayor, and another as vice  
17 president, who shall serve in the absence of the president. In the  
18 absence of the president and the vice president, the city council may  
19 elect a temporary chairperson. The president shall preside over the city  
20 council and have a voice and vote in its proceedings but no veto. The  
21 president shall be recognized as the official head of the city for all  
22 ceremonial purposes, by the courts for the purpose of serving civil  
23 process, and by the Governor for military purposes. In addition, the  
24 president shall exercise such other powers and perform such duties, not  
25 inconsistent with the City Manager Plan of Government Act ~~sections 19-601~~  
26 ~~to 19-648~~, as are conferred upon the mayor of the city.

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

29 19-618 The city council in a city under the city manager plan of  
30 government shall choose a city manager, a city clerk, and, where  
31 required, a civil service commission, but no member of the city council

1 shall be chosen as manager or as a member of the civil service  
2 commission. Neither the city council nor any of its committees or members  
3 shall dictate the appointment of any person to office or employment by  
4 the city manager or in any manner seek to prevent him or her from  
5 exercising his or her own judgment in the appointment of officers and  
6 employees in the administrative service. Except for the purpose of  
7 inquiry, the city council and its members shall deal with the  
8 administrative service solely through the city manager, and neither the  
9 city council nor any member thereof shall give orders to any of the  
10 subordinates of the city manager, either publicly or privately. The city  
11 council, or a committee thereof, may investigate the affairs of any  
12 department or the official acts and conduct of any city officer. The city  
13 council ~~It~~ shall have power to administer oaths and compel the attendance  
14 of witnesses and the production of books and papers and may punish for  
15 contempt any person failing to obey its subpoena or refusing to testify.  
16 No person shall be excused from testifying, but his or her testimony  
17 shall not be used against him or her in any criminal proceeding other  
18 than for perjury.

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

21 19-619 If, at the beginning of the term of office of the first city  
22 council elected under the city manager plan of government ~~sections 19-601~~  
23 ~~to 19-648~~, the appropriations or distribution of the expenditures of the  
24 city government for the current fiscal year have been made, the city  
25 council shall have power, by ordinance, to repeal or revise such  
26 distribution, or to make additional appropriations within the limit of  
27 the total taxes levied for the year.

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

30 19-620 The city council in a city under the city manager plan of  
31 government shall have authority, subject to the City Manager Plan of

1 ~~Government Act provisions of sections 19-601 to 19-648, to create and~~  
2 ~~discontinue departments, offices, and employments, and by ordinance or~~  
3 ~~resolution to prescribe, limit, or change the compensation of such~~  
4 ~~officers and employees. Nothing in this section ; Provided, however, that~~  
5 ~~nothing herein contained shall be so construed as to interfere with or to~~  
6 ~~affect the office or powers of city school or school district officers,~~  
7 ~~or of any officer named in the state Constitution of Nebraska.~~

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

10       19-645 The chief executive officer of a the city under the city  
11 manager plan of government shall be a city manager, who shall be  
12 responsible for the proper administration of all affairs of the city. He  
13 or she shall be chosen by the city council for an indefinite period,  
14 solely on the basis of administrative qualifications, and need not be a  
15 resident of the city or state when appointed. He or she shall hold office  
16 at the pleasure of the city council, and receive such salary as the city  
17 council ~~it~~ shall fix by ordinance. During the absence or disability of  
18 the city manager, the city council shall designate some properly  
19 qualified person to perform the duties of the city manager office.

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

22       19-646 The powers and duties of the city manager shall be (1) to see  
23 that the laws and ordinances of the city are enforced, (2) to appoint and  
24 remove all heads of city departments and all subordinate officers and  
25 employees in such the departments in both the classified and unclassified  
26 service, which appointments shall be upon merit and fitness alone, and in  
27 the classified service all appointments and removals shall be subject to  
28 the civil service provisions of the Civil Service Act, (3) to exercise  
29 control over all city departments and divisions thereof that may be  
30 created by the city council, (4) to attend all meetings of the city  
31 council with the right to take part in the discussion but not to vote,

1 (5) to recommend to the city council for adoption such measures as he or  
2 she may deem necessary or expedient, (6) to prepare the annual city  
3 budget and keep the city council fully advised as to the financial  
4 condition and needs of the city, and (7) to perform such other duties as  
5 may be required of him or her by the City Manager Plan of Government Act  
6 ~~sections 19-601 to 19-648~~ or by ordinance or resolution of the city  
7 council.

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

10 19-647 The city manager may investigate at any time the affairs of  
11 any city department or the conduct of any officer or employee of the  
12 city. The city manager He, or any person or persons appointed by him or  
13 her for such the purpose, shall have the same power to compel the  
14 attendance of witnesses and the production of books and papers and other  
15 evidence, and to punish for contempt, granted to which ~~has herein been~~  
16 ~~conferred upon~~ the city council pursuant to section 19-618.

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

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

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

26 19-662 Whenever electors of any city under the city manager plan of  
27 government, equal in number to thirty percent of those who voted at the  
28 last regular city election, shall file a petition with the city clerk,  
29 asking that the question of abandoning the city manager plan of  
30 government ~~provided by the provisions of Chapter 19, article 6,~~ be  
31 submitted to the electors thereof, the city ~~such~~ clerk shall within one

1 week certify that fact to the city council ~~of the city~~, and the city  
2 council shall, within thirty days, adopt a resolution to provide for  
3 submitting such question at the next regular municipal election after  
4 adoption of the resolution. When such a petition is filed with the city  
5 clerk within a seventy-day period prior to a regular municipal election,  
6 the resolution adopted by the city council shall provide for the  
7 submission of such question at the second regular municipal election  
8 thereafter as provided by law.

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

11       19-701 Whenever the qualified electors of any city of the primary  
12 class, city of the first class, city of the second class, or village  
13 shall vote at any general or special election to acquire and appropriate,  
14 by an exercise of the power of eminent domain, any waterworks, waterworks  
15 system, electric light plant, electric light and power plant, heating  
16 plant, street railway, or street railway system, located or operating  
17 within or partly within and partly without such city or village, together  
18 with real and personal property needed or useful in connection therewith,  
19 if the main part of such works, plant, or system be within ~~any~~ such city  
20 or village and even though a franchise for the construction and operating  
21 of any such works, plant, or system may or may not have expired, then ~~any~~  
22 such city or village shall possess and have the power and authority, by  
23 an exercise of the power of eminent domain to appropriate and acquire,  
24 for the public use of ~~any~~ such city or village, any such works, plant,  
25 railway, pipelines, or system. If any public utility properties supplying  
26 different kinds of service to such a city or village are operated as one  
27 unit and under one management, the right to acquire and appropriate, as  
28 provided in sections 19-701 to 19-707, shall cover and extend to the  
29 entire property and not to any divided or segregated part thereof, and  
30 the duly constituted authorities of ~~any~~ such city or village shall have  
31 the power to submit such question or proposition, in the usual manner, to

1 the qualified electors of ~~any~~ such city or village at any general city or  
2 village election or at any special city or village election and may  
3 submit the proposition in connection with any city or village special  
4 election called for any other purpose, and the votes cast thereon shall  
5 be canvassed and the result found and declared as in any other city or  
6 village election. Such city or village authorities shall submit such  
7 question at any such election whenever a petition asking for such  
8 submission, signed by the legal voters of such a city or village equaling  
9 in number fifteen percent of the votes cast at the last general city or  
10 village election, and filed in the city clerk's or village clerk's office  
11 at least sixty days before the election at which the submission is  
12 presented ~~asked~~, but if the question of acquiring any particular plant or  
13 system has been submitted once, the same question shall not again be  
14 submitted to the voters of such a city or village until two years shall  
15 have elapsed from and after the date of the findings by the board of  
16 appraisers regarding the value of the property and the city's or  
17 village's rejection of such question ~~the same~~.

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

20 19-702 If the election at which the question is submitted pursuant  
21 to section 19-701 is a special election and sixty percent of the votes  
22 cast upon such proposition are in favor thereof, or if the election at  
23 which the question is submitted is a general election and a majority of  
24 the votes cast upon such proposition are in favor thereof, then the city  
25 council or village board of trustees or officer possessing the power and  
26 duty to ascertain and declare the result of such election shall certify  
27 such result immediately to the Supreme Court ~~of the state~~. The Supreme  
28 Court shall, within thirty days after the receipt of such certificate,  
29 appoint three district judges from three of the judicial districts of the  
30 state, and such ~~said~~ ~~three~~ judges shall constitute a court of  
31 condemnation for the ascertainment and finding of the value of any such

1 plant, works, or system, and the said Supreme Court shall enter an order  
2 requiring such judges to attend as a court of condemnation at the county  
3 seat in which such city or village is located within such time as may be  
4 stated in such order. The ~~Said~~ district judges shall ~~so~~ attend as  
5 ordered, and such court of condemnation ~~at such time it meets~~ shall  
6 organize and proceed with its duties. The court of condemnation ~~It~~ may  
7 adjourn from time to time, and it shall fix a time for the appearance  
8 before it of all such corporations or persons as the court may deem  
9 necessary to be made parties to such condemnation proceedings or which  
10 the city, the village, or the corporation or persons owning any such  
11 plant, system, or works may desire to have made a party to such  
12 proceedings. If such time of appearance shall occur after any proceedings  
13 have begun, they shall be reviewed by the court, as it may direct, to  
14 give all parties full opportunity to be heard. All corporations or  
15 persons, including all mortgagees, bondholders, trustees for bondholders,  
16 and leaseholders, or any other party or person claiming any interest in  
17 or lien upon any such works, plant, or system may be made parties to such  
18 condemnation proceedings, and shall be served with notice of such  
19 proceedings and the time and place of the meeting of the court of  
20 condemnation in the same manner and for such length of time as the  
21 service of a summons in cases begun in the district court of the state,  
22 either by personal service or service by publication, and actual personal  
23 service of notice within or without the state shall supersede the  
24 necessity of notice by publication.

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

27 19-703 Any ~~Such~~ court of condemnation appointed pursuant to section  
28 19-702 shall have full power to summon and swear witnesses, take  
29 evidence, order the taking of depositions, and require the production of  
30 any and all books and papers deemed necessary for a full investigation  
31 and ascertainment of the value of any ~~such~~ works, plant, or system to be



1 acquired pursuant to section 19-701. When any ; ~~Provided, that when~~ part  
2 of the public utilities appropriated under sections 19-701 to 19-707  
3 extends beyond the territory within which the city or village exercising  
4 the right of eminent domain has a right to operate such utilities the  
5 ~~same~~, the court of condemnation, in determining the damages caused by the  
6 appropriation thereof, shall take into consideration the fact that such  
7 portion of the utility beyond such territory is being detached and not  
8 appropriated by the city or village, and the court of condemnation shall  
9 award damages by reason of such detachment and the destruction in value  
10 and usefulness of the detached and unappropriated property as it will  
11 remain and be left after the detachment and appropriation. Such court of  
12 condemnation may appoint a reporter of its proceedings who shall report  
13 and preserve all evidence introduced before it. Such court of  
14 condemnation shall have all the powers and perform all the duties of  
15 commissioners in the condemnation and ascertainment of the value and in  
16 making of an award of all property of any such works, plant, or system.  
17 The clerk of the district court, in the county where such city or village  
18 is located, shall attend upon such ~~said~~ court of condemnation and perform  
19 such duties, as the clerk thereof, as such ~~condemnation~~ court of  
20 condemnation may direct. The sheriff of any such county, or any of his or  
21 her deputies shall attend upon such ~~said~~ court of condemnation and shall  
22 have power to serve summons, subpoenas, and all other orders or papers  
23 ordered to be served by such court of condemnation ~~court~~. In case of  
24 vacancy in such ~~said~~ court of condemnation, such vacancy shall be filled  
25 by the Supreme Court if the vacancy occurs while the court is in session,  
26 and if it occurs while the court is not in session, then by the Chief  
27 Justice of the Supreme Court ~~said court~~.

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

30 19-704 Upon the determination and filing of a finding of the value  
31 of any such plant, works, or system by a ~~the~~ ~~said~~ court of condemnation

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

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

29       19-705 Upon the hearing of an ~~such~~ appeal in the district court  
30 pursuant to section 19-704, judgment shall be pronounced, as in ordinary  
31 cases, for the value of ~~any~~ such works, plant, or system. The city,

1 village, party, or corporation owning any such plant, works, or system  
2 may appeal to the Court of Appeals. Upon a final judgment being  
3 pronounced as to the value of any such plant, works, or system, the city  
4 council of ~~duly constituted authorities of any~~ such city or village board  
5 of trustees of such village shall issue and sell bonds of the ~~any such~~  
6 city or village to pay the amount of such value and judgment without a  
7 vote of the people.

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

10 19-706 The district judges constituting the ~~aforesaid~~ court of  
11 condemnation appointed pursuant to sections 19-702 and 19-703 shall each  
12 receive from and be paid by such city or village fifteen dollars per day  
13 for their services and their necessary traveling expenses, hotel bills,  
14 and all other necessary expenses incurred while in attendance upon the  
15 sittings of such court of condemnation, with reimbursement for expenses  
16 to be made as provided in sections 81-1174 to 81-1177 ~~for state~~  
17 ~~employees~~, and the city or village shall pay the reporter that may be  
18 appointed by such ~~said~~ court such an amount as such ~~said~~ court of  
19 condemnation shall allow him or her. The county sheriff shall serve all  
20 ~~such~~ summons, subpoenas, or other orders or papers ordered issued or  
21 served by such ~~condemnation~~ court of condemnation at the same rate and  
22 compensation for which he or she serves like papers issued by the  
23 district court, but shall account for all such compensation to the county  
24 as is required by him or her under the law governing his or her duties as  
25 county sheriff ~~of the county~~. The court of condemnation shall have power  
26 to apportion the cost made before it, between the city or village and the  
27 corporation or party owning any such plant, works, or system, and the  
28 city or village shall provide for and pay all such costs or portion of  
29 costs as the ~~said~~ court shall order, and shall also make provisions for  
30 the necessary funds and expenses to carry on the proceedings of such  
31 court of condemnation ~~court~~, from time to time while such proceedings are

1 in progress, but in the event the city or village elects to abandon the  
2 condemnation proceedings pursuant to section 19-704, ~~as aforesaid~~, then  
3 the city or village shall pay all the costs made before such ~~condemnation~~  
4 court of condemnation. ~~If ; Provided,~~ if services of expert witnesses are  
5 secured then their fees or compensation to be taxed and paid as costs  
6 shall be only such amount as the ~~said condemnation~~ court of condemnation  
7 shall fix, notwithstanding any contract between such experts and the  
8 party producing them to pay them more, but a contract to pay them more  
9 than the court shall allow as costs may be enforced between any such  
10 experts and the litigant or party employing them. The costs made by any  
11 such appeal or appeals shall be adjudged against the party defeated in  
12 such appeal in the same degree and manner as is done under the general  
13 court practice relating to appellate proceedings.

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

16 19-707 The powers herein vested in cities and villages under  
17 sections 19-701 to 19-707 ~~the city or village~~ shall be conferred upon  
18 cities of the primary class, cities of the first class, cities of the  
19 second class, and ~~, first or second classes~~ or villages, whether or not  
20 such city or village is operating under a home rule charter adopted  
21 pursuant to Article XI of the  Constitution of Nebraska.

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

24 19-708 Whenever the local distribution system of any public utility,  
25 has been acquired by any city or village under the provisions of Chapter  
26 19, article 7, the condemnee, if it is also the owner of any transmission  
27 system, whether by wire, pipeline, or otherwise, from any other point to  
28 such city or village shall, at the option of such city or village, be  
29 required to render wholesale service to such city or village whether  
30 otherwise acting as wholesaler or not. ~~If ; Provided, that if~~ the  
31 condemnee is a public power district subject to the provisions of section

1 70-626.01, the obligations of the public power district to the condemner  
2 under this section shall be no greater than to other cities and villages  
3 under ~~said~~ section 70-626.01.

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

6 19-709 The mayor and city council of any city of the first class or  
7 city of the second class or the chairperson and members of the village  
8 board of trustees of any village shall have power to purchase or  
9 appropriate private property or school lands for the use of the city or  
10 village for streets, alleys, avenues, parks, parkways, boulevards,  
11 sanitary sewers, storm water sewers, public squares, public auditoriums,  
12 public fire stations, training facilities for firefighters, market  
13 places, public heating plants, power plants, gas works, electric light  
14 plants, wells, or waterworks, including mains, pipelines, and settling  
15 basins therefor, and to acquire outlets and the use of streams for sewage  
16 disposal. When necessary for the proper construction of any of the works  
17 described in this section ~~above~~ ~~provided~~, the right of appropriation  
18 shall extend such distance as may be necessary from the corporate limits  
19 of the city or village, except that no city of the first class, city of  
20 the ~~or~~ second class, or village may acquire through the exercise of the  
21 power of eminent domain or otherwise any real estate within the zoning  
22 jurisdiction of any other city of the first class, city of the ~~or~~ second  
23 class, or village for any of the works enumerated in this section if the  
24 use for which the real estate is to be acquired would be contrary to or  
25 would not be a use permitted by the existing zoning ordinances and  
26 regulations of such other city or village, but such real estate may be  
27 acquired within the zoning jurisdiction of another city of the first  
28 class, city of the ~~or~~ second class, or village for such contrary or  
29 nonpermitted use if the governing body of such other city or village  
30 approves ~~shall approve~~ such acquisition and use. Such power shall also  
31 include the right to appropriate for any of the ~~above~~ purposes described

1 in this section any plant or works already constructed, or any part  
2 thereof, whether such plant or works lie the same ~~lies~~ wholly within the  
3 city or village or part within and part without the city or village or  
4 beyond the corporate limits of such city or village, including all real  
5 estate, buildings, machinery, pipes, mains, hydrants, basins, and  
6 reservoirs, and all appurtenances reasonably necessary thereto and a part  
7 thereof, or connected with such works or plants, and all franchises to  
8 own and operate the same, if any. The procedure to condemn property shall  
9 be exercised in the manner set forth in sections 76-704 to 76-724, except  
10 as to property specifically excluded by section 76-703 and as to which  
11 sections 19-701 to 19-707 or the Municipal Natural Gas System  
12 Condemnation Act is applicable.

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

15 19-710 In cases of appeal from an action of the city council  
16 condemning real property as a nuisance or as dangerous under the police  
17 powers of the city, the owners of ~~the~~ adjoining property may intervene in  
18 the action at any time before trial.

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

21 19-901 (1) For the purpose of promoting health, safety, morals, or  
22 the general welfare of the community, the city council of a city  
23 ~~legislative bodies in cities~~ of the first class or city of the ~~and~~ second  
24 class or the village board of trustees of a village ~~and in villages~~ may  
25 adopt zoning regulations which regulate and restrict the height, number  
26 of stories, and size of buildings and other structures, the percentage of  
27 lots ~~lot~~ that may be occupied, the size of yards, courts, and other open  
28 spaces, the density of population, and the location and use of buildings,  
29 structures, and land for trade, industry, residence, or other purposes.

30 (2) Such powers shall be exercised only after the city council or  
31 village board of trustees ~~municipal legislative body~~ has established a

1 planning commission, received from its planning commission a recommended  
2 comprehensive development plan as defined in section 19-903, adopted such  
3 comprehensive development plan, and received the specific recommendation  
4 of the planning commission on the adoption or amendment of zoning  
5 regulations. The planning commission shall make a preliminary report and  
6 hold public hearings on its recommendations regarding the adoption or  
7 repeal of the comprehensive development plan and zoning regulations and  
8 shall hold public hearings thereon before submitting its final report to  
9 the city council or village board of trustees ~~legislative body~~.  
10 Amendments to the comprehensive plan or zoning regulations shall be  
11 considered at public hearings before submitting recommendations to the  
12 city council or village board of trustees ~~legislative body~~.

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

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

1 comprehensive plan prior to amending the zoning ordinance or zoning map.

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

4 19-902 (1) For any or all of the purposes designated in section  
5 19-901, the city council or village board of trustees may divide the  
6 municipality into districts of such number, shape, and area as may be  
7 deemed best suited to carry out the purposes of sections 19-901 to 19-914  
8 and may regulate and restrict the erection, construction, reconstruction,  
9 alteration, repair, or use of buildings, structures, or land within such  
10 ~~the~~ districts. All such regulations shall be uniform for each class or  
11 kind of buildings throughout each district, but the regulations  
12 applicable to one district may differ from those applicable to other  
13 districts. If a regulation affects the Niobrara scenic river corridor as  
14 defined in section 72-2006 and is not incorporated within the boundaries  
15 of the municipality, the Niobrara Council shall act on the regulation as  
16 provided in section 72-2010.

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



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

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

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

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

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

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

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

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

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

30 (4) Subdivision regulations and building, plumbing, electrical,  
31 housing, fire, or health codes or similar regulations and the adoption

1 thereof shall not be subject to sections 19-901 to 19-915.

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

4 19-903 The regulations and restrictions authorized by sections  
5 19-901 to 19-915 shall be in accordance with a comprehensive development  
6 plan which shall consist of both graphic and textual material and shall  
7 be designed to accommodate anticipated long-range future growth which  
8 shall be based upon documented population and economic projections. The  
9 comprehensive development plan shall, among other possible elements,  
10 include:

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

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

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

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

30 (5)(a) When next amended after January 1, 1995, an identification of  
31 sanitary and improvement districts, subdivisions, industrial tracts,

1 commercial tracts, and other discrete developed areas which are or in the  
2 future may be appropriate subjects for annexation and (b) a general  
3 review of the standards and qualifications that should be met to enable  
4 the municipality to undertake annexation of such areas. Failure of the  
5 plan to identify subjects for annexation or to set out standards or  
6 qualifications for annexation shall not serve as the basis for any  
7 challenge to the validity of an annexation ordinance.

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

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

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

25 19-904 The city council or village board of trustees legislative  
26 body of a such municipality which adopts zoning regulations and  
27 restrictions pursuant to sections 19-901 to 19-915 shall provide for the  
28 manner in which such regulations and restrictions, and the boundaries of  
29 such districts established pursuant to section 19-902, shall be  
30 determined, established, and enforced, and from time to time amended,  
31 supplemented, or changed. The city council or village board of trustees

1 ~~legislative body~~ shall receive the advice of the planning commission  
2 before taking definite action on any contemplated amendment, supplement,  
3 change, modification, or repeal. No such regulation, restriction, or  
4 boundary shall become effective until after separate public hearings are  
5 held by both the planning commission and the city council or village  
6 board of trustees ~~legislative body~~ in relation thereto, at which parties  
7 in interest and citizens shall have an opportunity to be heard. Notice of  
8 the time and place of such hearing shall be given by publication thereof  
9 in a legal newspaper in or ~~paper~~ of general circulation in such  
10 municipality at least one time ten days prior to such hearing.

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

13 19-904.01 The use of a building, structure, or land, existing and  
14 lawful at the time of the adoption of a zoning regulation, or at the time  
15 of an amendment of a regulation, may, except as provided in this section,  
16 be continued, although such use does not conform with provisions of such  
17 regulation or amendment. Such ~~;~~ ~~and such~~ use may be extended throughout  
18 the same building if no structural alteration of such building is  
19 proposed or made for the purpose of such extension. If such nonconforming  
20 use is in fact discontinued for a period of twelve months, such right to  
21 the nonconforming use shall be forfeited and any future use of the  
22 building and premises shall conform to the regulation. The city council  
23 or village board of trustees ~~municipal legislative body~~ may provide in  
24 any zoning regulation for the restoration, reconstruction, extension, or  
25 substitution of nonconforming uses upon such terms and conditions as may  
26 be set forth in the zoning regulations. The city council or village board  
27 of trustees ~~municipal legislative body~~ may, in any zoning regulation,  
28 provide for the termination of nonconforming uses, either by specifying  
29 the period or periods in which nonconforming uses shall be required to  
30 cease, or by providing a formula whereby the compulsory termination of a  
31 nonconforming use may be so fixed as to allow for the recovery of

1 amortization of the investment in the nonconformance, except that in the  
2 case of a legally erected outdoor advertising sign, display, or device,  
3 no amortization schedule shall be used.

