

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 193**

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,  
22 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101,

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

21 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 section 19-702, the such city or village shall then have the  
2 right and power by ordinance duly passed by the city council or village  
3 board of trustees its duly constituted authorities, to elect to abandon  
4 such condemnation proceedings. If such city or village it does not elect  
5 to abandon such proceedings within ninety days after the finding and  
6 filing of value, then the person or corporation owning any such plant,  
7 works, or system may appeal from the finding of value and award by the  
8 ~~said~~ court of condemnation to the district court by filing within twenty  
9 days from the expiration of such ~~the said~~ time given the city or village  
10 to exercise its rights of abandonment, with the city clerk of ~~any~~ such  
11 city or the village clerk of ~~any~~ such village, a bond, to be approved by  
12 such clerk ~~him,~~ conditioned for the payment of all costs which may be  
13 made on any such appeal, and by filing in the ~~said~~ district court, within  
14 ninety days after such bond is filed, a transcript of the proceedings  
15 before such court of ~~condemnation court~~ including the evidence taken  
16 before it certified by the clerk, reporter, and judges of such court. The  
17 appeal in the district court shall be tried and determined upon the  
18 pleadings, proceedings, and evidence embraced in such transcript. If ÷  
19 ~~Provided, that if~~ such appeal is taken the city or village, upon  
20 tendering the amount of the value and award made by such court of  
21 ~~condemnation court,~~ to the party owning any such plant, works, or system,  
22 shall, notwithstanding such appeal, have the right and power to take  
23 immediate possession of ~~any~~ such plant, works, or system, and the city or  
24 village authorities, without vote of the people, shall have the power, if  
25 necessary, to issue and sell bonds of the city or village to provide  
26 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 section 19-702 shall each receive from  
12 and be paid by such city or village fifteen dollars per day for their  
13 services and their necessary traveling expenses, hotel bills, and all  
14 other necessary expenses incurred while in attendance upon the sittings  
15 of such court of condemnation, with reimbursement for expenses to be made  
16 as provided in sections 81-1174 to 81-1177 ~~for state employees~~, and the  
17 city or village shall pay the reporter that may be appointed by such ~~said~~  
18 court such an amount as such ~~said~~ court of condemnation shall allow him  
19 or her. The county sheriff shall serve all ~~such~~ summons, subpoenas, or  
20 other orders or papers ordered issued or served by such ~~condemnation~~  
21 court of condemnation at the same rate and compensation for which he or  
22 she serves like papers issued by the district court, but shall account  
23 for all such compensation to the county as is required by him or her  
24 under the law governing his or her duties as county sheriff ~~of the~~  
25 ~~county~~. The court of condemnation shall have power to apportion the cost  
26 made before it, between the city or village and the corporation or party  
27 owning any such plant, works, or system, and the city or village shall  
28 provide for and pay all such costs or portion of costs as the ~~said~~ court  
29 shall order, and shall also make provisions for the necessary funds and  
30 expenses to carry on the proceedings of such court of condemnation ~~court~~,  
31 from time to time while such proceedings are in progress, but in the

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

1 section any plant or works already constructed, or any part thereof,  
2 whether such plant or works lie ~~the same~~ ~~lies~~ wholly within the city or  
3 village or part within and part without the city or village or beyond the  
4 corporate limits of such city or village, including all real estate,  
5 buildings, machinery, pipes, mains, hydrants, basins, and reservoirs, and  
6 all appurtenances reasonably necessary thereto and a part thereof, or  
7 connected with such works or plants, and all franchises to own and  
8 operate the same, if any. The procedure to condemn property shall be  
9 exercised in the manner set forth in sections 76-704 to 76-724, except as  
10 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, or by a planning  
22 commission appointed under the provisions of Chapter 19, article 9,  
23 regardless of whether the planning commission had been appointed as a  
24 zoning commission.

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

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

3           19-902 (1) For any or all of the purposes designated in section  
4 19-901, the city council or village board of trustees may divide the  
5 municipality into districts of such number, shape, and area as may be  
6 deemed best suited to carry out the purposes of sections 19-901 to 19-914  
7 and may regulate and restrict the erection, construction, reconstruction,  
8 alteration, repair, or use of buildings, structures, or land within such  
9 ~~the~~ districts. All such regulations shall be uniform for each class or  
10 kind of buildings throughout each district, but the regulations  
11 applicable to one district may differ from those applicable to other  
12 districts. If a regulation affects the Niobrara scenic river corridor as  
13 defined in section 72-2006 and is not incorporated within the boundaries  
14 of the municipality, the Niobrara Council shall act on the regulation as  
15 provided in section 72-2010.

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