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

6 19-905 Regulations, restrictions, and boundaries authorized to be  
7 created pursuant to sections 19-901 to 19-915 may from time to time be  
8 amended, supplemented, changed, modified, or repealed. In case of a  
9 protest against such change, signed by the owners of twenty percent or  
10 more either of the area of the lots included in such proposed change, or  
11 of those immediately adjacent on the sides and in the rear thereof  
12 extending three hundred feet therefrom, and of those directly opposite  
13 thereto extending three hundred feet from the street frontage of such  
14 opposite lots, and such change is not in accordance with the  
15 comprehensive development plan, such amendment shall not become effective  
16 except by the favorable vote of three-fourths of all the members of the  
17 city council or village board of trustees ~~legislative body~~ of such  
18 municipality. The provisions of section 19-904 relative to public  
19 hearings and official notice shall apply equally to all changes or  
20 amendments. In addition to the publication of the notice as provided in  
21 section 19-904 ~~therein prescribed~~, a notice shall be posted in a  
22 conspicuous place on or near the property on which action is pending.  
23 Such notice shall not be less than eighteen inches in height and twenty-  
24 four inches in width with a white or yellow background and black letters  
25 not less than one and one-half inches in height. Such posted notice shall  
26 be so placed upon such premises that it is easily visible from the street  
27 nearest the same and shall be so posted at least ten days prior to the  
28 date of such hearing. It shall be unlawful for anyone to remove,  
29 mutilate, destroy, or change such posted notice prior to such hearing.  
30 Any person so doing shall be deemed guilty of a misdemeanor punishable as  
31 provided in section 19-913. If the record title owners of any lots

1 included in such proposed change be nonresidents of the municipality,  
2 then a written notice of such hearing shall be mailed by certified mail  
3 to them addressed to their last-known addresses at least ten days prior  
4 to such hearing. At the option of the city council or village board of  
5 trustees ~~legislative body~~ of the municipality, in place of the posted  
6 notice provided in this section ~~above~~, the owners or occupants of the  
7 real estate to be zoned or rezoned and all real estate located within  
8 three hundred feet of the real estate to be zoned or rezoned may be  
9 personally served with a written notice thereof at least ten days prior  
10 to the date of the hearing, if they can be served with such notice within  
11 the county where such real estate is located. When ~~where~~ such notice  
12 cannot be served personally upon such owners or occupants in the county  
13 where such real estate is located, a written notice of such hearing shall  
14 be mailed to such owners or occupants addressed to their last-known  
15 addresses at least ten days prior to such hearing. The provisions of this  
16 section in reference to notice shall not apply (1) in the event of a  
17 proposed change in such regulations, restrictions, or boundaries  
18 throughout the entire area of an existing zoning district or of such  
19 municipality, or (2) in the event additional or different types of zoning  
20 districts are proposed, whether or not such additional or different  
21 districts are made applicable to areas, or parts of areas, already within  
22 a zoning district of the municipality, but only the requirements of  
23 section 19-904 shall be applicable.

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

26 19-907 Except as provided in section 19-912.01, the city council or  
27 village board of trustees of a municipality which has adopted zoning  
28 regulations pursuant to sections 19-901 to 19-915 ~~local legislative body~~  
29 shall provide for the appointment of a board of adjustment. Any actions  
30 taken by the board of adjustment shall not exceed the powers granted by  
31 section 19-910.

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

3           19-908 The board of adjustment appointed pursuant to section 19-907  
4 shall consist of five regular members, plus one additional member  
5 designated as an alternate who shall attend and serve only when one of  
6 the regular members is unable to attend for any reason, each to be  
7 appointed for a term of three years and removable for cause by the  
8 appointing authority upon written charges and after public hearings.  
9 Vacancies shall be filled for the unexpired term of any member whose term  
10 becomes vacant. One member only of the board of adjustment shall be  
11 appointed from the membership of the planning commission, and the loss of  
12 membership on the planning commission by such member shall also result in  
13 his or her immediate loss of membership on the board of adjustment and  
14 the appointment of another planning commissioner to the board of  
15 adjustment. After September 9, 1995, the first vacancy occurring on the  
16 board of adjustment shall be filled by the appointment of a person who  
17 resides in the extraterritorial zoning jurisdiction of the city or  
18 village at such time as more than two hundred persons reside within such  
19 area. Thereafter, at all times, at least one member of the board of  
20 adjustment shall reside outside of the corporate boundaries of the city  
21 or village but within its extraterritorial zoning jurisdiction. The board  
22 of adjustment shall adopt rules in accordance with the provisions of any  
23 ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the  
24 board of adjustment shall be held at the call of the chairperson and at  
25 such other times as the board may determine. Such chairperson, or in his  
26 or her absence the acting chairperson, may administer oaths and compel  
27 the attendance of witnesses. All meetings of the board of adjustment  
28 shall be open to the public. The board of adjustment shall keep minutes  
29 of its proceedings, showing the vote of each member upon each question,  
30 or, if absent or failing to vote, indicating such fact, and shall keep  
31 records of its examinations and other official actions, all of which

1 shall be immediately filed in the office of the board and shall be a  
2 public record.

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

5 19-909 Appeals to the board of adjustment may be taken by any person  
6 aggrieved or by any officer, department, board, or bureau of the  
7 municipality affected by any decision of the administrative officer. Such  
8 appeal shall be taken within a reasonable time, as provided by the rules  
9 of the board of adjustment, by filing with the officer from whom the  
10 appeal is taken and with the board of adjustment a notice of appeal  
11 specifying the grounds for such appeal thereof. The officer from whom the  
12 appeal is taken shall forthwith transmit to the board of adjustment all  
13 the papers constituting the record upon which the action appealed from  
14 was taken. An appeal stays all proceedings in furtherance of the action  
15 appealed from, unless the officer from whom the appeal is taken certifies  
16 to the board of adjustment, after the notice of appeal shall have been  
17 filed with him or her, that by reason of facts stated in the certificate  
18 a stay would, in his or her opinion, cause imminent peril to life or  
19 property. In such case proceedings shall not be stayed otherwise than by  
20 a restraining order which may be granted by the board of adjustment or by  
21 a court of record on application on notice to the officer from whom the  
22 appeal is taken and on due cause shown. The board of adjustment shall fix  
23 a reasonable time for the hearing of the appeal, give public notice  
24 thereof, as well as due notice to the parties in interest, and decide the  
25 same within a reasonable time. Upon the hearing any party may appear in  
26 person or by agent or by attorney.

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

29 19-910 (1) The board of adjustment appointed pursuant to section  
30 19-907 shall, subject to such appropriate conditions and safeguards as  
31 may be established by the city council or village board of trustees



1 ~~legislative body~~, have only the following powers: (a) To hear and decide  
2 appeals when it is alleged there is error in any order, requirement,  
3 decision, or determination made by an administrative official or agency  
4 based on or made in the enforcement of any zoning regulation or any  
5 regulation relating to the location or soundness of structures, except  
6 that the authority to hear and decide appeals shall not apply to  
7 decisions made under subsection (3) of section 19-929; (b) to hear and  
8 decide, in accordance with the provisions of any zoning regulation,  
9 requests for interpretation of any map; and (c) when by reason of  
10 exceptional narrowness, shallowness, or shape of a specific piece of  
11 property at the time of the enactment of the zoning regulations, or by  
12 reason of exceptional topographic conditions or other extraordinary and  
13 exceptional situation or condition of such piece of property, the strict  
14 application of any enacted regulation under this section and sections  
15 19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and  
16 exceptional practical difficulties to or exceptional and undue hardships  
17 upon the owner of such property, to authorize, upon an appeal relating to  
18 the property, a variance from such strict application so as to relieve  
19 such difficulties or hardship, if such relief may be granted without  
20 substantial detriment to the public good and without substantially  
21 impairing the intent and purpose of any zoning regulation ordinance or  
22 resolution.

23 (2) No such variance shall be authorized by the board of adjustment  
24 unless it finds that: (a) The strict application of the zoning regulation  
25 would produce undue hardship; (b) such hardship is not shared generally  
26 by other properties in the same zoning district and the same vicinity;  
27 (c) the authorization of such variance will not be of substantial  
28 detriment to adjacent property and the character of the district will not  
29 be changed by the granting of the variance; and (d) the granting of such  
30 variance is based upon reason of demonstrable and exceptional hardship as  
31 distinguished from variations for purposes of convenience, profit, or

1 caprice. No variance shall be authorized unless the board of adjustment  
2 finds that the condition or situation of the property concerned or the  
3 intended use of the property is not of so general or recurring a nature  
4 as to make reasonably practicable the formulation of a general regulation  
5 to be adopted as an amendment to the zoning regulations.

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

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

19 19-911 Notwithstanding the provisions of sections 19-907 and 19-908,  
20 the village board of trustees ~~legislative body of a village~~ may, except  
21 as set forth in section 19-912.01, provide by ordinance that it shall  
22 constitute a board of adjustment, and in the regulations and restrictions  
23 adopted pursuant to the authority of sections 19-901 to 19-905 may  
24 provide that as such board of adjustment it may exercise only the powers  
25 granted to boards of adjustment by section 19-910. As such board of  
26 adjustment, the village board of trustees ~~it~~ shall adopt rules and  
27 procedures that are in harmony with sections 19-907 to 19-910~~7~~, and shall  
28 have the powers and duties of a board of adjustment ~~therein~~ provided for  
29 in such sections ~~the board of adjustment~~, and other parties shall have  
30 all the rights and privileges ~~therein~~ provided for in such sections. The  
31 concurring vote of two-thirds of the members of the village board of

1 ~~trustees legislative body~~ acting as a board of adjustment shall decide  
2 any question upon which it is required to pass as such board of  
3 adjustment.

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

6 19-912 Any person or persons, jointly or severally, aggrieved by any  
7 decision of the board of adjustment, or any taxpayer, or any officer,  
8 department, board, or bureau of the municipality, may present to the  
9 district court a petition duly verified, setting forth that such decision  
10 is illegal, in whole or in part, and specifying the grounds of such  
11 illegality. Such petition must be presented to the court within fifteen  
12 days after the filing of the decision in the office of the board of  
13 adjustment. Upon the filing of such petition a summons shall be issued  
14 and be served upon the board of adjustment, together with a copy of the  
15 petition. Return of service shall be made within four days after the  
16 issuance of the summons. Within ten days after the return day of such  
17 summons, the board of adjustment shall file an answer to such said  
18 petition which shall admit or deny the substantial allegations ~~averments~~  
19 of the petition, and shall state the contentions of the board of  
20 adjustment with reference to the matters in dispute as disclosed by the  
21 petition. The answer shall be verified in like manner as required for the  
22 petition. At the expiration of the time for filing answer, the court  
23 shall proceed to hear and determine the cause without delay and shall  
24 render judgment thereon according to the forms of law. If, upon the  
25 hearing, it shall appear to the court that testimony is necessary for the  
26 proper disposition of the matter, the court ~~it~~ may take evidence or  
27 appoint a referee to take such evidence as it may direct and report the  
28 same to the court with his or her findings of fact and conclusions of  
29 law, which shall constitute a part of the proceedings upon which the  
30 determination of the court shall be made. The court may reverse or  
31 affirm, wholly or partly, or may modify the decision brought up for

1 review. ~~Such said~~ appeal to the district court shall not stay proceedings  
2 upon the decision appealed from, but the court may, on application, on  
3 notice to the board of adjustment and on due cause shown, grant a  
4 restraining order. Any appeal from such judgment of the district court  
5 shall be prosecuted in accordance with the general laws of the state  
6 regulating appeals in actions at law.

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

9 19-912.01 The zoning board of adjustment of a county that has  
10 adopted a comprehensive development plan, as defined by section  
11 23-114.02, and is enforcing zoning regulations based upon such a plan,  
12 shall, upon request of the governing body of a ~~village or second-class~~  
13 city of the second class or village, serve as the zoning board of  
14 adjustment for such ~~village or city of the second class or village in~~  
15 that county. A city of the first class may request that the county zoning  
16 board of adjustment of the county in which it is located serve as that  
17 city's zoning board of adjustment, and such county government shall  
18 comply with that request within ninety days. A municipality located in  
19 more than one county shall be served by request or otherwise only by the  
20 county zoning board of adjustment of the county in which the greatest  
21 area of the municipality is located, and the jurisdiction of such county  
22 zoning board of adjustment shall include all portions of the municipality  
23 and its ~~area of extraterritorial zoning jurisdiction control~~, regardless  
24 of county lines. In a county in which ~~where there is~~ a city of the  
25 primary class is located, the board of zoning appeals, created under  
26 section 23-174.09, may serve in the same capacity for all cities of the  
27 second class and villages in place of a zoning board of adjustment.

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

30 19-913 The city council or village board of trustees ~~local~~  
31 ~~legislative body~~ may provide by ordinance for the enforcement of sections

1 19-901 to 19-915, and of any ordinance, regulation, or restriction made  
2 thereunder. A violation of such sections or of such ordinance or  
3 regulation is hereby declared to be a misdemeanor, and such city council  
4 or village board of trustees ~~local legislative body~~ may provide for the  
5 punishment thereof by fine of not exceeding one hundred dollars for any  
6 one offense, recoverable with costs, or by imprisonment in the county  
7 jail for a term not to exceed thirty days. Each day such violation  
8 continues after notice of violation is given to the offender may be  
9 considered a separate offense. In case any building or structure is  
10 erected, constructed, reconstructed, altered, repaired, converted, or  
11 maintained, or any building, structure, or land is used in violation of  
12 ~~said~~ sections 19-901 to 19-915 or of any ordinance or other regulation  
13 made under such sections ~~authority conferred hereby~~, the proper local  
14 authorities of the municipality, in addition to other remedies, may  
15 institute any appropriate action or proceedings to prevent such unlawful  
16 erection, construction, reconstruction, alteration, repair, conversion,  
17 maintenance, or use, to restrain, correct, or abate such violation, to  
18 prevent the occupancy of such ~~said~~ building, structure, or land, or to  
19 prevent any illegal act, conduct, business, or use in or about such  
20 premises.

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

23 19-914 Whenever the regulations made pursuant to ~~under authority of~~  
24 sections 19-901 to 19-905 require a greater width or size of yards,  
25 courts, or other open spaces, or require a lower height of building or  
26 less number of stories, or require a greater percentage of lot to be left  
27 unoccupied, or impose other higher standards than are required in any  
28 other statute, local ordinance, or regulation, the provisions of the  
29 regulations made under authority of such ~~said~~ sections shall govern.  
30 Wherever the provisions of any other statute or local ordinance or  
31 regulation require a greater width or size of yards, courts, or other

1 open spaces, or require a lower height of building or a less number of  
2 stories, or require a greater percentage of lot to be left unoccupied, or  
3 impose other higher standards than are required by the regulations made  
4 under authority of such ~~said~~ sections, the provisions of such statute,  
5 local ordinance, or regulation shall govern.

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

8 19-915 (1) When any city of the first class, city of the ~~or~~ second  
9 class, or ~~any~~ village has enacted zoning regulations pursuant to sections  
10 19-901 to 19-915 ~~in accordance with statutory authority~~ and as a part of  
11 such regulations has bounded and defined the various zoning or building  
12 districts with reference to a zoning map, such zoning or building  
13 districts may from time to time, be changed, modified, or terminated, or  
14 additional or different zoning or building districts may from time to  
15 time be created, changed, modified, or terminated, by an appropriate  
16 amendatory action which describes the changed, modified, terminated, or  
17 created zone or district or part thereof by legal description or metes  
18 and bounds, or by republishing a part only of the original zoning map,  
19 and without republishing the original zoning map as a part of the  
20 amendatory action and without setting forth and repealing the entire  
21 section or ordinance adopting the rezoning maps, or a part of the zoning  
22 map, as a part of the amendatory action, notwithstanding the provisions  
23 of section 16-404 or 17-614.

24 (2) When any city of the first class, city of the ~~or~~ second class,  
25 or ~~any~~ village has, prior to March 21, 1969, changed the boundaries of a  
26 zoning or building district without compliance with section 16-404 or  
27 17-614, any such amendments of the zoning ordinances shall stand as valid  
28 ~~and subsisting~~ amendments until repealed and the action of any such city  
29 or village in executing any such amendment is expressly ratified by the  
30 Legislature.

31 Sec. 83. Section 19-916, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       19-916 (1) The city council of any city of the first class or city  
3 of the second class or the village board of trustees of any village local  
4 ~~legislative body~~ shall have power by ordinance to provide the manner,  
5 plan, or method by which land within the corporate limits of any such  
6 city or village municipality, or land within the area designated by a  
7 city of the first class pursuant to subsection (1) of section 16-902 or  
8 within the area designated by a city of the second class or village  
9 pursuant to subsection (1) of section 17-1002, may be subdivided,  
10 platted, or laid out, including a plan or system for the avenues,  
11 streets, or alleys to be laid out within or across such land, and to  
12 compel the owners of any such land that are subdividing, platting, or  
13 laying out such land to conform to the requirements of the ordinance and  
14 to lay out and dedicate the avenues, streets, and alleys in accordance  
15 with the ordinance as provided in sections 16-901 to 16-905 and sections  
16 17-1001 to 17-1004. No addition shall have any validity, right, or  
17 privileges as an addition, and no plat of land or, in the absence of a  
18 plat, no instrument subdividing land within the corporate limits of any  
19 such municipality or of any land within the area designated by a city of  
20 the first class pursuant to subsection (1) of section 16-902 or within  
21 the area designated by a city of the second class or village pursuant to  
22 subsection (1) of section 17-1002, shall be recorded or have any force or  
23 effect, unless the plat or instrument is approved by the city council or  
24 village board of trustees ~~legislative body~~, or its designated agent, and  
25 ~~such the legislative body's or agent's~~ approval is endorsed on such plat  
26 or instrument.

27       (2) The city council or village board of trustees ~~legislative body~~  
28 may designate by ordinance an employee of such city or village to approve  
29 further subdivision of existing lots and blocks whenever all required  
30 public improvements have been installed, no new dedication of public  
31 rights-of-way or easements is involved, and such subdivision complies

1 with the ordinance requirements concerning minimum areas and dimensions  
2 of such lots and blocks.

3 (3) All additions laid out contiguous or adjacent to the corporate  
4 limits of a city of the first class, city of the second class, or village  
5 may be included within the corporate limits and become a part of such  
6 municipality for all purposes whatsoever if approved by the city council  
7 or village board of trustees ~~legislative body of the city or village~~  
8 under this subsection. The proprietor or proprietors of any land within  
9 the corporate limits of any city of the first class, city of the ~~or~~  
10 second class, or village, or of any land contiguous or adjacent to the  
11 corporate limits of such city or village, may lay out such land into  
12 lots, blocks, streets, avenues, alleys, and other grounds under the name  
13 of ..... Addition to the City or Village of ....., and shall  
14 cause an accurate map or plat thereof to be made out, designating  
15 explicitly the land so laid out and particularly describing the lots,  
16 blocks, streets, avenues, alleys, and other grounds belonging to such  
17 addition. The lots shall be designated by numbers, and streets, avenues,  
18 and other grounds, by names or numbers. Such plat shall be acknowledged  
19 before some officer authorized to take the acknowledgments of deeds,  
20 shall contain a dedication of the streets, alleys, and public grounds  
21 therein to the use and benefit of the public, and shall have appended a  
22 survey made by some competent surveyor with a certificate attached,  
23 certifying that he or she has accurately surveyed such addition and that  
24 the lots, blocks, streets, avenues, alleys, parks, commons, and other  
25 grounds are well and accurately staked off and marked. The addition may  
26 become part of the municipality at such time as the addition is approved  
27 by the city council or village board of trustees ~~legislative body~~ if (a)  
28 after giving notice of the time and place of the hearing as provided in  
29 section 19-904, the planning commission and the city council or village  
30 board of trustees ~~legislative body~~ both hold public hearings on the  
31 inclusion of the addition within the corporate limits and (b) the city



1 ~~council or village board of trustees legislative body~~ votes to approve  
2 the inclusion of the addition within the corporate boundaries of the  
3 municipality in a separate vote from the vote approving the addition.  
4 Such hearings shall be separate from the public hearings held regarding  
5 approval of the addition. If the city council or village board of  
6 trustees ~~legislative body~~ includes the addition within the corporate  
7 limits, the inhabitants of such addition shall be entitled to all the  
8 rights and privileges and shall be subject to all the laws, ordinances,  
9 rules, and regulations of the municipality to which such land is an  
10 addition. When such map or plat is made out, acknowledged, and certified,  
11 and has been approved by the city council or village board of trustees  
12 ~~local legislative body~~, the map or plat shall be filed and recorded in  
13 the office of the register of deeds and county assessor of the county. If  
14 the city council or village board of trustees ~~legislative body~~ includes  
15 the addition within the corporate limits, such map or plat shall be  
16 equivalent to a deed in fee simple absolute to the municipality from the  
17 proprietor of all streets, avenues, alleys, public squares, parks, and  
18 commons, and of such portion of the land as is therein set apart for  
19 public and municipal use, or is dedicated to charitable, religious, or  
20 educational purposes.

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

23 19-917 A city of the first class, city of the second class, or  
24 village may vacate ~~Power is hereby given to such municipality through its~~  
25 ~~governing body by proper ordinance therefor duly enacted to vacate any~~  
26 ~~such~~ existing plat and addition to such ~~the~~ municipality or such part or  
27 parts thereof as such municipality may deem advantageous and best for its  
28 interests, and the power hereby granted shall be exercised by such  
29 municipality upon the petition of the owner or all the owners of lots or  
30 lands in such plat or addition. Such ordinance vacating such plat or  
31 addition shall specify whether, and, if any, what public highways,

1 streets, alleys, and public grounds thereof are to be retained by such  
2 municipality. ~~Any ; otherwise~~ such ways, streets, and public grounds not  
3 retained shall upon such vacation revert to the owner or owners of lots  
4 or lands abutting such ways, streets, and public grounds ~~the same~~ in  
5 proportion to the respective ownerships of such lots or grounds. In case  
6 of total or partial vacation of such plat or addition, the ordinance  
7 providing therefor shall be, at the cost of the owner or owners,  
8 certified to the office of the register of deeds and be there recorded by  
9 the owner or owners. The register of deeds ~~whereupon said officer~~ shall  
10 note such total or partial vacation of such plat or addition by writing  
11 in plain and legible letters upon such plat or portion thereof so vacated  
12 the word vacated, and also make on the same reference to the volume and  
13 page in which such ~~said~~ ordinance of vacation is recorded, ; ~~and~~ the  
14 owner or owners of the lots and lands in a plat so vacated shall cause  
15 the same and the proportionate part of the abutting highway, streets,  
16 alleys, and public grounds so vacated to be replatted and numbered by the  
17 city surveyor or county surveyor. When such replat so executed is  
18 acknowledged by such owner or owners and is recorded in the office of the  
19 register of deeds of such county, ; such property so replatted may be  
20 conveyed and assessed by the numbers given in such replat.

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

23 19-918 No owner of real estate within the corporate limits of a city  
24 of the first class, city of the second class, or village ~~such~~  
25 ~~municipality~~ shall be permitted to subdivide, plat, or lay out such ~~said~~  
26 real estate into blocks, lots, streets, or other portions of the same  
27 intended to be dedicated for public use, or for the use of the purchasers  
28 or owners of lots fronting thereon or adjacent thereto, without first  
29 having obtained the approval thereof of the city council or village board  
30 of trustees governing body ~~of~~ such municipality or its agent designated  
31 pursuant to section 19-916. Any and all additions to be made to the

1 municipality shall be made, so far as such additions ~~the same~~ relate to  
2 the avenues, streets, and alleys therein, under and in accordance with  
3 the provisions of sections 19-916 to 19-918.

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

6 19-919 No plat of or instruments effecting the subdivision of real  
7 property described in section 19-918 shall be recorded or have any force  
8 and effect unless such plat is ~~the same~~ be approved by the city council  
9 or village board of trustees ~~governing body~~ of such municipality or its  
10 agent designated pursuant to section 19-916. The city council or village  
11 board of trustees ~~governing body~~ of such municipality shall have power,  
12 by ordinance, to provide the manner, plan, or method by which real  
13 property in any such area may be subdivided, platted, or laid out,  
14 including a plan or system for the avenues, streets, or alleys to be laid  
15 out within or across the same, ~~and~~ and to prohibit the sale or offering for  
16 sale of, and the construction of buildings and other improvements on, any  
17 lots or parts of real property not subdivided, platted, or laid out as  
18 required in sections 19-918 and 19-920.

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

21 19-920 The city council of any city of the first class or city of  
22 the second class or the board of trustees of any village ~~governing body~~  
23 shall have power to compel the owner of any real property described in  
24 section 19-918 in subdividing, platting, or laying out the same to  
25 conform to the requirements of the ordinance and to lay out and dedicate  
26 the avenues, streets, and alleys in accordance therewith.

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

29 19-921 For the purposes of sections 16-901 to 16-905 and 19-916 to  
30 19-920, in the area where a city of the first class, city of the second  
31 class, or village ~~the municipality~~ has a comprehensive plan and has

1 adopted subdivision regulations pursuant thereto, subdivision shall mean  
2 the division of lot, tract, or parcel of land into two or more lots,  
3 sites, or other divisions of land for the purpose, whether immediate or  
4 future, of ownership or building development, except that the division of  
5 land shall not be considered to be a subdivision when the smallest parcel  
6 created is more than ten acres in area.

7 Sec. 89. Section 19-922, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 19-922 Any standard code adopted and approved by a city of the first  
10 class, city of the second class, or village as provided in section 18-132  
11 and the building permit requirements or occupancy permit requirements  
12 imposed by any such code or by section 19-913 shall apply to all of the  
13 city or village and within the extraterritorial unincorporated area where  
14 a city or village has been granted zoning jurisdiction of such city or  
15 village and is exercising such jurisdiction.

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

18 19-923 (1) In order to provide for orderly school planning and  
19 development, a city of the first class, city of the second class, or  
20 village municipality considering the adoption or amendment of a zoning  
21 ordinance or approval of the platting or replatting of any development of  
22 real estate shall notify the board of education of each school district  
23 in which the real estate, or some part thereof, to be affected by such a  
24 proposal lies, of the next regular meeting of the planning commission at  
25 which such proposal is to be considered and shall submit a copy of the  
26 proposal to the board of education at least ten days prior to such  
27 meeting.

28 (2) When a city of the first class, city of the second class, or  
29 village municipality is considering the adoption or amendment of a zoning  
30 ordinance or the approval of the platting or replatting of any  
31 development of real estate, such city or village the municipality shall

1 notify any military installation which is located within the corporate  
2 boundary limits or the extraterritorial zoning jurisdiction of the city  
3 or village municipality if the city or village municipality has received  
4 a written request for such notification from the military installation.  
5 The city or village municipality shall deliver the notification to the  
6 military installation at least ten days prior to the meeting of the  
7 planning commission at which the proposal is to be considered.

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

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

17 19-925 Any city of the first class, city of the second class, or  
18 village municipality is hereby authorized and empowered to make, adopt,  
19 amend, extend, and carry out a municipal plan as provided in sections  
20 19-925 19-924 to 19-933 and to create by ordinance a planning commission  
21 with the powers and duties set forth in such sections. The planning  
22 commission of a city shall be designated the city planning commission or  
23 city plan commission, and the planning commission of a village shall be  
24 designated the village planning commission or village plan commission.

25 Sec. 92. Section 19-926, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 19-926 (1) The planning commission of a city of the first class,  
28 city of the second class, or village shall consist of nine regular  
29 members who shall represent, ~~insofar as~~ as far as possible, the different  
30 professions or occupations in the city or village municipality and shall  
31 be appointed by the mayor, by and with the approval of a majority vote of

1 the members of elected to the city council or by the chairperson of the  
2 village board of trustees by and with the approval of a majority vote of  
3 the members of the village board of trustees. Two of the regular members  
4 may be residents of the area designated pursuant to section 16-902 or  
5 17-1001 over which the city or village is exercising extraterritorial  
6 zoning jurisdiction over which the municipality is authorized to exercise  
7 extraterritorial zoning and subdivision regulation. When there is a  
8 sufficient number of residents in such area over which the city or  
9 village the area over which the municipality exercises extraterritorial  
10 zoning jurisdiction and subdivision regulation, one regular member of the  
11 commission shall be a resident from such area. If it is determined by the  
12 city council or village board of trustees that a sufficient number of  
13 residents reside in such area the area subject to extraterritorial zoning  
14 or subdivision regulation, and no such resident is a regular member of  
15 the commission, the first available vacancy on the commission shall be  
16 filled by the appointment of such an individual. For purposes of this  
17 section, a sufficient number of residents shall mean: (a) For a village,  
18 two hundred residents; (b) for a city of the second class, five hundred  
19 residents; and (c) for a city of the first class, one thousand residents.  
20 A number of commissioners equal to a majority of the number of regular  
21 members appointed to the commission shall constitute a quorum for the  
22 transaction of any business. All regular members of the commission shall  
23 serve without compensation. The term of each regular member shall be  
24 three years, except that three regular members of the first commission to  
25 be so appointed shall serve for terms of one year, three for terms of two  
26 years, and three for terms of three years. All regular members shall hold  
27 office until their successors are appointed. Any member may, after a  
28 public hearing before the city council or village board of trustees, be  
29 removed by the mayor with the consent of a majority vote of the members  
30 of elected to the city council or by the chairperson of the village board  
31 of trustees with the consent of a majority vote of the members of the

1 village board of trustees for inefficiency, neglect of duty or  
2 malfeasance in office, or other good and sufficient cause. Vacancies  
3 occurring otherwise than through the expiration of term shall be filled  
4 for the unexpired portion of the term by appointment by the mayor or the  
5 chairperson of the village board of trustees.

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

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

1 full number of regular commission members is present and capable of  
2 voting.

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

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

11 19-927 The planning commission of a city of the first class, city of  
12 the second class, or village shall elect its chairperson from its members  
13 and create and fill such other of its offices as it may determine. The  
14 term of the chairperson shall be one year, and he or she shall be  
15 eligible for reelection. The commission shall hold at least one regular  
16 meeting in each calendar quarter, except the city council or village  
17 board of trustees ~~municipal governing body~~ may require the commission to  
18 meet more frequently and the chairperson of the commission may call for a  
19 meeting when necessary to deal with business pending before the  
20 commission. The commission shall adopt rules and regulations for the  
21 transaction of business and shall keep a record of its resolutions,  
22 transactions, findings, and determinations, which shall be a public  
23 record.

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

26 19-928 The city council or village board of trustees may provide the  
27 funds, equipment, and accommodations necessary for the work of the  
28 planning commission of a city of the first class, city of the second  
29 class, or village, but the expenditures of the commission, exclusive of  
30 gifts, shall be within the amounts appropriated for that purpose by the  
31 city council or village board of trustees. No ; and no expenditures or



1 ~~not~~ agreements for expenditures shall be valid in excess of such amounts.

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

4       19-929 (1) Except as provided in sections 19-930 to 19-933, the  
5 planning commission of a city of the first class, city of the second  
6 class, or village shall (a) make and adopt plans for the physical  
7 development of the city or village ~~municipality~~, including any areas  
8 outside its boundaries which in the commission's judgment bear relation  
9 to the planning of such city or village ~~municipality~~ and including a  
10 comprehensive development plan as defined by section 19-903, (b) prepare  
11 and adopt such implemental means as a capital improvement program,  
12 subdivision regulations, building codes, and a zoning ordinance in  
13 cooperation with other interested municipal departments, and (c) consult  
14 with and advise public officials and agencies, public utilities, civic  
15 organizations, educational institutions, and citizens with relation to  
16 the promulgation and implementation of the comprehensive development plan  
17 and its implemental programs. The commission may delegate authority to  
18 any such group to conduct studies and make surveys for the commission,  
19 make preliminary reports on its findings, and hold public hearings before  
20 submitting its final reports. The city council or village board of  
21 trustees ~~municipal governing body~~ shall not take final action on matters  
22 relating to the comprehensive development plan, capital improvements,  
23 building codes, subdivision development, ~~the~~ annexation of territory, or  
24 zoning until it has received the recommendation of the planning  
25 commission if such commission in fact has been created and is existent.  
26 The city council or village board of trustees ~~governing body~~ shall by  
27 ordinance set a reasonable time within which the recommendation from the  
28 planning commission is to be received. A recommendation from the planning  
29 commission shall not be required for subdivision of existing lots and  
30 blocks whenever all required public improvements have been installed, no  
31 new dedication of public rights-of-way or easements is involved, and such

1 subdivision complies with the ordinance requirements concerning minimum  
2 areas and dimensions of such lots and blocks, if the city council or  
3 village board of trustees ~~governing body~~ has designated, by ordinance, an  
4 agent pursuant to section 19-916.

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

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

18 (3) The planning commission may grant conditional uses or special  
19 exceptions to property owners for the use of their property if the city  
20 council or village board of trustees ~~municipal governing body~~ has,  
21 through a zoning ordinance or special ordinance, generally authorized the  
22 commission to exercise such powers and has approved the standards and  
23 procedures adopted by the commission for equitably and judiciously  
24 granting such conditional uses or special exceptions. The granting of a  
25 conditional use permit or special exception shall only allow property  
26 owners to put their property to a special use if it is among those uses  
27 specifically identified in the zoning ordinance as classifications of  
28 uses which may require special conditions or requirements to be met by  
29 the owners before a use permit or building permit is authorized. The  
30 power to grant conditional uses or special exceptions shall be the  
31 exclusive authority of the commission, except that the city council or

1 ~~village board of trustees municipal governing body~~ may choose to retain  
2 for itself the power to grant conditional uses or special exceptions for  
3 those classifications of uses specified in the zoning ordinance. The city  
4 ~~council or village board of trustees municipal governing body~~ may  
5 exercise such power if it has formally adopted standards and procedures  
6 for granting such conditional uses or special exceptions in a manner that  
7 is equitable and will promote the public interest. An appeal of a  
8 decision by the commission or the city council or village board of  
9 ~~trustees municipal governing body~~ regarding a conditional use or special  
10 exception shall be made to the district court.

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

13       19-930 (1) For any matter within the jurisdiction of a  
14 ~~municipality's~~ planning commission of a city of the first class, city of  
15 the second class, or village relating to that portion of the  
16 extraterritorial ~~municipality's~~ zoning jurisdiction of the city or  
17 village as defined in section 16-901 or 17-1001 ~~outside the corporate~~  
18 ~~limits of the municipality~~ which is within a county other than the county  
19 in which the city or village ~~municipality~~ is located, the powers, duties,  
20 responsibilities, and functions of the planning commission of the city or  
21 village ~~municipality~~ with regard to such matter shall be assumed by the  
22 ~~municipality's~~ interjurisdictional planning commission of the city or  
23 village established under section 19-931 when the formation of such a  
24 commission is requested by either the city or village ~~municipality~~ or the  
25 county within which the city or village ~~municipality~~ is not located as  
26 provided in subsection (2) of this section.

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

1 zoning jurisdiction may, by formal resolution of a majority of the voting  
2 members of the city council, village board of trustees, or county board  
3 ~~its governing body~~, request the formation of an interjurisdictional  
4 planning commission to exercise the jurisdiction granted by sections  
5 19-930 to 19-933. Such resolution shall be transmitted to the appropriate  
6 city or village municipality or county and its receipt formally  
7 acknowledged.

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

10       19-931 The interjurisdictional planning commission of a city of the  
11 first class, city of the second class, or village municipality shall  
12 consist of six members. Three members shall be chosen from the membership  
13 of the planning commission of the city or village by the mayor ~~of the~~  
14 ~~municipality~~ with the approval of the city council or by the chairperson  
15 of the village board of trustees with the approval of the village board  
16 of trustees from the membership of the municipality's planning  
17 ~~commission~~. Three members shall be chosen by the county board of the  
18 county within which the city or village municipality exercises zoning  
19 jurisdiction under the circumstances specified in section 19-930. The  
20 three members chosen by the county board shall be members of the county  
21 planning commission as described in section 23-114.01. Members of the  
22 interjurisdictional planning commission shall serve without compensation  
23 and without reimbursement for expenses incurred pursuant to carrying out  
24 sections 19-930 to 19-933 for terms of one year. Members shall hold  
25 office until their successors are appointed and qualified. Vacancies  
26 shall be filled by appointment by the body which appointed the member  
27 creating the vacancy.

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

30       19-932 A city or village municipality exercising extraterritorial  
31 zoning jurisdiction under the circumstances set out in section 19-930

1 shall create an interjurisdictional planning commission by ordinance  
2 within sixty days after the formal passage of a resolution pursuant to  
3 subsection (2) of section 19-930. All matters filed with the city or  
4 village municipality within ninety days after such date which are  
5 properly within the jurisdiction of the interjurisdictional planning  
6 commission shall, after the effective date of the ordinance, be referred  
7 to such commission until such time as both the city or village  
8 ~~municipality~~ and the county agree by majority vote of each governing body  
9 to eliminate the interjurisdictional planning commission and transfer its  
10 jurisdiction to the planning commission of the city or village  
11 ~~municipality~~.

12 Sec. 99. Section 19-1101, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 19-1101 The city treasurer or village treasurer of each city or  
15 village that has a population of not more than one hundred thousand  
16 inhabitants as determined by the most recent federal decennial census or  
17 the most recent revised certified count by the United States Bureau of  
18 the Census shall prepare and publish annually within sixty days after the  
19 close of its municipal fiscal year a statement of the receipts and  
20 expenditures of funds of the city or village for the preceding fiscal  
21 year. The statement shall also include the information required by  
22 subsection (3) of section 16-318 or subsection (2) of section 17-606. Not  
23 more than the legal rate provided for in section 33-141 shall be charged  
24 and paid for such publication.

25 Sec. 100. Section 19-1102, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 19-1102 It shall be the duty of each ~~village or~~ city clerk or  
28 village clerk in every village or city or village having a population of  
29 not more than one hundred thousand inhabitants as determined by the most  
30 recent federal decennial census or the most recent revised certified  
31 count by the United States Bureau of the Census to prepare and publish

1 the official proceedings of the ~~village or city board,~~ council, or  
2 village board of trustees ~~commission~~ within thirty days after any meeting  
3 of the ~~city board,~~ council, or village board of trustees ~~commission~~. The  
4 publication shall be in a legal newspaper in or of general circulation in  
5 the ~~village or city or village,~~ shall set forth a statement of the  
6 proceedings of the meeting, and shall also include the amount of each  
7 claim allowed, the purpose of the claim, and the name of the claimant,  
8 except that the aggregate amount of all payroll claims may be included as  
9 one item. Between July 15 and August 15 of each year, the employee job  
10 titles and the current annual, monthly, or hourly salaries corresponding  
11 to such job titles shall be published. Each job title published shall be  
12 descriptive and indicative of the duties and functions of the position.  
13 The charge for the publication shall not exceed the rates provided for in  
14 section 23-122.

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

17 19-1103 Publication under sections 19-1101 and 19-1102 shall be made  
18 in one legal newspaper in or of general circulation in such ~~village or~~  
19 city or village. If no legal newspaper in or of general circulation is  
20 published in the ~~village or city or village,~~ then such publication shall  
21 be made in one legal newspaper published in or of general circulation  
22 within the county in which such ~~village or city or village~~ is located.  
23 The cost of publication shall be paid out of the general funds of such  
24 ~~village or city or village~~.

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

27 19-1104 Any ~~village or city clerk,~~ village clerk, city treasurer, or  
28 village treasurer, failing or neglecting to comply with ~~the provisions of~~  
29 sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and  
30 shall, upon conviction, be fined, not to exceed twenty-five dollars, and  
31 be liable, in addition to removal from office for such failure or

1 neglect.

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

4 19-1301 All cities of the first class, cities of the and second  
5 class, and ~~all~~ villages, are hereby empowered to receive money or  
6 property by donation, bequest, gift, devise, or otherwise for the benefit  
7 of any one or more of the public purposes for which sinking funds are  
8 established by ~~the provisions of~~ sections 19-1301 to 19-1304, as  
9 stipulated by the donor. ~~Title~~ The title to any the money or property so  
10 donated shall vest in the city councils or village boards of trustees  
11 ~~local governing bodies~~ of such said cities or villages, or in their  
12 successors in office, who shall become the owners thereof in trust to the  
13 uses of such said sinking fund or funds. ~~In the event of a ; Provided, if~~  
14 ~~the donation of~~ be real estate, such city councils or village boards of  
15 trustees ~~said local governing bodies~~ may manage such real estate ~~the same~~  
16 as in the case of real estate donated to their respective municipalities  
17 for municipal library purposes under ~~the provisions of~~ sections 51-215  
18 and 51-216.

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

21 19-1302 The city council ~~local governing body~~ of any city of the  
22 first class or city of the second class or the village board of trustees  
23 of any village, subject to all the limitations set forth in sections  
24 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed  
25 ten and five-tenths cents on each one hundred dollars in any one year  
26 upon the taxable value of all the taxable property within such  
27 municipality for a term of not to exceed ten years, in addition to the  
28 amount of tax which may be annually levied for the purposes of the  
29 adopted budget statement of such municipality, for the purpose of  
30 establishing a sinking fund for the construction, purchase, improvement,  
31 extension, original equipment, or repair, not including maintenance, of

1 any one or more of the following public improvements, including  
2 acquisition of any land incident to the making thereof: Municipal  
3 libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses  
4 ~~house~~ for social or recreational purposes; city or village halls ~~hall~~;  
5 municipal public libraries ~~library~~, auditoriums ~~auditorium~~, or community  
6 houses ~~house~~ in a single building; municipal swimming pools ~~pool~~ and  
7 ~~appurtenances thereto~~; municipal jails ~~jail~~; municipal fire stations  
8 ~~building to house equipment or personnel of a fire department~~, together  
9 with firefighting equipment or apparatus; municipal parks ~~park~~; municipal  
10 cemeteries ~~cemetery~~; municipal medical buildings ~~clinic building~~,  
11 together with furnishings and equipment; or municipal hospitals ~~hospital~~.  
12 No such city or village shall be authorized to levy the tax or to  
13 establish the sinking fund as provided in this section if, having bonded  
14 indebtedness, such city or village has been in default in the payment of  
15 interest thereon or principal thereof for a period of ten years prior to  
16 the date of the passage of the resolution providing for the submission of  
17 the proposition for establishment of the sinking fund as required in  
18 section 19-1303.

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

21 19-1303 Before any sinking fund or funds shall be established or  
22 before any annual tax shall be levied for planned municipal improvements  
23 ~~improvement~~ mentioned in section 19-1302, by a any such city or village,  
24 the city council or village board of trustees ~~its local governing body~~  
25 shall declare its purpose by resolution to submit to the qualified  
26 electors of the city or village at the next general municipal election  
27 the proposition to provide such city or village with the specific  
28 municipal improvement planned ~~for consummation~~ under sections 19-1301 to  
29 19-1304. Such resolution of submission shall, among other things, set  
30 forth a clear description of the improvement planned, the estimated cost  
31 according to the prevailing costs, the amount of annual levy over a



1 definite period of years, not exceeding ten years, required to provide  
2 such cost, and the specific name or designation for the sinking fund  
3 sought to be established to carry out the planned improvement, together  
4 with a statement of the proposition for placement upon the ballot at such  
5 election. Notice of the submission of the proposition, together with a  
6 copy of the official ballot containing such proposition ~~the same~~, shall  
7 be published in its entirety three successive weeks before the day of the  
8 election in a legal newspaper in or of general circulation ~~published~~ in  
9 the municipality or, if no legal newspaper is in or of general  
10 circulation in the municipality ~~published therein~~, in a some legal  
11 newspaper in or of general circulation ~~published~~ in the county in which  
12 such city or village is located ~~and of general circulation. If no legal~~  
13 ~~newspaper is published in the county, such notice shall be published in~~  
14 ~~some legal newspaper of general circulation in the county in which the~~  
15 ~~municipality is located.~~ No such sinking fund shall be established unless  
16 the same shall have been authorized by a majority or more of the legal  
17 votes of such city or village cast for or against the proposition. If  
18 less than a majority of the legal votes favor the establishment of the  
19 sinking fund, the planned improvement shall not be made, no annual tax  
20 shall be levied therefor, and no sinking fund or sinking funds shall be  
21 established in connection therewith, but such resolution of submission  
22 shall immediately be repealed. If the proposition shall carry at such  
23 election in the manner prescribed in this section, the city council or  
24 village board of trustees ~~local governing body~~ and its successors in  
25 office shall proceed to do all things authorized under such resolution of  
26 submission but never inconsistent with sections 19-1301 to 19-1304. The  
27 election provided for under this section shall be conducted as provided  
28 under the Election Act ~~Provisions of the statutes of this state relating~~  
29 ~~to election of officers, voting places, election apparatus and blanks,~~  
30 ~~preparation and form of ballots, information to voters, delivery of~~  
31 ~~ballots, conduct of elections, manner of voting, counting of votes,~~

1 ~~records and certificates of elections, and recounts of votes, so far as~~  
2 ~~applicable, shall apply to voting on the proposition under this section.~~

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

5       19-1304 All funds received by the city treasurer or village  
6 treasurer ~~municipal treasurers~~, by donation or by tax levy, as  
7 ~~hereinbefore provided in sections 19-1301 to 19-1304~~, shall, as they  
8 accumulate, be immediately invested by such ~~said~~ treasurer, with the  
9 written approval of the city council or village board of trustees ~~local~~  
10 ~~governing body~~, in the manner provided in section 77-2341. Whenever  
11 investments of such ~~said~~ sinking fund or funds are made, as ~~aforsaid~~,  
12 the nature and character of the same shall be reported to the city  
13 council or village board of trustees ~~local governing body~~, and such ~~said~~  
14 investment report shall be made a matter of record by the city clerk or  
15 village ~~municipal~~ clerk in the proceedings of such city council or  
16 village board of trustees ~~local governing body~~. The sinking fund, or  
17 sinking funds, accumulated under ~~the provisions of~~ sections 19-1301 to  
18 19-1304, shall constitute a special fund, or funds, for the purpose or  
19 purposes for which such fund or funds were ~~the same was~~ authorized and  
20 shall not be used for any other purpose unless authorized by sixty  
21 percent of the qualified electors of such ~~said~~ municipality voting at a  
22 general election favoring such change in the use of such ~~said~~ sinking  
23 fund or sinking funds. ~~The ; Provided, that the question of the change in~~  
24 ~~the use of~~ such ~~said~~ sinking fund or sinking funds, when it shall fail to  
25 carry, shall not be resubmitted in substance for a period of one year  
26 from and after the date of such ~~said~~ election.

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

29       19-1305 Any city of the first class, city of the ~~or~~ second class, or  
30 ~~any~~ village in the State of Nebraska, which owns and operates public  
31 utilities consisting of a waterworks plant, water system, sanitary sewer

1 system, gas plant, gas system, electric light and power plant, or  
2 electric distribution system, may pay for extensions and improvements to  
3 any of such ~~said~~ public utilities by issuing and selling its combined  
4 revenue bonds and securing the payment thereof by pledging and  
5 hypothecating the revenue and earnings of any two or more of such ~~said~~  
6 public utilities and may enter into such contracts in connection  
7 therewith as may be necessary or proper. Such combined revenue bonds  
8 shall not be general obligations of the city or village issuing the bonds  
9 ~~same~~ and no taxes shall be levied for their payment but such ~~said~~ bonds  
10 shall be a lien only upon the revenue and earnings of the public  
11 utilities owned and operated by the municipality and which are pledged  
12 for their payment.

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

15 19-1306 The city council or village board of trustees of a governing  
16 ~~body of such~~ city or village seeking to issue revenue bonds pursuant to  
17 section 19-1305 shall first cause plans and specifications for such ~~said~~  
18 proposed extensions and improvements and an estimate of the cost thereof  
19 to be made by the city engineer or village engineer or by a special  
20 engineer employed for that purpose. Such plans, specifications, and  
21 estimate of cost, after being approved and adopted by the city council or  
22 village board of trustees governing body, shall be filed with the city  
23 clerk or village clerk and be open to public inspection. The city council  
24 or village board of trustees governing body shall then, by resolution  
25 entered in the minutes of its ~~their~~ proceedings, direct that public  
26 notice be given in regard thereto. Such ~~This~~ notice shall state: (1) The  
27 general nature of the improvements or extensions proposed to be made; (2)  
28 that the plans, specifications, and estimate thereof are on file in the  
29 office of the city clerk or village clerk and are open to public  
30 inspection; (3) the estimated cost thereof; (4) that it has proposed to  
31 pay for the same by combined revenue bonds; (5) the principal amount of

1 such said bonds which it proposes to issue; (6) the maximum rate of  
2 interest which such bonds will bear; (7) that the payment of such said  
3 bonds will be a lien upon and will be secured by a pledge of the revenue  
4 and earnings of certain public utilities; (8) the names of the utilities  
5 whose revenue and earnings are to be so pledged; (9) that any qualified  
6 elector of the city or village may file written objections to the  
7 issuance of such said bonds with the city clerk or village clerk within  
8 twenty days after the first publication of such said notice; (10) that if  
9 such objections are filed within such said time by qualified electors of  
10 the city or village, equal in number to forty percent of the electors of  
11 the city or village who voted at the last preceding general municipal  
12 election, the bonds will not be issued unless the issuance of such bonds  
13 is otherwise authorized in accordance with law; and (11) that if such  
14 objections are not so filed by such percentage of such electors, the city  
15 council or village board of trustees governing body of such city or  
16 village proposes to pass an ordinance authorizing the sale of such said  
17 bonds and making such contracts with reference thereto as may be  
18 necessary or proper. Such notice shall be signed by the city clerk or  
19 village clerk and be published three consecutive weeks in a legal  
20 newspaper published in or of general circulation in such city or village.  
21 Once combined revenue bonds have been issued pursuant to this section or  
22 section 18-1101, the procedure outlined in this section shall not be  
23 required to issue additional combined revenue bonds unless an additional  
24 public utility not previously included is to be combined with the bonds  
25 contemplated to be issued.

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

28       19-1307 If the electors of a such city or village, equal in number  
29 to forty percent of the electors of such said city or village voting at  
30 the last preceding general municipal election, file written objections to  
31 proposed issuance of combined revenue bonds pursuant to section 19-1305

1 with the city clerk or village clerk within twenty days after the first  
2 publication of the said notice given pursuant to section 19-1306, the  
3 city council or village board of trustees governing body shall submit  
4 such proposition of issuing such bonds to the electors of such city or  
5 village at a special election called for that purpose or at a general  
6 city or village election, notice of which shall be given by publication  
7 in a legal newspaper published in or of general circulation in such city  
8 or village three consecutive weeks. If a majority of the qualified  
9 electors of such city or village, voting upon the proposition, vote in  
10 favor of issuing such bonds, the city council or village board of  
11 trustees governing body may issue and sell such combined revenue bonds  
12 and pledge, for the payment of same, the revenue and earnings of the  
13 public utilities owned and operated by the city or village, as proposed  
14 in such notice, and enter into such contracts in connection therewith as  
15 may be necessary or proper. Such bonds shall draw interest from and after  
16 the date of the issuance thereof. In the event the electors fail to  
17 approve the proposition by such majority vote, such proposition shall not  
18 be again submitted to the electors for their consideration until one year  
19 has elapsed from the date of such said election.

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

22 19-1308 Sections 19-1305 to 19-1308 are supplementary to existing  
23 statutes and confer upon and give to cities of the first class, cities of  
24 the and second class, and villages powers not heretofore granted, and  
25 sections 19-1305 to 19-1308 shall not be construed as repealing or  
26 amending any existing statute.

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

29 19-1309 Notwithstanding any other provision of law provisions in the  
30 statutes of Nebraska to the contrary, for any fiscal year the governing  
31 body of any city of the first class, city of the second class, or village

1 may decide to certify to the county clerk for collection one all-purpose  
2 levy required to be raised by taxation for all municipal purposes instead  
3 of certifying a schedule of levies for specific purposes added together.  
4 Subject to the limits in section 77-3442, such ~~the~~ all-purpose levy shall  
5 not exceed an annual levy of eighty-seven and five-tenths cents on each  
6 one hundred dollars for cities of the first class and one dollar and five  
7 cents on each one hundred dollars for cities of the second class and  
8 villages upon the taxable valuation of all the taxable property in such  
9 city or village. Otherwise authorized extraordinary levies to service and  
10 pay bonded indebtedness of such municipalities may be made by such  
11 municipalities in addition to such all-purpose levy.

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

14 19-1310 If the method provided in section 19-1309~~7~~, is followed in  
15 municipal financing, the city or village ~~municipalities~~ shall allocate  
16 the amount so raised to the several departments of such city or village  
17 ~~the municipality~~ in its annual budget and appropriation ordinance, or in  
18 other legal manner, as the governing body of such city or village  
19 ~~municipality~~ shall deem wisest and best.

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

22 19-1311 Should any city of the first class, city of the second  
23 class, or village ~~of such municipalities~~ elect to follow the method  
24 provided in section 19-1309, such city or village ~~it~~ shall be bound by  
25 that election during the ensuing fiscal year but may abandon such method  
26 in succeeding fiscal years.

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

29 19-1312 If it is necessary to certify the amount of an all-purpose  
30 levy under section 19-1309 to county officers for collection, such levy  
31 ~~the same~~ shall be certified as a single amount for general fund purposes.

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

3           19-1401 Cities of the primary class, cities of the first class,  
4 cities of the second class ~~Primary cities, first-class cities, second-~~  
5 ~~class cities,~~ and villages shall have the power to purchase, construct,  
6 maintain, and improve heating and lighting systems and ice plants for the  
7 use of their respective municipalities and the inhabitants thereof.

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

10           19-1402 The cost of purchasing, constructing, maintaining, and  
11 improving such utilities under section 19-1401 may be defrayed by the  
12 levy of a tax of not to exceed three and five-tenths cents on each one  
13 hundred dollars upon the taxable value of all the taxable property in  
14 such city or village in any one year for a heating or lighting plant and  
15 of not to exceed two and one-tenth cents on each one hundred dollars upon  
16 the taxable value of all the taxable property in such city or village in  
17 any one year for an ice plant, or when such tax is insufficient for the  
18 purpose, the cost of such utilities may be defrayed by the issuance of  
19 bonds of the municipality.

20           Sec. 117. Section 19-1403, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           19-1403 The question of issuing bonds for any of the purposes  
23 described ~~mentioned~~ in section 19-1401 shall be submitted to the electors  
24 at an election held for that purpose after not less than thirty days'  
25 notice thereof has been given (1) by publication in a legal ~~some~~  
26 newspaper published in or ~~and~~ of general circulation in the ~~such~~  
27 municipality or (2) if no legal newspaper is published in or of general  
28 circulation in such municipality ~~therein~~, by posting in five or more  
29 public places in such municipality ~~therein~~. Such bonds may be issued only  
30 when a majority of the electors voting on the question favor their  
31 issuance. Such bonds ~~They~~ shall bear interest, payable annually or

1 semiannually, and shall be payable at any time the municipality may  
2 determine at the time of their issuance but in not more than twenty years  
3 after their issuance. The aggregate amount of bonds that may be issued  
4 for the construction or the purchase of a heating or lighting plant shall  
5 not exceed four percent of the taxable value of the assessed property  
6 and, for the construction or purchase of an ice plant, shall not exceed  
7 one percent of the taxable value of the assessed property within such  
8 municipality, as shown by the last annual assessment. The city council or  
9 village board of trustees shall levy annually a sufficient tax to  
10 maintain, operate, and extend any system or plant and to provide for the  
11 payment of the interest on and principal of any bonds that may have been  
12 or shall be issued as provided in this section.

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

15 19-1404 When any ~~such~~ utility shall have been established pursuant  
16 to section 19-1401, the municipality shall provide by ordinance for the  
17 management thereof, the rates to be charged, and the manner of payment  
18 for service or for the product.

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

21 19-1501 In all cases where a ~~primary~~ city of the primary class, a  
22 city of the first class, city of the ~~or~~ second class, or village has  
23 ~~heretofore~~ entered into a contract for paving or otherwise improving a  
24 street or streets ~~therein~~, or for the construction or improvement of a  
25 system of waterworks or sanitary or storm sewers, and the contract has  
26 not been completed on account of any order or regulation issued by the  
27 United States or any board or agency thereof, such city or village may  
28 accept that part of the work which has been completed, levy special  
29 assessments and taxes, and issue bonds to pay the cost of the work so  
30 completed and accepted, in the same manner and on the same conditions as  
31 if such ~~said~~ contract had been fully completed.



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

3           19-1502 Section 19-1501 shall be construed as granting additional  
4 authority and not as repealing any existing statutory authority law now  
5 in force.

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

8           19-1826 As used in the Civil Service Act, unless the context  
9 otherwise requires:

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

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

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

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

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

28           (5) Commissioner means a member of the commission;

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

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

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

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

13        (8) (6) Full-time police officer means a police officer in a  
14 position which requires officers shall mean police officers in positions  
15 which require certification by the Nebraska Law Enforcement Training  
16 Center, created pursuant to section 81-1402, who has have the power of  
17 arrest, who is are paid regularly by a municipality, and for whom law  
18 enforcement is a full-time career, but does shall not include any  
19 clerical, custodial, or maintenance personnel;

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

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

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

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

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

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

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

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

11       ~~(10) Merged commission shall mean a civil service commission~~  
12 ~~resulting from the merger of two or more commissions pursuant to section~~  
13 ~~19-1848;~~

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

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

19       Sec. 122. Section 19-1827, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21       19-1827 (1) There is hereby created, in cities ~~in the State of~~  
22 ~~Nebraska~~ having a population of more than five thousand inhabitants as  
23 determined by the most recent federal decennial census or the most recent  
24 revised certified count by the United States Bureau of the Census and  
25 having full-time police officers or full-time firefighters, a civil  
26 service commission, except in cities with a population in excess of 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 which have or may adopt a home rule charter pursuant  
30 to sections 2 to 5 of Article XI of the Constitution of Nebraska ~~this~~  
31 ~~state~~. Any city or village having a population of five thousand

1 inhabitants or less 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 may adopt the Civil Service Act and create a civil  
4 service commission by a vote of the electors of such city or village. If  
5 any city of the first class which established a civil service commission  
6 decreases in population to less than five thousand, as determined by the  
7 most recent federal decennial census or the most recent revised certified  
8 count by the United States Bureau of the Census, and continues to have  
9 full-time police officers or full-time firefighters, the civil service  
10 commission shall be continued for at least four years, and thereafter  
11 continued at the option of the governing body of such city or village.  
12 The members of such commission shall be appointed by the appointing  
13 authority.

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

1 to change from a three-member commission to a five-member commission, or  
2 from a five-member commission to a three-member commission, the members  
3 of the commission serving before the effective date of such ordinance  
4 shall hold office until reappointed or their successors are appointed.

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

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

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

30 19-1829 The Civil Service Act shall only apply to full-time  
31 firefighters or full-time police officers of each municipality, including

1 any paid full-time police chief or fire chief of such department. All  
2 appointments to and promotions in such department shall be made solely on  
3 merit, efficiency, and fitness, which shall be ascertained by open  
4 competitive examination and impartial investigation. If the appointing  
5 authority fills a vacancy in a position subject to the Civil Service Act,  
6 the appointing authority shall consider factors including, but not  
7 limited to:

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

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

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

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

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

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

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

26 19-1830 (1) Immediately after the appointment of the commission, and  
27 annually thereafter, the commission shall organize by electing one of its  
28 members chairperson. The commission shall hold meetings as may be  
29 required for the proper discharge of its duties. The commission shall  
30 appoint a secretary and a chief examiner who shall keep the records of  
31 the commission, preserve all reports made to it, superintend and keep a

1 record of all examinations held under its direction, and perform such  
2 other duties as the commission may prescribe. The commission may merge  
3 the positions of secretary and chief examiner and appoint one person to  
4 perform the duties of both positions. If the municipality has a personnel  
5 officer, the commission shall appoint such personnel officer as secretary  
6 and chief examiner, if requested to do so by the appointing authority.  
7 The secretary and chief examiner shall be subject to suspension or  
8 discharge upon the vote of a majority of the appointed members of the  
9 commission.

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

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

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

1 to entry-level positions as defined by the appointing authority.

2 (5) The commission may conduct an investigation concerning and  
3 report upon all matters regarding the enforcement and effect of the Civil  
4 Service Act and the rules and regulations prescribed. The commission may  
5 inspect all institutions, departments, positions, and employments  
6 affected by such act to determine whether such act and all such rules and  
7 regulations are being obeyed. Such investigations may be conducted by the  
8 commission or by any commissioner designated by the commission for that  
9 purpose. The commission shall also make a like investigation on the  
10 written petition of a citizen, duly verified, stating that irregularities  
11 or abuses exist or setting forth, in concise language, the necessity for  
12 such an investigation. The commission may be represented in such  
13 investigations by the city attorney or village ~~municipal~~ attorney, if  
14 authorized by the appointing authority. If the city attorney or village  
15 ~~municipal~~ attorney does not represent the commission, the commission may  
16 be represented by special counsel appointed by the commission in any such  
17 investigation. In the course of such an investigation, the commission,  
18 designated commissioner, or chief examiner shall have the power to  
19 administer oaths, to issue subpoenas to require the attendance of  
20 witnesses and the production by them of books, papers, documents, and  
21 accounts appertaining to the investigation, and to cause the deposition  
22 of witnesses, residing within or without the state, to be taken in the  
23 manner prescribed by law for like depositions in civil actions in the  
24 courts of this state. The oaths administered and subpoenas issued shall  
25 have the same force and effect as the oaths administered by a district  
26 judge in a judicial capacity and subpoenas issued by the district courts  
27 of Nebraska. The failure of any person so subpoenaed to comply shall be  
28 deemed a violation of the Civil Service Act and be punishable as such. No  
29 investigation shall be made pursuant to this section if there is a  
30 written accusation concerning the same subject matter against a person in  
31 the civil service. Such accusations shall be handled pursuant to section



1 19-1833.

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

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

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

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

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

1 limited to:

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

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

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

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

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

11 (f) Seniority.

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

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

16 19-1833 (1) No person in the civil service who shall have been  
17 permanently appointed or inducted into civil service under the Civil  
18 Service Act shall be removed, suspended, demoted, or discharged except  
19 for cause and then only upon the written accusation of the police chief  
20 or fire chief, the appointing authority, or any citizen or taxpayer.

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

30 (3) Any person so removed, suspended, demoted, or discharged may,  
31 within ten days after being notified by the appointing authority of such

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

21 (4) After such investigation, the commission shall hold a public  
22 hearing after giving reasonable notice to the accused of the time and  
23 place of such hearing. Such hearing shall be held not less than ten or  
24 more than twenty days after filing of the written demand for an  
25 investigation and a decision shall be rendered no later than ten days  
26 after the hearing. At such hearing the accused shall be permitted to  
27 appear in person and by counsel and to present his or her defense. The  
28 commission may affirm the action taken if such action of the appointing  
29 authority is supported by a preponderance of the evidence. If it shall  
30 find that the removal, suspension, demotion, or discharge was made for  
31 political or religious reasons or was not made in good faith for cause,

1 it shall order the immediate reinstatement or reemployment of such person  
2 in the position or employment from which such person was removed,  
3 suspended, demoted, or discharged, which reinstatement shall, if the  
4 commission in its discretion so provides, be retroactive and entitle such  
5 person to compensation and restoration of benefits and privileges from  
6 the time of such removal, suspension, demotion, or discharge. The  
7 commission upon such hearing, in lieu of affirming the removal,  
8 suspension, demotion, or discharge, may modify the order of removal,  
9 suspension, demotion, or discharge by directing a suspension, with or  
10 without pay, for a given period and the subsequent restoration to duty or  
11 demotion in position or pay. The findings of the commission shall be  
12 certified in writing to and enforced by the appointing authority.

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

31 If such appeal is taken by the governing body and the district court

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

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

10 19-1834 The municipality shall afford the commission and its members  
11 and employees all reasonable facilities and assistance to inspect all  
12 books, papers, documents, and accounts applying or in any way  
13 appertaining to any and all positions and employments subject to civil  
14 service and shall produce such books, papers, documents, and accounts.  
15 All city or village ~~municipal~~ officers and employees shall attend and  
16 testify whenever required to do so by the commission, the accused, or the  
17 appointing authority.

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

20 19-1836 All positions subject to the Civil Service Act shall be  
21 created or eliminated by the governing body of the municipality. The  
22 Civil Service Act shall not be construed to infringe upon the power and  
23 authority of (1) the governing body of the municipality to establish  
24 pursuant to section 16-310, 17-108, or 17-209 the salaries and  
25 compensation of all employees employed hereunder or (2) the city manager,  
26 pursuant to the City Manager Plan of Government Act Chapter 19, ~~article~~  
27 ~~6~~, to establish the salaries and compensation of employees within the  
28 compensation schedule or ranges established by the governing body for the  
29 positions.

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

1           19-1839 It shall be the duty of the commission to begin and conduct  
2 all civil suits which may be necessary for the proper enforcement of the  
3 Civil Service Act and of the rules of the commission. The commission may  
4 be represented in such suits and all investigations pursuant to the Civil  
5 Service Act by the city attorney or village ~~municipal~~ attorney if  
6 authorized by the appointing authority. If the city attorney or village  
7 ~~municipal~~ attorney does not represent the commission, the commission may  
8 be represented by special counsel appointed by it in any particular case.

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

11           19-1846 It shall be the duty of each municipality subject to the  
12 Civil Service Act to appropriate each fiscal year, from the general funds  
13 of such municipality, a sum of money sufficient to pay the necessary  
14 expenses involved in carrying out the purposes of such act, including,  
15 but not limited to, reasonable attorney's fees for any special counsel  
16 appointed by the commission when the city attorney or village ~~municipal~~  
17 attorney is not authorized by the appointing authority to represent the  
18 commission. The appointing authority may establish the hourly or monthly  
19 rate of pay of such special counsel.

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

22           19-2101 Cities of the first class, cities of the second class, and  
23 villages shall have the power to purchase, construct, maintain, and  
24 improve garbage disposal plants or ~~τ~~ systems or solid waste disposal  
25 areas, and purchase equipment for the operation thereof, for the use of  
26 their respective municipalities and the inhabitants thereof, and are  
27 hereby authorized and empowered to lease or to take land in fee within  
28 their corporate limits or without their corporate limits by donation,  
29 gift, devise, purchase, or appropriation for rights-of-way and for  
30 construction and operation of such a disposal plant, system, or solid  
31 waste disposal area.

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

3           19-2102 The cost to purchase, construct, maintain, and improve  
4 garbage disposal plants or systems or solid waste disposal areas pursuant  
5 to section 19-2101 thereof may be defrayed by the levy of a tax not to  
6 exceed ten and five-tenths cents on each one hundred dollars upon the  
7 taxable value of all the taxable property in such city or village in any  
8 one year or, when such tax is insufficient for such purpose, by the  
9 issuance of bonds of the city or village municipality.

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

12          19-2103 The question of issuing bonds for the purpose of section  
13 19-2102 herein ~~contemplated~~ shall be submitted to the electors at any  
14 election held for that purpose, after not less than thirty days' notice  
15 thereof shall have been given by publication in a legal ~~some~~ newspaper  
16 published in or ~~and~~ of general circulation in such municipality or, if no  
17 legal newspaper is in or of general circulation in such municipality  
18 ~~published therein~~, then by posting in five or more public places therein.  
19 Such bonds may be issued only when a majority of the electors voting on  
20 the question approve their issuance. The bonds shall bear interest  
21 payable annually or semiannually, ~~and~~ shall be payable at any time the  
22 municipality may determine at the time of their issuance, but in not more  
23 than twenty years after their issuance. The aggregate amount of bonds  
24 that may be issued for the construction, installation, or purchase of a  
25 garbage disposal plant or ~~or~~ system or solid waste disposal area shall not  
26 exceed five percent of the taxable value of the property within such  
27 municipality as shown by the last annual assessment.

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

30          19-2104 In a city of the first class, city of the second class, or  
31 village which purchases, constructs, maintains, or improves garbage

1 disposal plants or systems or solid waste disposal areas pursuant to  
2 section 19-2101, the city ~~The council or~~ village board of trustees shall  
3 levy annually a sufficient tax to maintain and operate such plant or  
4 ~~system, plant~~ or solid waste disposal area and to provide for the payment  
5 of the interest on and principal of any bonds that may have been issued  
6 as ~~herein~~ provided in section 19-2103.

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

9       19-2105 In a city of the first class, city of the second class, or  
10 village which purchases, constructs, maintains, or improves garbage  
11 disposal plants or systems or solid waste disposal areas pursuant to  
12 section 19-2101, the city ~~The council or~~ village board of trustees of  
13 ~~such municipality~~ may also make and enter into a contract or contracts  
14 with any person, firm, or corporation for the construction, maintenance,  
15 or operation of a garbage disposal plant or ~~system~~ or solid waste  
16 disposal area.

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

19       19-2106 When a garbage disposal plant or system or solid waste  
20 disposal area ~~such system~~ shall have been established pursuant to section  
21 19-2101, the municipality may provide by ordinance for the management and  
22 operation thereof, the rates to be charged for such service, including  
23 collection and disposal, and the manner of payment and collection  
24 thereof, ~~and~~ prescribe penalties for the violation of such ordinance, and  
25 do whatever is necessary to protect the general health in the matter of  
26 removal and disposal of garbage.

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

29       19-2201 When any part of a city of the first class, city of the ~~or~~  
30 second class, or village shall have been platted (1) the plat having been  
31 recorded with the register of deeds of the proper county for more than



1 ten years; (2) the streets and alleys having been dedicated to the public  
2 and such city or village having accepted such dedication by maintenance  
3 and use of such ~~the said~~ streets and alleys, and the inhabitants of that  
4 part of such city or village having been subject to taxation including  
5 the levy of such city or village and having had the right of franchise in  
6 all the elections of such city or village for a period of more than ten  
7 years; and (3) such part of such city or village is contiguous and  
8 adjacent to such corporate city or village or a properly annexed addition  
9 thereto; but, when there is error in the platting thereof or the  
10 proceeding to annex the part of such city or village which renders the  
11 annexation ineffectual or where there is a total lack of an attempted  
12 annexation of record, the city council or village board of trustees of  
13 such city or village may by resolution correct the corporate limits, if  
14 adopted by a two-thirds vote of all members of such city council or  
15 village board of trustees. The resolution shall describe the part of such  
16 city or village in general terms, ~~and~~ direct the proper officers of the  
17 city or village to make application to the district court of the county  
18 in which such territory lies for the correction and reestablishment of  
19 the corporate limits of such city or village. The resolution, and the  
20 vote thereon, shall be recorded in the minutes ~~spread upon the records~~ of  
21 the city council or village board of trustees.

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

24 19-2202 The application presented pursuant to section 19-2201 to the  
25 district court of the county in which the territory lies shall: (1)  
26 Contain a recital of the resolution of the city council or village board  
27 of trustees for correction and reestablishment of the corporate limits  
28 and the vote thereon; (2) set forth the name of the plat or plats, the  
29 date of record, the book and page of the record book in which such plat  
30 or plats have been recorded, and the book and page of the record in which  
31 the original charter and annexations, if any there be, are recorded; (3)

1 describe in general terms the area contained within the corporate limits  
2 and the territory affected by the corrections and reestablishment sought;  
3 (4) set forth the streets and alleys of such area which are maintained or  
4 used; and (5) be supported by exhibits consisting of a certificate of the  
5 county treasurer of the county in which the territory lies showing the  
6 years for which the real estate and the property therein situated shall  
7 have been subject to the tax levy of such city or village and a  
8 certificate of the city clerk or village clerk or other officer having  
9 custody of the sign-in registers for elections of the city or village in  
10 which the territory lies showing the years during which the inhabitants  
11 thereof enjoyed the right of franchise in the elections of such city or  
12 village. The application shall pray for an order of the district court  
13 correcting and reestablishing the corporate limits of the city or village  
14 to include such territory.

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

17 19-2203 If it shall appear to the judge of the district court that  
18 the such application presented pursuant to section 19-2201 is properly  
19 filed, he or she shall make an order directing all persons owning real  
20 estate or having an interest in real estate situated in such part of such  
21 city or village, giving the name of the plat as recorded as well as a  
22 general description of the territory affected by the proposed correction  
23 and reestablishment of corporate limits, to appear before him or her at a  
24 time and place to be specified, not less than four and not more than ten  
25 weeks from the time of making such order, to show cause why a decree  
26 correcting and reestablishing the corporate limits of such city or  
27 village should not be entered. The notice of such order to show cause  
28 shall be made by publication in a legal newspaper in or of general  
29 circulation published in such city or village. If there is no legal  
30 newspaper in or of general circulation in such city or village, then such  
31 notice shall be published if there is any printed in such city or village

1 ~~and, if there is not,~~ in some legal newspaper in or of ~~printed in the~~  
2 ~~county having~~ general circulation in the county in which such city or  
3 village is located ~~such city or village. If no legal newspaper is printed~~  
4 ~~in the county, such notice shall be published in a legal newspaper having~~  
5 ~~general circulation in such city or village.~~ The notice shall be  
6 published four consecutive weeks in such legal newspaper and shall  
7 contain a summary statement of the object and prayer of the application,  
8 mention the court where it is filed, and notify the persons interested  
9 when they are required to appear and show cause why such decree should  
10 not be entered.

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

13 19-2302 The proceeds derived from the use of the parking meters or  
14 other similar mechanical devices, established pursuant to ~~referred to in~~  
15 sections 19-2301 to 19-2304, shall be placed in the traffic and safety  
16 fund and shall be used by such a city or village referred to in section  
17 19-2301 (1) ~~;~~ ~~first,~~ for the purpose of the acquisition, establishment,  
18 erection, maintenance, and operation of the system; ~~second,~~ (2) for the  
19 purpose of making the system effective; ~~and third,~~ and (3) for the  
20 expenses incurred by and throughout such a city or village in the  
21 regulation and limitation of vehicular parking, traffic relating to  
22 parking, traffic safety devices, signs, signals, markings, policing,  
23 lights, traffic surveys, and safety programs.

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

26 19-2303 As used in sections 19-2301 to 19-2304, unless the context  
27 otherwise requires: Proceeds shall mean any money collected from or by  
28 reason of parking meters or other similar mechanical devices installed by  
29 any city of the first class, city of the ~~or~~ second class, or village,  
30 including revenue received by reason of any schedule of accelerated  
31 charges, to be fixed by ordinance. Accelerated charges may include, but

1 need not be limited to, charges fixed by ordinance for parking in  
2 controlled or regulated areas without payment in advance of required  
3 parking fees or payments, but shall not include judicially imposed fines  
4 and penalties.

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

7 19-2304 Nothing contained in sections 19-2301 to 19-2304 shall  
8 prohibit the governing body of any city of the first class, city of the  
9 second class, or village from employing any and all other ways and means  
10 to regulate and control vehicular parking in such a city or village  
11 either in conjunction with a system of meters or devices or exclusive and  
12 independent thereof.

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

15 19-2401 (1) Any city of the first class, city of the ~~or~~ second  
16 class, or village, when constructing any municipal improvement or public  
17 works, may combine two or more similar pending projects although  
18 authorized by separate ordinances and located in separate improvement  
19 districts for the purpose of advertising for bids for the construction of  
20 such projects, and for the further purpose of awarding one contract for  
21 the construction of such two or more similar pending projects.

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

1 the purpose of levying any authorized special assessments to defray, in  
2 whole or in part, such cost of construction of such projects.

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

5 Sec. 143. Section 19-2402, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 19-2402 (1) Whenever the city council of any city of the first class  
8 or city of the ~~or~~ second class or the village board of trustees of a  
9 village deems it necessary and advisable to extend municipal water  
10 service or municipal sanitary sewer service to territory beyond the  
11 existing systems, such municipal officials may, by ordinance, create a  
12 district or districts to be known as sanitary sewer extension districts  
13 or water extension districts for such purposes, and such district or  
14 districts may include properties within the corporate limits of the  
15 municipality and the extraterritorial zoning jurisdiction as established  
16 pursuant to section 16-901 or 17-1002.

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

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

28 (4) Such ordinance shall state the size and kind of sewer mains or  
29 water mains proposed to be constructed in such district and shall  
30 designate the location and terminal points thereof. Such ordinance shall  
31 also refer to the plans and specifications for such utility extensions

1 which shall have been made and filed with the city clerk or village  
2 ~~municipal~~ clerk by the city engineer or village municipal engineer prior  
3 to the introduction of the ordinance, and the city engineer or village  
4 engineer at the time of filing such plans and specifications shall make  
5 and file an estimate of the total cost of the proposed utility extension.  
6 The ordinance shall also state the outer boundaries of the district or  
7 districts in which it is proposed to make special assessments.

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

14 Sec. 144. Section 19-2403, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 19-2403 (1) When the extension of the sewer or water service  
17 involved in an extension district created pursuant to section 19-2402 is  
18 completed, the municipality shall compel all proper connections of  
19 occupied properties in the district with the extension and may provide a  
20 penalty for failure to comply with regulations of the municipality  
21 pertaining to the district.

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

31 Sec. 145. Section 19-2404, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

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

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

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

10 19-2405 For the purpose of paying the cost of any ~~such~~ water service  
11 extension or sanitary sewer service extension, in an extension ~~any such~~  
12 district created pursuant to section 19-2402, the city council or village  
13 board of trustees may, by ordinance, cause bonds of the municipality to  
14 be issued, called district water service extension bonds of district  
15 No. .... or district sanitary sewer service extension bonds of district  
16 No. ...., payable in not exceeding twenty years from date and to bear  
17 interest payable annually or semiannually with interest coupons attached.  
18 The ordinance effectuating the issuance of such bonds shall provide that  
19 the special tax and assessments shall constitute a sinking fund for the  
20 payment of such bonds and interest. If a written protest, signed by  
21 owners of the property located in the improvement district and  
22 representing a majority of the front footage which may become subject to  
23 assessment for the cost of the improvement, is filed with the city  
24 ~~municipal~~ clerk or village clerk within three days before the date of the  
25 meeting for the consideration of such ordinance, such ordinance shall not  
26 be passed. The entire cost of such water extension mains or sanitary  
27 sewer extension mains in any such street, avenue, or alley may be  
28 chargeable to the private property therein and may be paid by the owner  
29 of such property within fifty days from the levy of such special taxes  
30 and assessments, and thereupon such property shall be exempt from any  
31 lien for the special taxes and assessments. The bonds shall not be sold



1 for less than their par value. If the assessment or any part thereof  
2 fails or for any reason is invalid, the city council or village board of  
3 trustees governing body of the municipality may, without further notice,  
4 make such other and further assessments on the lots and lands as may be  
5 required to collect from the lots and lands the cost of the improvement,  
6 properly chargeable as provided in this section. In lieu of such general  
7 obligation bonds, the municipality may issue revenue bonds as provided in  
8 section 18-502, to pay all or part of the cost of the construction of  
9 such improvement.

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

12 19-2406 For the purpose of making partial payments as the work  
13 progresses in an extension district created pursuant to section 19-2402,  
14 warrants may be issued by the mayor and city council or the chairperson  
15 ~~chairman~~ and village board of trustees, as the case may be, upon  
16 certificates of the engineer in charge showing the amount of work  
17 completed and materials necessarily purchased and delivered for the  
18 orderly and proper continuation of the project, in a sum not exceeding  
19 ninety-five percent of the cost thereof and upon the completion and  
20 acceptance of the work issue a final warrant for the balance due the  
21 contractor, which warrants shall be redeemed and paid upon the sale of  
22 the bonds issued and sold as provided in section 19-2405, and which shall  
23 bear interest at such rate as the mayor and city council or chairperson  
24 ~~chairman~~ and village board of trustees, ~~as the case may be,~~ shall order.  
25 The city or village shall pay to the contractor interest at the rate of  
26 eight percent per annum on the amounts due on partial and final payments  
27 beginning forty-five days after the certification of the amounts due by  
28 the engineer in charge and approval by the city council or village board  
29 of trustees governing body, and running until the date that the warrant  
30 is tendered to the contractor. Such ~~Said~~ warrants shall be registered in  
31 the manner provided for the registration of other warrants, and called

1 and paid whenever there are funds available for that purpose in the  
2 manner provided for the calling and paying of other warrants. For the  
3 purpose of paying such ~~said~~ warrants and the interest thereon from the  
4 time of their registration until paid, the special assessments as  
5 ~~hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are  
6 paid and collected in a fund to be designated as the sewer and water  
7 service extension fund.

8       Sec. 148. Section 19-2407, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10       19-2407 Special assessments may be levied by the mayor and city  
11 council or chairperson and village board of trustees, ~~as the case may be,~~  
12 for the purpose of paying the cost of constructing extension water mains  
13 or sanitary service connections, as provided in sections 19-2402 to  
14 19-2407. Such assessments shall be levied on the real property lying and  
15 being within the utility main district in which such extension mains may  
16 be situated to the extent of benefits to such property by reason of such  
17 improvement. The benefits to such property shall be determined by the  
18 mayor and city council, or chairperson and village board of trustees, ~~as~~  
19 ~~the case may be,~~ sitting as a board of equalization after notice to  
20 property owners, as provided in other cases of special assessment. After  
21 the mayor and city council, or chairperson and village board of trustees,  
22 sitting as such board of equalization, shall find such benefits to be  
23 equal and uniform, such levy may be made according to the front footage  
24 of the lots or real estate within such utility district, or according to  
25 such other rule as the board of equalization may adopt for the  
26 distribution or adjustment of such cost upon the lots or real estate in  
27 such district benefited by such improvement. All such special assessments  
28 shall be collected in the same manner as general municipal taxes and  
29 shall be subject to the same penalty.

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

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

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

19           19-2411 The city council or village board of trustees ~~of a village~~  
20 may without petition create an improvement district and cause one or more  
21 of the improvements specified in section 19-2409 to be made in such the  
22 district. The ordinance shall designate the property included within the  
23 district or the outer boundaries thereof, the improvement or improvements  
24 to be made in the district, and the total estimated cost of the  
25 improvements, which shall not exceed the dollar limitations in section  
26 19-2408. After passage, approval, and publication of the ordinance, the  
27 city clerk or village clerk shall cause notice of the creation of such  
28 district to be published for two consecutive weeks in a legal newspaper  
29 in published or of general circulation in the city or village, or in lieu  
30 of publication cause such notice to be served personally or by certified  
31 mail on all owners of real property located within the district. If a

1 majority of the owners of all the real property in the district file  
2 written objections to the creation of the district with the city clerk or  
3 village clerk within twenty days after the first publication of such  
4 notice or within twenty days after the date of mailing or service of  
5 written notice on the property owners in the district, the city or  
6 village shall not proceed further and shall repeal such ordinance. If no  
7 such objections are filed, the city shall proceed with making the  
8 improvements.

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

11 19-2412 Contracts for improvements made under the Combined  
12 Improvement Act ~~The contract~~ shall be let and the improvements made in  
13 the same manner as required for street improvements. The city council or  
14 village board of trustees ~~of the village~~ may direct the improvements to  
15 be made under a single contract or that separate bids be taken for the  
16 street improvement, installation of water mains, and installation of  
17 sewers, but the aggregate of such ~~said~~ contracts shall not exceed the  
18 estimate as shown in the ordinance creating the district. For the purpose  
19 of making partial payment as the work progresses, warrants may be issued  
20 by the mayor and city council or the village board of trustees ~~of the~~  
21 ~~village~~ upon certificate of the engineer in charge showing the amount of  
22 the work completed and materials necessarily purchased and delivered for  
23 the orderly and proper continuance of the project in an amount not  
24 exceeding ninety-five percent of the cost thereof, which warrants shall  
25 be redeemed and paid from the amounts received on the special assessments  
26 or from the sale of bonds issued to pay the cost of the project as  
27 provided in section 19-2414. The city or village shall pay to the  
28 contractor interest, at the rate of eight percent per annum on the  
29 amounts due on partial and final payments, beginning forty-five days  
30 after the certification of the amounts due by the engineer in charge and  
31 approval by the city council or village board of trustees ~~governing body~~

1 and running until the date that the warrant is tendered to the  
2 contractor.

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

5 19-2413 On the completion and acceptance of the improvement or  
6 improvements made under the Combined Improvement Act, the mayor and city  
7 council or the village board of trustees ~~of the village~~ may cause special  
8 assessments to be levied against the property in the district specially  
9 benefited by the improvement or improvements to the extent that such ~~said~~  
10 property is specially benefited in the manner and form provided for  
11 levying special assessments for street improvements under the provisions  
12 of sections 16-617 to 16-655 or 17-509 to 17-515, and the special  
13 assessments shall mature and bear interest the same as provided for  
14 special assessments for paving.

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

17 19-2414 After the completion and acceptance of the improvement or  
18 improvements made under the Combined Improvement Act, the city or village  
19 may issue and sell its negotiable coupon bonds to be known as public  
20 improvement bonds in an amount not exceeding the balance of the unpaid  
21 cost of the improvement or improvements. The bonds shall be payable in  
22 not to exceed twenty years from date and bear interest payable annually  
23 or semiannually. All money collected from the special assessments shall  
24 be placed in a sinking fund to pay the cost of the improvement or  
25 improvements and the bonds issued under the Combined Improvement Act.

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

28 19-2416 The governing body of any city of the first class, city of  
29 the ~~or~~ second class, or ~~of any~~ village may by ordinance create a limited  
30 street improvement district for the sole purpose of grading, curbing, and  
31 guttering any unpaved street or streets or curbing and guttering any

1 paved or unpaved street or streets in the city or village and each  
2 district shall be designated as Street Grading, Curbing, and Guttering  
3 District No. . . . . or as Curbing and Guttering District No. . . . ., as the  
4 case may be. The city clerk or village mayor or chairman of the board of  
5 ~~trustees and~~ clerk shall, after the passage, approval, and publication of  
6 such ordinance, publish notice of the creation of any such district or  
7 districts one time each week for three weeks in a legal daily or weekly  
8 newspaper in or of general circulation in the city or village. After the  
9 passage, approval, and publication of such ordinance and the publication  
10 of such notice, the procedure of the mayor and city council or  
11 chairperson ~~chairman~~ and village board of trustees in reference to such  
12 improvement shall be in accordance with the applicable provisions of  
13 sections 16-620 to 16-655 or 17-508 to 17-520.

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

16 19-2417 The mayor and city council of any city of the first class or  
17 city of the second class or the village board of trustees of any village  
18 shall have the power to construct, replace, repair, or otherwise improve  
19 sidewalks within such city or village. Whenever the mayor and city  
20 ~~council of a city~~ or village board of trustees ~~of a village~~ shall by  
21 resolution passed by a three-fourths vote of all members of such city  
22 council or village board of trustees determine the necessity for sidewalk  
23 improvements, the mayor and city council or village board of trustees  
24 shall by ordinance create a sidewalk district, ~~and~~ shall cause such  
25 improvements to be made, and shall contract therefor.

26 Sec. 156. Section 19-2418, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 19-2418 The mayor and city council or village board of trustees  
29 shall levy special assessments on the lots and parcels of land abutting  
30 on or adjacent to the sidewalk improvements specially benefited thereby  
31 in any sidewalk district created pursuant to section 19-2417 such

1 ~~district~~ in proportion to the benefits, to pay the cost of such  
2 improvements ~~improvement~~. All special assessments shall be a lien on the  
3 property on which levied from the date of the levy until paid. The  
4 special assessment for the sidewalk improvement shall be levied at one  
5 time and shall become delinquent as follows: One-seventh of the total  
6 assessment shall become delinquent in ten days after such levy; one-  
7 seventh in one year; one-seventh in two years; one-seventh in three  
8 years; one-seventh in four years; one-seventh in five years; and one-  
9 seventh in six years. Each of such installments, except the first, shall  
10 draw interest at the rate of not exceeding the rate of interest specified  
11 in section 45-104.01, as such rate may from time to time be adjusted by  
12 the Legislature, from the time of the levy until the installment becomes  
13 delinquent. If the installment becomes delinquent, interest at the rate  
14 specified in section 45-104.01, as such rate may from time to time be  
15 adjusted by the Legislature, shall be paid thereon as in the case of  
16 other special assessments. All such special assessments shall be made and  
17 collected in accordance with the procedure established for paving  
18 assessments for such ~~the particular~~ city or village.

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

21 19-2419 For the purpose of paying the cost of sidewalk improvements  
22 in any sidewalk district created pursuant to section 19-2417, the mayor  
23 and city council or village board of trustees shall have the power and  
24 may, by ordinance, cause to be issued bonds of the city or village, to be  
25 called Sidewalk Bonds of District No. . . . ., payable in not exceeding six  
26 years from date, and to bear interest annually or semiannually, with  
27 interest coupons attached. Such bonds shall be general obligations of the  
28 city or village, with principal and interest payable from a fund made up  
29 of the special assessments collected and supplemented by transfers from  
30 the general fund to make up any deficiency in the collection of the  
31 special assessments. For the purpose of making partial payments as the

1 work progresses, warrants bearing interest may be issued by the mayor and  
2 city council, or the village board of trustees, upon certificate of the  
3 engineer in charge showing the amount of the work completed and materials  
4 necessarily purchased and delivered for the orderly and proper  
5 continuance of the project, in a sum not exceeding ninety-five percent of  
6 the cost thereof, which warrants shall be redeemed and paid upon the sale  
7 of the bonds issued and sold ~~as aforesaid~~. The city or village shall pay  
8 to the contractor interest, at the rate of eight percent per annum on the  
9 amounts due on partial and final payments, beginning forty-five days  
10 after the certification of the amounts due by the engineer in charge and  
11 approval by the city council or village board of trustees governing body  
12 and running until the date that the warrant is tendered to the  
13 contractor.

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

16 19-2420 A city of the first class or city of the second class may  
17 acquire by gift or purchase from the federal government or any agency  
18 thereof sewer lines and sewage disposal systems, waterworks, and water  
19 distribution systems, whether within or without the corporate limits, and  
20 operate and extend the same, even though such system or systems are or  
21 may be and continue to be wholly disconnected and separate from any such  
22 utility system already belonging to such city, when, in the judgment of  
23 the mayor and city council of such a city not having a board of public  
24 works or of its board of public works in such a city having such board,  
25 it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring,  
26 maintaining, operating, and extending any such system, ~~any such city of~~  
27 ~~the first or second class~~ may use funds from any sewer, water, ~~or~~  
28 electrical system presently owned and operated by it, without prior  
29 appropriation of such funds, and any other funds lawfully available for  
30 such purpose.

31 Rates charged for the use of any system or works ~~so~~ acquired under



1 this section shall be reasonable and based on cost properly allocable to  
2 the customers of ~~any~~ such system.

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

5 19-2421 The mayor and city council of any city of the first class or  
6 city of the second class, and the chairperson ~~chairman~~ and village board  
7 of trustees of any village, in addition to other powers granted by law,  
8 may enter into contracts for lease of real or personal property for any  
9 purpose for which the city or village is authorized by law to purchase  
10 property or construct improvements. Such leases shall not be restricted  
11 to a single year~~7~~ and may provide for the purchase of the property in  
12 installment payments.

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

15 19-2422 Any owner of real property who feels aggrieved by the levy  
16 of any special assessment by any city of the first class, city of the ~~or~~  
17 second class, or village may appeal from such assessment, both as to the  
18 validity and amount thereof, to the district court of the county where  
19 such assessed real property is located. The issues on such appeal shall  
20 be tried de novo. The district court may affirm, modify, or vacate the  
21 special assessment~~7~~ or may remand the case to the local board of  
22 equalization for rehearing.

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

25 19-2423 The owner appealing a special assessment pursuant to section  
26 19-2422 shall, within ten days from the levy of such special assessment,  
27 file a notice of appeal with the city clerk or village clerk~~7~~ and shall  
28 post a bond in the amount of two hundred dollars conditioned that such  
29 appeal shall be prosecuted without delay and the appellant shall pay all  
30 costs charged against him or her.

31 Sec. 162. Section 19-2424, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-2424 (1) Upon the request of the owner appealing a special  
3 assessment pursuant to section 19-2422 and the payment by him or her of  
4 the estimated cost of preparation of the transcript to the city clerk or  
5 village clerk or such clerk's designee, the city clerk or village clerk  
6 shall cause a complete transcript of the proceedings before such city or  
7 village to be prepared. The cost of preparing the transcript shall be  
8 calculated in the same manner as the calculation of the fee for a court  
9 reporter for the preparation of a bill of exceptions as specified by  
10 rules of practice prescribed by the Supreme Court. At such time as the  
11 completed transcript is provided to the appellant, the appellant shall  
12 pay the amount of the cost of preparation which is in excess of the  
13 estimated cost already paid or shall receive a refund of any amount in  
14 excess of the actual cost. An appellant determined to be indigent shall  
15 not be required to pay any costs associated with such transcript  
16 preparation.

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

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

31 19-2425 The owner appealing a special assessment pursuant to section

1 ~~19-2422~~ appellant shall file his or her petition on appeal in the  
2 district court, together with a transcript of the proceedings before the  
3 ~~such~~ city or village, within thirty days from the date of the levy of  
4 such special assessment.

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

7 19-2426 Any ~~first--or second-class~~ city of the first class, city of  
8 the second class, or village may wall, enclose, or cover in a manner that  
9 will not restrict or impair the intended purpose, function, or operation  
10 of a segment of any irrigation or drainage ditch, canal, or lateral,  
11 whether on public or private property, which lies within the corporate  
12 limits of such city or village, and for this purpose may acquire and hold  
13 land or an interest in land. Nothing in this section shall be construed  
14 to authorize the taking of property without payment of compensation when  
15 required by law. Such city or village may undertake and finance a project  
16 authorized by this section either independently or jointly with any  
17 person owning or operating such irrigation ditch, canal, or lateral. If ÷  
18 ~~Provided, that~~ if such project is undertaken independently, the owner or  
19 operator of such irrigation ditch, canal, or lateral shall approve the  
20 design of the project prior to any construction.

21 Sec. 165. Section 19-2427, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 19-2427 Any city of the first class, city of the ~~or~~ second class, or  
24 village may include land adjacent to such city or village when creating  
25 an improvement district, such as a sewer, paving, water, water extension,  
26 or sanitary sewer extension district. The city council or village board  
27 of trustees may levy a special assessment for the costs of such  
28 improvements upon the properties found specially benefited thereby,  
29 except as provided in sections 19-2428 to 19-2431.

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

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

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

10           (a) Agricultural use means the use of land as described in section  
11 77-1359, so that incidental use of the land for nonagricultural or  
12 nonhorticultural purposes shall not disqualify the land; and

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

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

27           19-2429 (1) Any owner of record title eligible for the deferral  
28 granted by section 19-2428 shall, to secure such assessment, make  
29 application to the city council ~~or board of trustees~~ of any city of the  
30 first class or city of the second class or the village board of trustees  
31 of any village within ninety days after creation of an improvement

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

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

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

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

15 19-2430 The deferral provided for in sections 19-2428 to 19-2431  
16 shall be terminated upon any of the following events:

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

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

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

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

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

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

29 19-2432 (1) Whenever a tract of land against which a special  
30 assessment has been levied is divided or subdivided by any platting,  
31 replatting, or other form of division creating separate lots or tracts,

1 the city council ~~governing body~~ of any city of the first class or ~~7~~ city  
2 of the second class ~~7~~ or the village board of trustees of any village  
3 which has levied such special assessments may (a) on application of the  
4 owner of any part of the tract or (b) on its own motion, determine the  
5 apportionment of such special assessment remaining unpaid among the  
6 various lots and parcels in the tract resulting from the division or  
7 subdivision. Any such reapportionment shall be on such fair and equitable  
8 terms as the city council or village board of trustees ~~governing body~~  
9 shall determine after notice and hearing on the reapportionment. No  
10 reapportionment of a special assessment shall be done on a tract of land  
11 if a tax sale certificate has been issued for such tract or if the  
12 special assessment being reapportioned is delinquent.

13 (2) Notice of hearing on the reapportionment shall be given by  
14 publication one time in a legal newspaper ~~in published~~ or of general  
15 circulation in the city or village not less than ten days prior to the  
16 hearing. Notice of the hearing shall be sent by mail to the owners of  
17 record title of each lot or parcel affected by any proposed or determined  
18 reapportionment in the same manner as is required under section  
19 25-520.01.

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

31 (4) Any notice required under this section may be waived in writing

1 by any owner of any lot or parcel affected by any reapportionment.

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

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

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

12 19-2701 A city of the first class or city of the second class may  
13 enter into a contract or contracts to sell electric, water, or sewer  
14 service to persons beyond the corporate limits of such a city when, in  
15 the judgment of the mayor and city council of such a city not having a  
16 board of public works or of its board of public works in such a city  
17 having such board, it is beneficial to ~~any~~ such city to do so. No such  
18 contract shall run for a period in excess of twenty-five years. Such a  
19 city is hereby authorized and empowered to enter into contracts for the  
20 furnishing of electric service to persons, firms, associations, and  
21 corporations beyond the corporate limits of such a city.

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

24 19-2901 Sections 19-2901 to 19-2909 shall be known and may be cited  
25 as the Nebraska Municipal Auditing Law.

26 Sec. 172. Section 19-2902, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-2902 For purposes of the Nebraska Municipal Auditing Law, unless  
29 the context otherwise requires:

30 (1) Accountant means a duly licensed public accountant or certified  
31 public accountant who otherwise is not an employee of or connected in any

1 way with the municipality involved;

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

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

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

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

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

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

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

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

31 ~~(5) Fiscal year shall mean the fiscal year for the particular~~



1 ~~municipality involved or the fiscal year established in section 18-2804~~  
2 ~~for a proprietary function if different than the municipal fiscal year.~~

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

5       19-2904 The annual audit report shall set forth, insofar as  
6 possible, the financial position and results of financial operations for  
7 each fund or group of accounts of the municipality. When the accrual  
8 method is selected for the annual audit report, such report shall be in  
9 accordance with generally accepted accounting principles. The annual  
10 audit report shall also include the professional opinion of the  
11 accountant with respect to the financial statements, or, if an opinion  
12 cannot be expressed, a declaration that the accountant is unable to  
13 express such an opinion with an explanation of the reasons why he or she  
14 cannot do so.

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

17       19-2905 At least three copies of the such annual audit report shall  
18 be properly signed and attested by the accountant, ÷ two copies shall be  
19 filed with the clerk of the municipality involved, and one copy shall be  
20 filed with the Auditor of Public Accounts. The copy of the annual audit  
21 report submitted to the Auditor of Public Accounts shall be accompanied  
22 by a supplemental report, if appropriate, by the accountant making the  
23 audit identifying any illegal acts or indications of illegal acts  
24 discovered as a result of the audit.

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

31       Sec. 175. Section 19-2907, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       19-2907 Should any municipality fail or refuse to cause an such  
3 annual audit to be made of all of its functions, activities, and  
4 transactions for the fiscal year within a period of six months following  
5 the close of such fiscal year, then and in such event, any resident  
6 taxpayer may make a written demand on the city council or village board  
7 of trustees governing ~~body~~ of such municipality to commence such annual  
8 audit within thirty days, and if such demand is ignored, a mandamus  
9 action may be instituted by any taxpayer or taxpayers residing in such  
10 municipality against the ~~then~~ municipal authorities of such municipality  
11 requiring the municipality to proceed forthwith to cause such audit to be  
12 made, and if such action is decided in favor of the taxpayer or taxpayers  
13 instituting the same, the ~~then~~ municipal authorities of such municipality  
14 shall be personally, and jointly and severally, liable for the costs of  
15 such action, including a reasonable attorney's ~~attorney~~ fee to be allowed  
16 by the court for the attorney employed by the taxpayer or taxpayers and  
17 who prosecuted the action. Upon a failure, refusal, or neglect to cause  
18 such annual audit to be made as required by sections 19-2903 and 19-2904,  
19 and a failure to file a copy thereof with the Auditor of Public Accounts  
20 as required by section 19-2905, the Auditor of Public Accounts shall,  
21 after due notice and a hearing to show cause by such city or village,  
22 notify the State Treasurer of such failure to file a copy with the  
23 Auditor of Public Accounts. The State Treasurer shall, upon receipt of  
24 such notice, withhold distribution of all money to which such city or  
25 village may be entitled under the provisions of sections 39-2511 to  
26 39-2520, until such annual audit shall have been made and have been filed  
27 with the Auditor of Public Accounts. If such annual audit is not filed  
28 within a period of six months from the time of the order and notice of  
29 delinquency given by the Auditor of Public Accounts to the State  
30 Treasurer, the amount so withheld shall be distributed to the other  
31 cities and villages in the county where such delinquent city is located.

1 Upon compliance with the law requiring annual audits, the delinquent city  
2 or village shall again become entitled to distribution of all money to  
3 which it is entitled from the State Treasurer beginning with the date of  
4 such compliance.

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

7 19-2908 The Nebraska Municipal Auditing Law ~~provisions of sections~~  
8 ~~19-2901 to 19-2909~~ shall not be construed to relieve any officer of any  
9 duties now required by law of him or her with relation to public accounts  
10 of a municipality or the disbursement of public funds of a municipality  
11 ~~the same~~. Failure of the municipality to comply with any provisions of  
12 the Nebraska Municipal Auditing Law ~~sections 19-2901 to 19-2909~~ shall not  
13 affect the legality of taxes levied for any of the funds of such  
14 municipality or any special assessments levied in connection with public  
15 improvements.

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

18 19-2909 The expenses of the audit required by the Nebraska Municipal  
19 Auditing Law ~~in sections 19-2901 to 19-2909~~ shall be paid by the  
20 municipal authorities of the municipality involved from appropriate  
21 municipal funds; ~~Provided, that if any municipality has completed its~~  
22 ~~annual budget and passed its appropriation ordinance before March 30,~~  
23 ~~1959, then such expenses may be paid from the general fund of such~~  
24 ~~municipality for the first annual audit made under the provisions of~~  
25 ~~sections 19-2901 to 19-2909.~~

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

28 19-3052 (1) For purposes of this section, municipality means shall  
29 ~~mean~~ any city of the first class, city of the ~~or~~ second class, or village  
30 which elects members of the city council or village board of trustees ~~its~~  
31 ~~governing board~~ by districts.

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

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

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

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

29           (5)(a) No proposed annexation by a municipality shall be restricted  
30 or governed by this section unless such annexation would bring sufficient  
31 new residents into such municipality so as to require the election

1 districts of the municipality to be redrawn to maintain substantial  
2 population equality between districts.

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

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

15 Sec. 179. Section 19-3101, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 19-3101 In all cities of the first class, cities of the ~~and~~ second  
18 class, classes and villages, regardless of the form of government, in  
19 addition to the events listed in section 32-560 and any other reasons for  
20 a vacancy provided by law, after notice and a hearing, a vacancy on the  
21 city council or village board of trustees shall exist if a member is  
22 absent from more than five consecutive regular meetings of the city  
23 council or village board of trustees unless the absences are excused by a  
24 majority vote of the remaining members.

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

27 19-3302 As used in the Offstreet Parking District Act sections  
28 ~~19-3301 to 19-3326~~, unless the context otherwise requires,  
29 offstreet ~~offstreet~~ parking facilities includes parking lots, garages,  
30 buildings, and multifloor buildings for the parking of motor vehicles.

31 Sec. 181. Section 19-3303, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3303 In addition to matters specifically elsewhere set forth in  
3 the Offstreet Parking District Act, cities of the primary class, cities  
4 of the first class, and cities of the second class are authorized to  
5 conduct sections 19-3301 to 19-3326, such sections authorize and include  
6 the following activities:

7 (1) The formation of offstreet parking districts;

8 (2) The acquisition of lands, property, and rights-of-way necessary  
9 or convenient for use as offstreet parking facilities;

10 (3) The acquisition of lands, property, and rights-of-way necessary  
11 or convenient for the opening, widening, straightening, or extending of  
12 streets or alleys necessary or convenient for ingress to and egress from  
13 any offstreet parking facility;

14 (4) The acquisition by condemnation, purchase, or gift of property  
15 or any interest therein. Any lands or property necessary or convenient  
16 for offstreet parking facilities may be acquired in fee simple by  
17 condemnation or otherwise;

18 (5) The improvement of any acquired lands by the construction  
19 thereon of garages or other buildings, including multifloor buildings, or  
20 improvements necessary or convenient for offstreet parking facilities  
21 including paying from revenue received pursuant to the Offstreet Parking  
22 District Act sections 19-3301 to 19-3326 all or a portion of the cost of  
23 a covered or uncovered mall to be constructed in a street or alley  
24 pursuant to city authority to construct such improvements in connection  
25 with paving and street improvements;

26 (6) The improvement of parking places and any alleys, streets, or  
27 ways necessary or convenient for ingress to or egress from offstreet  
28 parking facilities;

29 (7) The issuance, sale, and payment of bonds to pay the cost and  
30 expense of any acquisition or improvement authorized by the Offstreet  
31 Parking District Act sections 19-3301 to 19-3326;

1 (8) The administration, maintenance, operation, and repair of such  
2 offstreet parking facilities, including the maintenance of parking meters  
3 thereon;

4 (9) The collection of fees or charges to pay all or any part of the  
5 cost of improving, repairing, maintaining, or operating offstreet parking  
6 facilities and of acquiring and improving offstreet parking facilities;

7 (10) The employment of engineers, attorneys, and other persons  
8 necessary or convenient for the doing of any acts authorized by the  
9 Offstreet Parking District Act sections 19-3301 to 19-3326; and

10 (11) The doing of all acts and things necessary or convenient for  
11 the accomplishment of the purpose of the Offstreet Parking District Act  
12 sections 19-3301 to 19-3326. The enumeration of specific authority in the  
13 Offstreet Parking District Act sections 19-3301 to 19-3326 does not limit  
14 in any way the general authority granted by the act sections 19-3301 to  
15 19-3326.

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

18 19-3304 Whenever any notice is to be given or posted pursuant to the  
19 Offstreet Parking District Act provisions of sections 19-3301 to 19-3326  
20 and the officer to give or post notice is not designated, the notice  
21 shall be given or posted by the city engineer. Any notice or posting  
22 shall not be invalidated because such notice or posting is given or done  
23 by an officer other than those whose duty it is to give the notice or  
24 perform the posting.

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

27 19-3305 Any proceedings taken, taxes or assessments levied, or bonds  
28 issued pursuant to the Offstreet Parking District Act sections 19-3301 to  
29 19-3326 shall not be held invalid for failure to comply with the act  
30 provisions of sections 19-3301 to 19-3326.

31 Sec. 184. Section 19-3306, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3306 Any procedure not expressly set forth in the Offstreet  
3 Parking District Act ~~sections 19-3301 to 19-3326~~ but deemed necessary or  
4 convenient to carry out any of the its purposes of the act is authorized.

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

7 19-3307 The remedies provided in the Offstreet Parking District Act  
8 ~~sections 19-3301 to 19-3326~~ for the enforcement of taxes or assessments  
9 levied or bonds issued pursuant to the act ~~provisions of sections 19-3301~~  
10 ~~to 19-3326~~ are not exclusive ~~and additional remedies may be provided at~~  
11 ~~any time.~~

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

14 19-3308 The curative clauses of the Offstreet Parking District Act  
15 ~~sections 19-3301 to 19-3326~~ are cumulative, and each is to be given full  
16 effect.

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

19 19-3309 The Offstreet Parking District Act does ~~Sections 19-3301 to~~  
20 ~~19-3326~~ do not affect any other law relating to the same or any similar  
21 subject but provides ~~provide~~ an alternative authority and procedure for  
22 the subject to which it relates ~~they relate~~. When proceeding under the  
23 act ~~sections 19-3301 to 19-3326~~, only the their provisions of the act  
24 ~~only~~ need be followed.

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

27 19-3310 The Offstreet Parking District Act ~~Sections 19-3301 to~~  
28 ~~19-3326~~ shall be liberally construed.

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

31 19-3311 Notwithstanding the provisions of any home rule charter and



1 in addition to the powers set out in sections 15-269 to 15-276 and 16-801  
2 to 16-811, any city of the primary class, city of the first class, or  
3 city of the , ~~first or second class in Nebraska~~ is hereby authorized to  
4 own, purchase, construct, equip, lease, either as lessee or lessor, or  
5 operate within such city, offstreet parking facilities for the use of the  
6 general public and to refund bonds of the city issued pursuant to the  
7 Offstreet Parking District Act sections 19-3301 to 19-3326, or in a city  
8 of the first class to refund outstanding bonds issued to purchase,  
9 construct, equip, or operate such offstreet parking facilities pursuant  
10 to sections 16-801 to 16-811. Except as otherwise provided in any home  
11 rule charter, the grant of power in this section ~~herein~~ does not include  
12 power to engage, directly or indirectly, in the sale of gasoline, oil, or  
13 other merchandise or in furnishing of any service other than of parking  
14 motor vehicles as provided in the act sections 19-3301 to 19-3326. Any  
15 such city shall have the authority to acquire by grant, contract, or  
16 purchase, or through condemnation, as provided by law or by any home rule  
17 charter for such acquisition, all real or personal property, including a  
18 site or sites on which to construct such offstreet parking facility,  
19 necessary or convenient in carrying out of this grant of power.  
20 Property ; ~~Provided, that property~~ now used or hereafter acquired for  
21 public offstreet motor vehicle parking by a private operator in such  
22 cities shall not be subject to condemnation. Before any such city may  
23 commence a program to construct, purchase, or acquire by other means a  
24 proposed offstreet parking facility or facilities, notice shall be given,  
25 by publication once each week for not less than thirty days, inviting  
26 application for private ownership and operation of offstreet parking  
27 facilities, which notice shall fix a date for a public hearing on any  
28 application received. If no application or applications have been  
29 received or if received, the same have been disapproved by the city  
30 council governing body of such city after a public hearing concerning  
31 such applications, then such city may proceed in the exercise of the

1 powers ~~herein~~ granted in this section. The procedure to condemn property  
2 shall be exercised in the manner set forth in sections 76-701 to 76-724,  
3 except as to properties specifically excluded by section 76-703, and as  
4 to which sections 19-701 to 19-707 are applicable. The duties set forth  
5 for the mayor and city council in sections 19-3312 to 19-3325 shall be  
6 the duties and responsibilities of the city council in any city which by  
7 law or by home rule charter has exclusively vested all legislative powers  
8 of the city in such city council.

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

11 19-3312 The mayor and city council may fix and establish by  
12 resolution pursuant to the Offstreet Parking District Act ~~provisions of~~  
13 ~~sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet  
14 parking district, which boundaries shall include all the land in the  
15 district which in the opinion of the mayor and city council will be  
16 specially benefited thereby. Notice of the time and place of a hearing  
17 before the city council on the creation of such district and of protests  
18 and objections to the creation of the district as set forth in the notice  
19 shall be given by publication one time each week for not less than three  
20 weeks in a legal daily or weekly newspaper in or of general circulation  
21 ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the  
22 proposed boundaries of the district and the engineer's estimate of the  
23 sum of money to be expended in the acquisition of property and the  
24 construction of the offstreet parking facility. Not later than the hour  
25 set for the hearing any owner or any person interested in any real estate  
26 within the proposed district may severally or with other owners file with  
27 the city clerk written objections to the thing proposed to be done, the  
28 extent of the proposed district, or both, and every person so interested  
29 shall have a right to protest on any grounds and to object to his or her  
30 real estate being included in the district, and at such hearing all  
31 objections and protests shall be heard and passed upon by the mayor and

1 city council.

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

4 19-3313 If the owners of the record title representing more than  
5 fifty percent of the taxable valuation of all of the taxable real  
6 property included in ~~a such~~ proposed offstreet parking district or  
7 districts under the Offstreet Parking District Act, and who were such  
8 owners at the time the notice of hearing on objections to the creation of  
9 the district was first published, file with the city clerk within twenty  
10 days of the first publication of the notice written objections to the  
11 formation of the district, such district shall not be formed. If  
12 objections are not filed by owners of such fifty percent of the taxable  
13 valuation of all of the taxable real property and if the mayor and city  
14 council find, after considering any other protests and objections that  
15 may be filed and after considering the evidence presented at the hearing,  
16 that the public health, welfare, convenience, or necessity requires the  
17 formation of such an offstreet parking district and facilities, then such  
18 district shall be formed by ordinance. If the mayor and city council find  
19 that the boundaries as set forth in the resolution and notice include  
20 land which should not be included, then the ordinance shall fix the  
21 boundaries of the district so as to exclude such land. Each district  
22 formed pursuant to this section shall be numbered and the designation of  
23 the district shall be called, using appropriate numbers, Vehicle  
24 Offstreet Parking District No. .... of the City of .....,  
25 Nebraska. The ordinance creating the district need not designate the  
26 exact location of the proposed offstreet parking facility but shall  
27 designate the engineer's estimate of the sum of money to be expended in  
28 the acquisition of property and construction of such offstreet parking  
29 facility or the share of such project as will be borne by the district.  
30 The total cost and expenses shall include:

31 (1) The amounts estimated to be paid for the property to be

1 acquired;

2 (2) All costs and expenses in construction of the offstreet parking  
3 facility;

4 (3) All engineering expense; and

5 (4) The estimated expense of issuing and selling bonds and all other  
6 expenses which the city would not have except for the creation of such  
7 offstreet parking district.

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

10 19-3314 In the ordinance creating an offstreet parking district  
11 pursuant to the Offstreet Parking District Act ~~the district~~, the mayor  
12 and city council shall provide that in addition to the levy of taxes and  
13 pledge of revenue all or a portion of the cost of acquisition, including  
14 construction, maintenance, repair, and reconstruction of any offstreet  
15 parking facility may be paid for by special assessment against the real  
16 estate located in such district in proportion to the special benefit of  
17 each parcel of real estate. The amounts of such special assessments shall  
18 be determined by the mayor and city council sitting as a board of  
19 equalization. Notice of a hearing on any special assessments to be levied  
20 under section 19-3315 shall be given to the landowners in such district  
21 by publication of the description of the land, the amount proposed to be  
22 assessed, and the general purpose for which such assessment is to be made  
23 one time each week for three weeks in a legal ~~daily or weekly~~ newspaper  
24 in or of general circulation ~~published~~ in the city. The notice shall  
25 provide the date, time, and place of hearing to determine any objection  
26 or protest by landowners in the district as to the amount of assessment  
27 made against their land. An appeal by writ of error or direct appeal to  
28 the district court of the county in which such city is located may be  
29 taken from the decision of the city council in the same manner and under  
30 like terms and conditions as appeals may be taken from the amount of  
31 special assessments levied in street improvement districts of such city

1 ~~as now provided by law.~~

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

4       19-3315 The mayor and city council may by resolution levy and assess  
5 taxes and assessments under the Offstreet Parking District Act as  
6 follows:

7       (1) A property tax within any offstreet parking district of not to  
8 exceed thirty-five cents on each one hundred dollars of taxable valuation  
9 of taxable property within such district subject to section 77-3443 to  
10 pay all or any part of the cost to improve, repair, maintain,  
11 reconstruct, operate, or acquire any offstreet parking facility and to  
12 pay principal and interest on any bonds issued for an offstreet parking  
13 facility for such district. Such tax shall be levied and collected at the  
14 same time and under the same provisions as the regular general city tax.  
15 The taxes collected from any such district shall be used only for the  
16 benefit of such district. For purposes of subsection (2) of section  
17 77-3443, the tax shall be counted in the allocation by the city  
18 proportionately, by dividing the total taxable valuation of the taxable  
19 property within the district by the total taxable valuation of the  
20 taxable property within the city multiplied by the levy of the district;

21       (2) A special assessment against the real property located in an  
22 offstreet parking ~~such~~ district to the extent of the special benefit  
23 thereto for the purpose of paying all or any part of the total costs and  
24 expenses of acquisition, including construction, of an offstreet parking  
25 facility in such district. The special assessment shall be levied as  
26 provided in section 19-3314. In the event that subsequent to the levy of  
27 assessments the use of any parcel of land changes so that, had the new  
28 use existed at the time of making such levy, the assessment on such  
29 parcel would have been higher than the assessment actually made, an  
30 additional assessment may be made on such parcel by the mayor and city  
31 council taking into consideration the new and changed use of the

1 property. The total amount of assessments levied under this subdivision  
2 shall not exceed the total costs and expenses of acquiring a facility  
3 defined in section 19-3313. The levy of an additional assessment shall  
4 not reduce or affect in any manner the assessments previously levied.  
5 Additional assessments shall be levied as provided in section 19-3314,  
6 except that published notice may be omitted if notice is personally  
7 served on the owner at least twenty days prior to the date of hearing.  
8 All assessments levied under this subdivision shall constitute a sinking  
9 fund for the payment of principal and interest on bonds issued for such  
10 facility as provided by section 19-3317 until such bonds and interest are  
11 fully paid; and

12 (3) A special assessment against the real property located in an  
13 offstreet parking such district to the extent of special benefit thereto  
14 for the purpose of paying all or any part of the costs of maintenance,  
15 repair, and reconstruction of such offstreet parking facility in the  
16 district. The mayor and city council may levy such assessments under  
17 either of the following methods: (a) The mayor and city council may, not  
18 more frequently than annually, determine the costs of maintenance,  
19 repair, and reconstruction of such facility and such costs shall be  
20 assessed to the real property located in such district as provided by  
21 section 19-3314. At the hearing on such assessments, objections may be  
22 made to the total costs and the proposed allocation of such costs among  
23 the parcels of real property in such district; or (b) after notice is  
24 given to the owners as provided in section 19-3314, the mayor and city  
25 council may establish and may change from time to time the percentage of  
26 such costs of maintenance, repair, and reconstruction which each parcel  
27 of real property in any district shall pay. Thereafter, the mayor and  
28 city council shall annually determine the total amount of such costs for  
29 each period since costs were last assessed and shall after a hearing  
30 assess such costs to the real property in the district in accordance with  
31 the percentages previously established or as established at such hearing.

1 Notice of such hearing shall be given as provided in section 19-3314 and  
2 shall state the total cost and percentage to be assessed to each parcel  
3 of real property. Unless written objections are filed with the city clerk  
4 at least five days before the hearing, all objections to the amount of  
5 total costs and the assessment percentages shall be deemed to have been  
6 waived and assessments shall be levied as stated in such notice unless  
7 the mayor and city council reduce any assessment. At such hearing, the  
8 assessment percentage for the assessment of costs in the future may be  
9 changed.

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

12 19-3315.01 (1) In addition to uses otherwise authorized in the  
13 Offstreet Parking District Act, any money available from taxes or  
14 assessments levied pursuant to section 19-3315 or revenue derived from  
15 the operation of an offstreet parking facility may be used in an  
16 offstreet parking ~~the~~ district for any one or more of the following  
17 purposes as determined by a vote of the majority of the city council:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) If any part of the revenue from fees and charges on the use of  
30 an offstreet parking facility or from onstreet parking meters within the  
31 district has been dedicated for the payment of principal or interest on



1 bonds issued pursuant to section 19-3317 or has been pledged as security  
2 for such bonds, such revenue shall not be used for the purposes set forth  
3 in subsection (1) of this section until such time as such bonds have been  
4 fully paid or sufficient revenue has been placed in the sinking fund to  
5 guarantee such repayment.

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

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

24 19-3316 Special assessments levied pursuant to section 19-3315 shall  
25 become due in fifty days after the date of such levy and shall become  
26 delinquent in one or more installments over a period of not to exceed  
27 twenty years, in such manner as the mayor and city council shall  
28 determine at the time of making the levy. The first installment may  
29 become delinquent in fifty days after the date of levy if so specified by  
30 the mayor and the city council. Each of such installments shall draw  
31 interest before due date of not more than the rate of interest specified

1 in section 45-104.01, as such rate may from time to time be adjusted by  
2 the Legislature, and after delinquency at the rate specified in section  
3 45-104.01, as such rate may from time to time be adjusted by the  
4 Legislature, as the mayor and city council shall determine at the time  
5 the levy shall be made, except that any installment may be paid within  
6 fifty days of the date of such levy without interest being charged  
7 thereon. If three or more of such installments become delinquent and  
8 unpaid on the same property, the mayor and city council may by resolution  
9 declare all future installments on such delinquent property to be due on  
10 a future fixed date. The resolution shall set forth the description of  
11 the property and the name of its record title owner and shall provide  
12 that all future installments shall become delinquent upon such fixed  
13 date. A copy of such resolution shall be published one time each week for  
14 not less than twenty days in a legal newspaper in or of general  
15 circulation ~~published in the city or, if none is published in the city, a~~  
16 ~~legal newspaper of general circulation in such city.~~ After the fixed  
17 date, such future installments shall be deemed to be delinquent and the  
18 city may proceed to enforce and collect the total amount due and all  
19 future installments. Except as otherwise provided, all special  
20 assessments levied under section 19-3315 shall be liens on the property  
21 and shall be certified for collection and be collected in the same manner  
22 as special assessments made for improvements in street improvement  
23 districts in the city are collected.

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

26 19-3317 For the purpose of paying the cost of such offstreet parking  
27 facility, or any portion thereof, or to refund all or a portion of any  
28 outstanding bonds of the city authorized to be refunded by the Offstreet  
29 Parking District Act ~~sections 19-3301 to 19-3326~~, the mayor and city  
30 council shall have power and may, by ordinance, cause to be issued  
31 general obligation bonds of the city, to be called Offstreet Parking

1 Bonds of the City of ....., Nebraska, payable in not exceeding twenty  
2 years from date and bearing interest, payable either annually or  
3 semiannually, not exceeding a rate of twelve percent per annum with  
4 interest coupons attached. In such cases they shall also provide that  
5 special taxes levied within the district pursuant to section 19-3315  
6 shall constitute a sinking fund for the payment of such bonds and the  
7 mayor and city council may, in the ordinance, pledge all or any part of  
8 the revenue from fees and charges on the use of the parking facility or  
9 fees and charges from onstreet parking meters within the district not  
10 already pledged as security for such bonds. There shall be levied upon  
11 all the taxable property in such city a tax which, together with such  
12 sinking fund derived from special assessments and other revenue pledged  
13 for the payment of the bonds and interest thereon, shall be sufficient to  
14 meet payments of interest and principal as the same become due. All such  
15 bonds shall bear such date or dates, mature at such time or times, be in  
16 such denominations, be in such form either coupon or registered, carry  
17 such registration privileges, be executed in such manner, and be payable  
18 in such medium of payment, and at such place or places within or without  
19 the State of Nebraska as such ordinance may provide. No proceedings for  
20 the issuance of bonds of any city shall be required other than those  
21 required by the Offstreet Parking District Act ~~provisions of sections~~  
22 ~~19-3301 to 19-3326~~. Such bonds may be issued either before or after the  
23 completion of the acquisition or construction of the offstreet parking  
24 facility, as the mayor and city council may determine best. For the  
25 purpose of paying costs of an offstreet parking facility prior to  
26 issuance of bonds, warrants may be issued by the mayor and city council  
27 upon such terms as the mayor and city council may determine, which  
28 warrants shall be redeemed and paid upon the sale of bonds authorized in  
29 this section.

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

1           19-3318 The owners of the record title of any real property within a  
2 given area in any city of the first class or city of the second class  
3 representing fifty-five percent of the total taxable valuation of all of  
4 the taxable real property within the proposed district to be formed,  
5 which district must consist of contiguous lands and lots, may petition  
6 the mayor and city council to create a vehicle offstreet parking district  
7 by ordinance, which district shall be consecutively numbered, and to  
8 acquire property and construct an offstreet parking facility thereon as  
9 provided in the Offstreet Parking District Act. For purposes of the act,  
10 property separated by streets or alleys shall be deemed to be contiguous.

11           The petition shall contain:

12           (1) A general description of the exterior boundaries of the proposed  
13 district;

14           (2) A general statement of the estimated amount of money involved in  
15 the acquisition of the land and property and construction of the  
16 facility;

17           (3) A general description of the improvements proposed to be made or  
18 constructed; and

19           (4) A statement that the petition is filed pursuant to this section.

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

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

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

30           19-3319 When such petition is presented to the mayor and city  
31 council pursuant to section 19-3318, it shall be the duty of the mayor

1 and city council to proceed as provided in sections 19-3312 and 19-3313  
2 as upon the passage of a resolution for the creation of an offstreet  
3 parking district. The same procedure for publication of notice and  
4 objections to the creation of the district shall apply.

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

7 19-3320 Whether the ordinance creating an ~~the~~ offstreet parking  
8 district is passed on the initiative of the city council or on the  
9 petition of landowners, the city council shall not change the boundaries,  
10 except after notice of intention to do so given by the city clerk by one  
11 insertion in the legal newspaper in which the ordinance and notice were  
12 published. The notice shall describe the proposed change and specify the  
13 time for hearing objections, which shall be at least fifteen days after  
14 publication of the notice.

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

17 19-3321 If ~~a the~~ change proposed pursuant to section 19-3320 is to  
18 include additional land in the offstreet parking district, the city clerk  
19 also shall mail a copy of the notice to each person to whom land in the  
20 area proposed to be added is assessed as shown in the office of the  
21 register of deeds or the county clerk at such person's last-known  
22 address. The notice shall be mailed by certified mail at least fifteen  
23 days prior to the time set for hearing objections. If the boundaries are  
24 changed, objection or protest made by owners of lands excluded by the  
25 change shall not be counted in computing a protest but written objection  
26 or protest made by owners of the remaining assessable land in the  
27 district, including assessable land added by the change and filed with  
28 the city clerk not later than the time set for hearing, objecting to the  
29 proposed change shall be included in computing the protest. If owners of  
30 real property representing more than fifty percent of the taxable  
31 valuation of all real property in such new proposed district after the

1 change of boundaries file a written protest within twenty days after the  
2 notice is published in such newspaper, then such district may not be  
3 changed.

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

6 19-3322 Any land which in the judgment of the mayor and city council  
7 will not be benefited shall not be included in an offstreet parking the  
8 district under the Offstreet Parking District Act.

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

11 19-3323 If the proceedings for the creation of an original offstreet  
12 parking district or for an offstreet parking district under which the  
13 boundaries have been changed, are terminated by a protest to the city  
14 council, a proceeding under the Offstreet Parking District Act ~~provisions~~  
15 ~~of sections 19-3301 to 19-3326~~ for the same or substantially the same  
16 acquisition and improvement shall not be commenced within one year  
17 thereafter, except on petitions signed by owners of the record title  
18 representing a majority of the total land area in the district.

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

21 19-3324 Any protest or objection made pursuant to the Offstreet  
22 Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ or any  
23 signature to such objection or protest may be withdrawn by a written  
24 withdrawal signed by the person or persons who signed the protest or  
25 objection or who affixed the signature to be withdrawn and filed with the  
26 city clerk at any time prior to the determination of the mayor and city  
27 council as to whether or not a protest exists. Any protest, objection, or  
28 signature withdrawn shall not be counted in computing the protest.

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

31 19-3325 Proceedings under the Offstreet Parking District Act

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

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

10       19-3326 (1) After the issuance of bonds under the Offstreet Parking  
11 District Act hereunder by a city of the first class or city of the second  
12 class, a certificate shall be issued by the city clerk certifying the  
13 same to the county treasurer of the county in which such city is located  
14 and the annual taxes within the district shall be handled in the same  
15 manner and collected in the same manner as intersection bonds for street  
16 paving in the cities of the first class or cities of the second class in  
17 ~~Nebraska~~ and to be paid to the city for use as provided by the act  
18 ~~sections 19-3301 to 19-3326~~.

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

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

27       19-3327 Any city of the primary class, city of the first class, or  
28 city of the ~~, first, or~~ second class, after the creation of an offstreet  
29 parking district pursuant to the Offstreet Parking District Act, shall  
30 have the power to own, purchase, construct, equip, lease, or operate  
31 within such city any offstreet parking facility in addition to any

1 offstreet parking facility contemplated at the time of the creation of  
2 the district if the mayor and city council are of the opinion that the  
3 district will be benefited thereby. Whenever the city council deems it  
4 advisable to own, purchase, construct, equip, lease, or operate such  
5 additional facility, the city council shall by resolution set forth the  
6 engineer's estimate of the sum of money to be expended in the acquisition  
7 of property and the construction of the offstreet parking facility and a  
8 description of the facility to be constructed, and if such resolution  
9 proposes to acquire by grant, contract, or purchase, or through  
10 condemnation any offstreet parking facility, the resolution shall state  
11 the price and conditions and how such facility shall be acquired, and if  
12 assessments are to be levied, the resolution shall state the proposed  
13 boundaries of the area in the district in which the special assessments  
14 shall be levied. Notice of the time and place of a hearing before the  
15 city council on such resolution shall be given by publication one time  
16 each week for two weeks in a legal daily ~~or weekly~~ newspaper in or of  
17 general circulation ~~published~~ in the city. The publication shall contain  
18 the entire resolution. The last publication shall not be less than five  
19 days nor more than two weeks prior to the date set for such hearing. Not  
20 later than the hour set for the hearing, any owner or any person  
21 interested in any real property within the proposed area may file with  
22 the city clerk written objections to the resolution, the extent of the  
23 proposed area, or both, and every person so interested shall have a right  
24 to protest on any grounds and to object to his or her real property being  
25 included in the area. At such hearing all objections and protests shall  
26 be heard and passed upon by the mayor and city council. If the owners of  
27 record title representing more than sixty percent of the taxable  
28 valuation of all of the taxable real property included in such proposed  
29 area and who were such owners at the time the notice of hearing on  
30 objections to the creation of the facility was first published file a  
31 petition with the city clerk within three days of the date set for the



1 hearing, such resolution shall not be passed.

2 Sec. 207. Section 19-3501, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

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

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

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

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

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

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

11 If a plan contains no current active participants, the city clerk or

12 village clerk may file in place of such report a statement with the

13 Public Employees Retirement Board indicating the number of retirees still

14 drawing benefits, and the sources and amount of funding for such

15 benefits; and

16 (b) If such retirement plan is a defined benefit plan which was open

17 to new members on January 1, 2004, in addition to the reports required by

18 section 13-2402, the city council or village board of trustees shall

19 cause to be prepared an annual report and shall file the same with the

20 Public Employees Retirement Board and the Nebraska Retirement Systems

21 Committee of the Legislature and submit to the Auditor of Public Accounts

22 a copy of each report. The Auditor of Public Accounts may prepare a

23 review of such report pursuant to section 84-304.02 but is not required

24 to do so. If the city council or village board of trustees does not

25 submit a copy of the report to the Auditor of Public Accounts within six

26 months after the end of the plan year, the Auditor of Public Accounts may

27 audit, or cause to be audited, the city or village. All costs of the

28 audit shall be paid by the city or village. The report shall consist of a

29 full actuarial analysis of each such retirement plan established pursuant

30 to this section. The analysis shall be prepared by an independent private

31 organization or public entity employing actuaries who are members in good

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

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

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

21 19-3701 All ordinances for the government of any city of the first  
22 class, city of the ~~or~~ second class, or ~~of~~ any village, adopted by the  
23 voters of such said city or village after submission to them by either  
24 initiative or referendum petition, shall become immediately effective  
25 thereafter. No ~~;~~ ~~but~~ ~~no~~ ordinance for the government of any such city or  
26 village except as provided in sections 16-405 and 17-613, which has been  
27 adopted by such city or village without submission to the voters of such  
28 city or village, shall go into effect until fifteen days after the  
29 passage of such ordinance.

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

1           19-3801 Any city of the first class, city of the ~~or~~ second class, or  
2 any village may, under the provisions of the Interlocal Cooperation Act  
3 or Joint Public Agency Act, enter into a contract with the county board  
4 of its county for police services to be provided by the county sheriff.  
5 The county board shall enter into such a contract when requested by a  
6 village to do so. Whenever any such contract has been entered into, the  
7 sheriff shall, in addition to his or her other powers and duties, have  
8 all the powers and duties of peace officers within and for the city or  
9 village so contracting.

10           Sec. 210. Section 19-4017, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12           19-4017 Cities of the metropolitan class, primary class, first  
13 class, and second class in the state at present have business areas in  
14 need of improvement and development, but lack the funds with which to  
15 provide and maintain such improvements. The purpose of the Business  
16 Improvement District Act is to provide a means by which such cities may  
17 raise the necessary funds to be used for the purpose of providing and  
18 maintaining the improvements authorized by the act.

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

21           19-4017.01 For purposes of the Business Improvement District Act:

22           (1) Assessable unit means front foot, square foot, equivalent front  
23 foot, or other unit of assessment established under the proposed method  
24 of assessment set forth in the ordinance creating a business improvement  
25 district ~~Record owner shall mean the fee owner of real property as shown~~  
26 ~~in the records of the register of deeds office in the county in which the~~  
27 ~~business area is located. A contract purchaser of real property shall be~~  
28 ~~considered the record owner and the only person entitled to petition~~  
29 ~~pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section~~  
30 ~~19-4027 or 19-4029.04, if the contract is recorded in the register of~~  
31 ~~deeds office in the county in which the business area is located;~~

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

6           (3) Record owner means the fee owner of real property as shown in  
7 the records of the register of deeds office in the county in which the  
8 business area is located. A contract purchaser of real property shall be  
9 considered the record owner and the only person entitled to petition  
10 pursuant to section 19-4026 or 19-4029.03 or protest pursuant to section  
11 19-4027 or 19-4029.04, if the contract is recorded in the register of  
12 deeds office in the county in which the business area is located ~~Space~~  
13 ~~shall mean the square foot space wherein customers, patients, clients, or~~  
14 ~~other invitees are received and space from time to time used or available~~  
15 ~~for use in connection with a business or profession of a user, excepting~~  
16 ~~all space owned or used by political subdivisions; and~~

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

23           Sec. 212. Section 19-4018, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25           19-4018 Pursuant to the Business Improvement District Act, cities of  
26 the metropolitan class, primary class, first class, or second class may  
27 impose (1) a special assessment upon the property within a business  
28 improvement district in the city or (2) a general business occupation tax  
29 on businesses and users of space within a business improvement district.  
30 After March 27, 2014, any occupation tax imposed pursuant to this section  
31 shall make a reasonable classification of businesses, users of space, or

1 kinds of transactions for purposes of imposing such tax, except that no  
2 occupation tax shall be imposed on any transaction which is subject to  
3 tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
4 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section  
5 77-2704.24. The proceeds or other available funds may be used for the  
6 purposes stated in section 19-4019.

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

9 19-4019 Any money available under section 19-4018 may be used for  
10 any one or more of the following purposes:

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

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

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

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

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

1 district;

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

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

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

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

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

17 Sec. 214. Section 19-4021, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19 19-4021 The mayor, with the approval of the city council, shall  
20 appoint a business improvement board consisting of property owners,  
21 residents, business operators, or users of space within the business area  
22 to be improved. The boundaries of the business area shall be declared by  
23 resolution of the city council at or prior to the time of the appointment  
24 of the business improvement board. The business improvement board shall  
25 make recommendations to the city council for the establishment of a plan  
26 or plans for improvements in the business area. If it is found that the  
27 improvements to be included in one business area offer benefits that  
28 cannot be equitably assessed together under the Business Improvement  
29 District Act, more than one business improvement district as part of the  
30 same plan for improvements for that business area may be proposed. The  
31 business improvement board may make recommendations to the city as to the

1 use of any occupation tax funds collected, and may administer such funds  
2 if so directed by the mayor and city council. The business improvement  
3 board shall also review and make recommendations to the city regarding  
4 expansion of the boundaries of the business improvement district under  
5 sections 19-4029.02 to 19-4029.05.

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

8 19-4022 The business improvement board shall consist of five or more  
9 members to serve such terms as the city council, by resolution,  
10 determines. The mayor, with the approval of the city council, shall fill  
11 any vacancy for the term vacated. A board member may serve more than one  
12 term. The board shall select from its members a chairperson and a  
13 secretary.

14 Sec. 216. Section 19-4026, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 19-4026 In the event that the city council has not acted to call a  
17 hearing to create a business improvement district as provided in section  
18 19-4029, it shall do so when presented with a petition signed by the  
19 record owners of thirty percent of the assessable front footage in a  
20 business area or by the users of thirty percent of space in a business  
21 area.

22 Sec. 217. Section 19-4027, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 19-4027 Whenever a hearing is held under section 19-4029, the city  
25 council shall:

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

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

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



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

7           Sec. 218. Section 19-4028, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9           19-4028 If the city council decides to change the boundaries of the  
10 proposed business improvement district or to change the proposed  
11 modifications to the boundaries of an existing business improvement  
12 district or districts from those recommended by the business improvement  
13 board, the hearing shall be continued to a time at least fifteen days  
14 after such decision and the notice shall be given as prescribed in  
15 section 19-4029.01, showing the boundary amendments. The city council may  
16 not expand the proposed boundaries recommended by the business  
17 improvement board without the city council's proposed boundaries being  
18 considered by the business improvement board.

19           Sec. 219. Section 19-4029, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21           19-4029 Upon receiving ~~a~~ the recommendation from ~~a~~ the business  
22 improvement board, the city council may create one or more business  
23 improvement districts. The city council, following a hearing, may  
24 establish or reject any proposed business improvement district or  
25 districts. If the city council decides to establish any business  
26 improvement district, it shall adopt an ordinance to that effect. This  
27 ordinance shall contain the following information:

28           (1) A statement that notice of hearing was given, including the date  
29 or dates on which it was given, in accordance with section 19-4029.01;

30           (2) The time and place the hearing was held concerning the formation  
31 of the business improvement ~~such~~ district;

1 (3) A statement that a business improvement district has been  
2 established;

3 (4) The purposes of the business improvement district, and the  
4 public improvements and facilities to be included in such district;

5 (5) The description of the boundaries of the business improvement  
6 ~~such~~ district;

7 (6) A statement that the businesses and users of space in the  
8 business improvement district shall be subject to the general business  
9 occupation tax or that the real property in the business improvement  
10 district will be subject to the special assessment authorized by the  
11 Business Improvement District Act;

12 (7) The proposed method of assessment to be imposed within the  
13 business improvement district or the initial rate of the occupation tax  
14 to be imposed; and

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

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

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

25 19-4029.01 (1) At least ten days prior to the date of any hearing  
26 under sections 19-4029, 19-4029.02, and 19-4029.03, notice of such  
27 hearing shall be given by:

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

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

1 such county;

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

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

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

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

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

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

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

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

30 (4) Any notice of hearing for any hearing required by sections  
31 19-4029.02 and 19-4029.03 shall contain the following information:

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

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

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

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

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

15 19-4029.04 Whenever a hearing is held to expand business improvement  
16 district boundaries under section 19-4029.02 or 19-4029.03, the city  
17 council shall:

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

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

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

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

31 Sec. 222. Section 19-4029.05, Revised Statutes Cumulative

1 Supplement, 2018, is amended to read:

2 19-4029.05 The city council, following a hearing under section  
3 19-4029.02 or 19-4029.03, may expand the boundaries of any business  
4 improvement district or districts. If the city council decides to expand  
5 the boundaries, it shall adopt an ordinance to that effect. This  
6 ordinance shall contain the following information:

7 (1) The name of the business improvement district whose boundaries  
8 will be expanded;

9 (2) A statement that notice of hearing was given, including the date  
10 or dates on which it was given, in accordance with section 19-4029.01;

11 (3) The time and place the hearing was held concerning the new  
12 boundaries of the business improvement ~~such~~ district;

13 (4) The purposes of the boundary expansion and any new public  
14 improvements and facilities to be included in the business improvement  
15 ~~such~~ district;

16 (5) The description of the new boundaries of the business  
17 improvement ~~such~~ district;

18 (6) A statement that the businesses and users of space in the  
19 modified business improvement district established by the ordinance shall  
20 be subject to the general business occupation tax or that the real  
21 property in the modified business improvement district will be subject to  
22 the special assessment authorized by the Business Improvement District  
23 Act;

24 (7) The proposed method of assessment to be imposed within the  
25 business improvement district or the initial rate of the occupation tax  
26 to be imposed; and

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

29 The ordinance shall recite that the method of raising revenue shall  
30 be fair and equitable. In the use of a general occupation tax, the tax  
31 shall be based primarily on the square footage of the owner's and user's

1 place of business. In the use of a special assessment, the assessment  
2 shall be based upon the special benefit to the property within the  
3 business improvement district.

4 Sec. 223. Section 19-4030, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 19-4030 A city may levy a special assessment against the real estate  
7 located in a business improvement district, to the extent of the special  
8 benefit thereto, for the purpose of paying all or any part of the total  
9 costs and expenses of performing any authorized work, except maintenance,  
10 repair, and reconstruction costs, within the business improvement such  
11 district. The amount of each special assessment shall be determined by  
12 the city council sitting as a board of equalization. Assessments shall be  
13 levied in accordance with the method of assessment proposed in the  
14 ordinance creating the business improvement district. If the city council  
15 finds that the proposed method of assessment does not provide a fair and  
16 equitable method of apportioning costs, then it may assess the costs  
17 under such method as the city council finds to be fair and equitable.  
18 Notice of a hearing on any special assessments to be levied under the  
19 Business Improvement District Act shall be given to the landowners in the  
20 business improvement ~~such~~ district by publication of the description of  
21 the land, the amount proposed to be assessed, and the general purpose for  
22 which such assessment is to be made one time each week for three weeks in  
23 a legal ~~daily or weekly~~ newspaper in or of general circulation ~~published~~  
24 in the city. The notice shall provide the date, time, and place of  
25 hearing to hear any objections or protests by landowners in the business  
26 improvement district as to the amount of assessment made against their  
27 land. A direct appeal to the district court of the county in which such  
28 city is located may be taken from the decision of the city council in the  
29 same manner and under like terms and conditions as appeals may be taken  
30 from the amount of special assessments levied in street improvement  
31 districts in such city as now provided by law. All special assessments

1 levied under the act shall be liens on the property and shall be  
2 certified for collection and collected in the same manner as special  
3 assessments for improvements and street improvement districts of the city  
4 are collected. If any part of a business improvement district overlaps  
5 with a riverfront development district in which a special assessment is  
6 already being levied pursuant to section 19-5313, the city creating the  
7 business improvement district shall not impose the business improvement  
8 district's special assessment within the overlapping area.

9       Sec. 224. Section 19-4031, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11       19-4031 (1) In addition to or in place of the special assessments  
12 authorized by the Business Improvement District Act, a city may levy a  
13 general business occupation tax upon the businesses and users of space  
14 within a business improvement district established for acquiring,  
15 constructing, maintaining, or operating public offstreet parking  
16 facilities and providing in connection therewith other public  
17 improvements and facilities authorized by the Business Improvement  
18 District Act, for the purpose of paying all or any part of the total cost  
19 and expenses of any authorized improvement or facility within the  
20 business improvement ~~such~~ district. Notice of a hearing on any such tax  
21 levied under the Business Improvement District Act shall be given to the  
22 businesses and users of space of the business improvement ~~such~~ districts,  
23 and appeals may be taken, all in the manner provided in section 19-4030.

24       (2) After March 27, 2014, any occupation tax imposed pursuant to  
25 this section shall make a reasonable classification of businesses, users  
26 of space, or kinds of transactions for purposes of imposing such tax,  
27 except that no occupation tax shall be imposed on any transaction which  
28 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
29 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
30 section 77-2704.24. The collection of a tax imposed pursuant to this  
31 section shall be made and enforced in such a manner as the city council

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

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

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

12 19-4032 If, subsequent to the levy of taxes or assessments under the  
13 Business Improvement District Act, the use of any parcel of land shall  
14 change so that, had the new use existed at the time of making such levy,  
15 the assessment or levy on such parcel would have been higher than the  
16 levy or assessment actually made, an additional assessment or levy may be  
17 made on such parcel by the city council taking into consideration the new  
18 and changed use of the property. Reassessments or changes in the rate of  
19 levy of assessments or taxes may be made by the city council after notice  
20 and hearing as provided in section 19-4030. The city council shall adopt  
21 a resolution of intention to change the rate of levy at least fifteen  
22 days prior to the hearing required for changes. This resolution shall  
23 specify the proposed change and shall give the time and place of the  
24 hearing.

25 Sec. 226. Section 19-4033, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 19-4033 The total amount of special assessments or general business  
28 occupation taxes levied under the Business Improvement District Act shall  
29 not exceed the total costs and expenses of performing the authorized  
30 work. The levy of any additional assessment or tax shall not reduce or  
31 affect in any manner the assessments previously levied. The assessments



1 or taxes levied must be for the purposes specified in the ordinances and  
2 the proceeds shall not be used for any other purpose.

3 Sec. 227. Section 19-4034, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 19-4034 A city may levy a general business occupation tax, or a  
6 special assessment against the real estate located in a business  
7 improvement district to the extent of special benefit to such real  
8 estate, for the purpose of paying all or any part of the cost of  
9 maintenance, repair, and reconstruction, including utility costs of any  
10 improvement or facility in the business improvement district. Districts  
11 created for taxation or assessment of maintenance, repair, and  
12 reconstruction costs, including utility costs of improvements or  
13 facilities which are authorized by the Business Improvement District Act,  
14 but which were not acquired or constructed pursuant to the act, may be  
15 taxed or assessed as provided in the act. Any occupation tax levied under  
16 this section shall be limited to those improvements and facilities  
17 authorized by section 19-4030. After March 27, 2014, any occupation tax  
18 imposed pursuant to this section shall make a reasonable classification  
19 of businesses, users of space, or kinds of transactions for purposes of  
20 imposing such tax, except that no occupation tax shall be imposed on any  
21 transaction which is subject to tax under section 53-160, 66-489,  
22 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is  
23 exempt from tax under section 77-2704.24. The city council may levy such  
24 taxes or assessments under either of the following methods:

25 (1) The city council, sitting as a board of equalization, may, not  
26 more frequently than annually, determine the costs of maintenance or  
27 repair, and reconstruction, of a facility. Such costs shall be either  
28 assessed to the real estate located in the business improvement such  
29 district in accordance with the proposed method of assessment, or taxed  
30 against the businesses and users of space in the business improvement  
31 district, whichever may be applicable as determined by the ordinance

1 creating the business improvement district. However, if the city council  
2 finds that the method of assessment proposed in the ordinance creating  
3 the business improvement district does not provide a fair and equitable  
4 method of apportioning such costs, then it may assess the costs under  
5 such method as the city council finds to be fair and equitable. At the  
6 hearing on such taxes or assessments, objections may be made to the total  
7 cost and the proposed allocation of such costs among the parcels of real  
8 estate or businesses in the business improvement ~~such~~ district; or

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

26 Sec. 228. Section 19-4035, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 19-4035 The city council may dissolve ~~disestablish~~ a business  
29 improvement district by ordinance after a hearing before the city  
30 council. The city council shall adopt a resolution of intention to  
31 dissolve ~~disestablish~~ the business improvement district area at least

1 fifteen days prior to the hearing required by this section. The  
2 resolution shall give the time and place of the hearing.

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

5 19-4036 Upon ~~dissolution~~ ~~disestablishment~~ of a business improvement  
6 district, any proceeds of any general business occupation ~~the~~ tax or the  
7 special assessment, or assets acquired with such proceeds, shall be  
8 subject to disposition as the city council shall determine.

9 Sec. 230. Section 19-4037, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11 19-4037 ~~Any~~ ~~The~~ city which has established one or more business  
12 improvement districts is authorized to receive, administer, and disburse  
13 donated funds or grants of federal or state funds for the purposes of and  
14 in the manner authorized by the Business Improvement District Act.

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

17 19-4629 (1) ~~A~~ ~~The~~ resolution of intent pursuant to section 19-4628  
18 shall describe the property subject to the proposed condemnation,  
19 including the types of property and facilities to be subject to the  
20 condemnation and the extent and amount of property to be appropriated.  
21 The resolution of intent shall set forth one or more of the following:

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

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

30 (c) A comparison of the rates for natural gas charged by the utility  
31 to ratepayers in the city and of the rates charged to similarly situated

1 ratepayers in comparably sized cities in Nebraska and neighboring states  
2 which are served by the same or different utilities, which comparison the  
3 city believes shows that the rates charged in the city are excessive; or

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

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

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

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

21 19-4630 (1) A The resolution of intent to pursue condemnation  
22 pursuant to section 19-4628 shall be presented to the governing body of  
23 the city at a regular meeting of such governing body. At that meeting the  
24 governing body may adopt the resolution of intent and, if it does so,  
25 shall set a time at least forty-five days after the date of the meeting  
26 at which the resolution of intent was adopted at which time the governing  
27 body of the city shall hold a public hearing.

28 (2) At the public hearing, the sole item of business to be conducted  
29 shall be the public hearing on the resolution of intent at which the  
30 public shall be permitted to comment on the proposed condemnation, the  
31 utility shall be permitted to respond to the statements set out in the

1 resolution of intent and any comments made at the public hearing, and the  
2 governing body may act as provided in section 19-4631.

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

11 (4) The utility may present to the city a description of portions of  
12 the gas system which (a) are not described as part of the gas system  
13 being condemned by the city and (b) are served through the town border  
14 station of the city. The utility may require the city to include in its  
15 description of the gas system being condemned any or all of those  
16 portions of the system if the proposed condemnation would sever those  
17 portions of the system from the utility's distribution facilities and  
18 would require the utility to create new infrastructure to link these  
19 portions to its existing delivery system outside the city. If the utility  
20 chooses to require the city to include additional portions of the gas  
21 system in the description of the property being condemned, it shall do so  
22 prior to the adjournment of the public hearing.

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

25 19-4632 Following the adoption of a the motion pursuant to section  
26 19-4631, including an override of any veto, if necessary, the city clerk  
27 ~~of the city~~ shall transmit to the Chief Justice of the Supreme Court  
28 notice of the decision of the city to pursue condemnation of the gas  
29 system. The Supreme Court shall, within thirty days after the receipt of  
30 such notice, appoint three judges of the district court from three of the  
31 judicial districts of the state to constitute a court of condemnation to

1 ascertain and find the value of the gas system being taken. The Supreme  
2 Court shall enter an order requiring the judges to attend as a court of  
3 condemnation at the county seat of the county in which the city is  
4 located, within such time as may be stated in the order, except upon  
5 stipulation by all necessary parties as to the value of the gas system  
6 filed with the Supreme Court prior to such date. The judges shall attend  
7 as ordered and at the first meeting shall select a presiding judge,  
8 organize, and proceed with the court's duties. The court may adjourn from  
9 time to time and shall fix a time for the appearance before it of all  
10 such corporations or persons as the court may deem necessary to be made  
11 parties to such condemnation proceedings or which the city or the utility  
12 may desire to have made a party to the proceedings. If such time of  
13 appearance shall occur after any proceedings have begun, the proceedings  
14 shall be reviewed by the court, as it may direct, to give all parties  
15 full opportunity to be heard. All corporations or persons, including all  
16 mortgagees, bondholders, trustees for bondholders, leaseholders, or other  
17 parties or persons claiming any interest in or lien upon the gas system,  
18 may be made parties to the proceedings. All parties shall be served with  
19 notice of the proceedings and the time and place of the meeting of the  
20 court of condemnation in the same manner and for such length of time as  
21 the service of a summons in cases begun in the district court, either by  
22 personal service or service by publication, and actual personal service  
23 of notice within or without the state shall supersede the necessity of  
24 notice by publication.

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

27       19-4633 In all proceedings before it, the court of condemnation  
28 shall appoint a reporter of its proceedings who shall report and preserve  
29 all evidence introduced before it. The clerk of the district court, in  
30 the county where the city is located, shall attend upon the court of  
31 condemnation and perform the duties of the clerk thereof, as the court of

1 condemnation may direct. The sheriff of the county or any of his or her  
2 deputies shall attend upon the court of condemnation and shall have power  
3 to serve summonses, subpoenas, and all other orders or papers ordered to  
4 be served by the court. In case of a vacancy on the court, the vacancy  
5 shall be filled by the Supreme Court if the vacancy occurs while the  
6 Supreme Court is in session, and if it occurs while the Supreme Court is  
7 not in session, then by the Chief Justice. The judges constituting the  
8 court of condemnation shall be paid by the city a per diem for their  
9 services in an amount to be established by rule of the Supreme Court and  
10 the city shall pay their necessary traveling expenses, accommodation  
11 bills, and all other necessary expenses incurred while in attendance upon  
12 the sittings of the court of condemnation, with reimbursement for  
13 expenses to be made as provided in sections 81-1174 to 81-1177. The city  
14 shall pay the reporter that is appointed by the court of condemnation the  
15 amount that is set by such ~~the~~ court. The sheriff shall serve all  
16 summonses, subpoenas, or other orders or papers ordered issued or served  
17 by the court of condemnation at the same rate and compensation for which  
18 he or she serves like papers issued by the district court, but shall  
19 account to the county for all compensation as required of him or her  
20 under the law governing his or her duties as sheriff.

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

23       19-4634 (1) In ascertaining the value of the gas system, the court  
24 of condemnation shall have full power to summon witnesses, administer  
25 oaths, take evidence, order the taking of depositions, and require the  
26 production of any and all books and papers deemed necessary for a full  
27 investigation and ascertainment of the value of any portion of the gas  
28 system. When part of the gas system appropriated under the Municipal  
29 Natural Gas System Condemnation Act extends beyond the territory within  
30 which the city exercising the power of eminent domain has a right to  
31 operate the gas system, the court of condemnation, in determining the

1 damages caused by the appropriation, shall take into consideration the  
2 fact that the portion of the gas system beyond that territory is being  
3 detached and not appropriated by the city, and the court of condemnation  
4 shall award damages by reason of the detachment and the destruction in  
5 value and usefulness of the detached and unappropriated property as it  
6 will remain and be left after the detachment and appropriation. The court  
7 of condemnation shall have all the necessary powers and perform all the  
8 necessary duties in the condemnation and ascertainment of the value and  
9 in making an award of the value of the gas system.

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

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

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

30 19-4636 Upon the hearing of an ~~the~~ appeal pursuant to section  
31 19-4635 in the district court, judgment shall be pronounced, as in



1 ordinary cases, for the value of the gas system. The city or utility may  
2 appeal the judgment to the Supreme Court. All actions and proceedings  
3 under the Municipal Natural Gas System Condemnation Act which are heard  
4 by the district court or the Supreme Court shall be expedited for hearing  
5 and decision by the appropriate court as soon as the issues and parties  
6 are properly before such court. Such proceedings and actions shall be  
7 preferred over all other civil cases irrespective of their position on  
8 the calendar.

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

11 19-4638 If an ~~the~~ election pursuant to section 19-4637 at which the  
12 question is submitted is a special election and sixty percent of the  
13 votes cast upon such proposition are in favor, or if such ~~the~~ election at  
14 which the question is submitted is a general election and a majority of  
15 the votes cast upon such proposition are in favor, then the officer  
16 possessing the power and duty to ascertain and declare the result of the  
17 election shall certify the result immediately to the governing body of  
18 the city. The governing body of the city may then proceed to tender the  
19 amount of the value and award made by the court of condemnation, the  
20 district court, or the Supreme Court to the utility owning the gas system  
21 and shall have the right and power to take immediate possession of the  
22 gas system upon the tender.

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

25 19-4701 A city of the metropolitan class or primary class may  
26 acquire, purchase, and operate a professional baseball organization.

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

29 19-5001 (1) A city of the first class, city of the ~~or~~ second class,  
30 or village shall provide written notice of a proposed annexation to the  
31 owners of property within the area proposed for annexation in the manner

1 set out in this section.

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

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

30 (4) No additional or further notice beyond that required by  
31 subsections (2) and (3) of this section shall be necessary if the

1 scheduled public hearing by the planning commission or city council or  
2 village board of trustees on the proposed annexation is adjourned,  
3 continued, or postponed until a later date.

4 (5) Except for a willful or deliberate failure to cause notice to be  
5 given, no annexation decision made by a city of the first class, city of  
6 the ~~or~~ second class, or village to accept or reject a proposed  
7 annexation, either in whole or in part, shall be void, invalidated, or  
8 affected in any way because of any irregularity, defect, error, or  
9 failure on the part of the city or village or its employees to cause  
10 notice to be given as required by this section if a reasonable attempt to  
11 comply with this section was made. No action to challenge the validity of  
12 the acceptance or rejection of a proposed annexation on the basis of this  
13 section shall be filed more than one year following the date after the  
14 formal acceptance or rejection of the annexation by the city council or  
15 village board of trustees.

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

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

1           Sec. 240. Section 32-538, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           32-538 (1) In a city which adopts the city manager plan of  
4 government pursuant to the City Manager Plan of Government Act sections  
5 ~~19-601 to 19-610~~, the number of city council members shall be determined  
6 by the class and population of the city. In cities having one thousand or  
7 more but not more than forty thousand inhabitants as determined by the  
8 most recent federal decennial census or the most recent revised certified  
9 count by the United States Bureau of the Census, there shall be five  
10 members, and in cities having more than forty thousand but less than two  
11 hundred thousand 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, there shall be seven members, except that in  
14 cities having between twenty-five thousand and forty thousand inhabitants  
15 as determined by the most recent federal decennial census or the most  
16 recent revised certified count by the United States Bureau of the Census,  
17 the city council may by ordinance provide for seven members. Council  
18 members shall be elected from the city at large unless the city council  
19 by ordinance provides for the election of all or some of its council  
20 members by wards, the number and boundaries of which are provided for in  
21 section 16-104. Council members shall serve for terms of four years or  
22 until their successors are elected and qualified. The council members  
23 shall meet the qualifications found in sections 19-613 and 19-613.01.

24           The first election under an ordinance changing the number of council  
25 members or their manner of election shall take place at the next regular  
26 city election. Council members whose terms of office expire after the  
27 election shall continue in office until the expiration of the terms for  
28 which they were elected and until their successors are elected and  
29 qualified. At the first election under an ordinance changing the number  
30 of council members or their manner of election, one-half or the bare  
31 majority of council members elected at large, as the case may be, who

1 receive the highest number of votes shall serve for four years and the  
2 other or others, if needed, for two years. At such first election, one-  
3 half or the bare majority of council members, as the case may be, who are  
4 elected by wards shall serve for four years and the other or others, if  
5 needed, for two years, as provided in the ordinance. If only one council  
6 member is to be elected at large at such first election, such member  
7 shall serve for four years.

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

12 Sec. 241. Section 32-539, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 32-539 (1) In a city which adopts the commission plan of government  
15 pursuant to the Municipal Commission Plan of Government Act sections  
16 ~~19-401 to 19-433~~, the number of city council members shall be determined  
17 by the class and population of the city. In cities having two thousand or  
18 more but not more than forty thousand inhabitants as determined by the  
19 most recent federal decennial census or the most recent revised certified  
20 count by the United States Bureau of the Census, there shall be five  
21 members, in cities of the primary class, there shall be five members, and  
22 in cities of the metropolitan class, there shall be seven members.  
23 Council members shall be elected from the city at large. ~~In cities of the~~  
24 ~~primary class, three excise members shall be elected in addition to the~~  
25 ~~five council members.~~ Nomination and election of all council members  
26 shall be by nonpartisan ballot. The mayor shall be elected for a four-  
27 year term.

28 (2) ~~In cities containing two thousand or more but not more than~~  
29 ~~forty thousand inhabitants as determined by the most recent federal~~  
30 ~~decennial census or the most recent revised certified count by the United~~  
31 ~~States Bureau of the Census, at the city council election in 1980, the~~

1 ~~council member elected as the commissioner of the department of public~~  
2 ~~works and the council member elected as the commissioner of the~~  
3 ~~department of parks and recreation shall each serve a term of four years.~~  
4 If a city elects to adopt the commission plan of government ~~after 1980,~~  
5 the council member elected as the commissioner of the department of  
6 public works and the council member elected as the commissioner of the  
7 department of public accounts and finances shall each serve a term of  
8 four years and the council member elected as the commissioner of the  
9 department of streets, public improvements, and public property and the  
10 council member elected as the commissioner of the department of parks and  
11 recreation shall each serve a term of two years. Upon the expiration of  
12 such terms, all council members shall serve terms of four years and until  
13 their successors are elected and qualified.

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

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

20 77-2602 (1) Every stamping agent engaged in distributing or selling  
21 cigarettes at wholesale in this state shall pay to the Tax Commissioner  
22 of this state a special privilege tax. This shall be in addition to all  
23 other taxes. It shall be paid prior to or at the time of the sale, gift,  
24 or delivery to the retail dealer in the several amounts as follows: On  
25 each package of cigarettes containing not more than twenty cigarettes,  
26 sixty-four cents per package; and on packages containing more than twenty  
27 cigarettes, the same tax as provided on packages containing not more than  
28 twenty cigarettes for the first twenty cigarettes in each package and a  
29 tax of one-twentieth of the tax on the first twenty cigarettes on each  
30 cigarette in excess of twenty cigarettes in each package.

31 (2) Beginning October 1, 2004, the State Treasurer shall place the

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

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

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

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

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

1 the distribution to the General Fund;

2 (d) Fourth, until July 1, 2009, the State Treasurer shall place in  
3 the Municipal Infrastructure Redevelopment Fund the sum of five hundred  
4 twenty thousand dollars each fiscal year to carry out the Municipal  
5 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate  
6 the sum of five hundred twenty thousand dollars each year for fiscal year  
7 2003-04 through fiscal year 2008-09;

8 (e) Fifth, beginning July 1, 2001, and continuing until June 30,  
9 2008, the State Treasurer shall place the equivalent of two cents of such  
10 tax in the Information Technology Infrastructure Fund. The distribution  
11 under this subdivision shall not be less than two million fifty thousand  
12 dollars. Any money needed to increase the amount distributed under this  
13 subdivision to two million fifty thousand dollars shall reduce the  
14 distribution to the General Fund;

15 ~~(f) Sixth, beginning July 1, 2001, and continuing until June 30,~~  
16 ~~2016, the State Treasurer shall place one million dollars each fiscal~~  
17 ~~year in the City of the Primary Class Development Fund. If necessary, the~~  
18 ~~State Treasurer shall reduce the distribution of tax proceeds to the~~  
19 ~~General Fund pursuant to subsection (2) of this section by such amount~~  
20 ~~required to fulfill the one million dollars to be distributed pursuant to~~  
21 ~~this subdivision;~~

22 ~~(g) Seventh, beginning July 1, 2001, and continuing until June 30,~~  
23 ~~2016, the State Treasurer shall place one million five hundred thousand~~  
24 ~~dollars each fiscal year in the City of the Metropolitan Class~~  
25 ~~Development Fund. If necessary, the State Treasurer shall reduce the~~  
26 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~  
27 ~~(2) of this section by such amount required to fulfill the one million~~  
28 ~~five hundred thousand dollars to be distributed pursuant to this~~  
29 ~~subdivision;~~

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



1 million fifty thousand dollars of such tax in the Nebraska Public Safety  
2 Communication System Cash Fund. Beginning July 1, 2009, and continuing  
3 until June 30, 2016, the State Treasurer shall place the equivalent of  
4 two million five hundred seventy thousand dollars of such tax in the  
5 Nebraska Public Safety Communication System Cash Fund. Beginning July 1,  
6 2016, and every fiscal year thereafter, the State Treasurer shall place  
7 the equivalent of three million eight hundred twenty thousand dollars of  
8 such tax in the Nebraska Public Safety Communication System Cash Fund. If  
9 necessary, the State Treasurer shall reduce the distribution of tax  
10 proceeds to the General Fund pursuant to subsection (2) of this section  
11 by such amount required to fulfill the distribution pursuant to this  
12 subdivision; and

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

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

24 (5) The Legislature hereby finds and determines that the projects  
25 funded from the Municipal Infrastructure Redevelopment Fund and the  
26 Building Renewal Allocation Fund are of critical importance to the State  
27 of Nebraska. It is the intent of the Legislature that the allocations and  
28 appropriations made by the Legislature to such funds or, in the case of  
29 allocations for the Municipal Infrastructure Redevelopment Fund, to the  
30 particular municipality's account not be reduced until all contracts and  
31 securities relating to the construction and financing of the projects or

1 portions of the projects funded from such funds or accounts of such funds  
2 are completed or paid or, in the case of the Municipal Infrastructure  
3 Redevelopment Fund, the earlier of such date or July 1, 2009, and that  
4 until such time any reductions in the cigarette tax rate made by the  
5 Legislature shall be simultaneously accompanied by equivalent reductions  
6 in the amount dedicated to the General Fund from cigarette tax revenue.  
7 Any provision made by the Legislature for distribution of the proceeds of  
8 the cigarette tax for projects or programs other than those to (a) the  
9 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,  
10 (c) the Health and Human Services Cash Fund, (d) the Municipal  
11 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation  
12 Fund, (f) the Information Technology Infrastructure Fund, (g) ~~the City of~~  
13 ~~the Primary Class Development Fund,~~ (h) ~~the City of the Metropolitan~~  
14 ~~Class Development Fund,~~ (i) the Nebraska Public Safety Communication  
15 System Cash Fund, and (h) ~~(j)~~ the Nebraska Health Care Cash Fund shall  
16 not be made a higher priority than or an equal priority to any of the  
17 programs or projects specified in subdivisions (a) through (h) ~~(j)~~ of  
18 this subsection.

19 Sec. 243. Original sections 14-502, 18-2507, 19-201, 19-402,  
20 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417,  
21 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601,  
22 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611,  
23 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619,  
24 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703,  
25 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902,  
26 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910,  
27 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917,  
28 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929,  
29 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303,  
30 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311,  
31 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826,

1 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101,  
2 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203,  
3 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410,  
4 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420,  
5 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429,  
6 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907,  
7 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305,  
8 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313,  
9 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319,  
10 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327,  
11 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629,  
12 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, 19-5001,  
13 and 77-2602, Reissue Revised Statutes of Nebraska, and sections 16-238,  
14 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415,  
15 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402,  
16 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01,  
17 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01,  
18 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037,  
19 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018, are  
20 repealed.

21       Sec. 244. The following sections are outright repealed: Sections  
22 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska,  
23 and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement,  
24 2018.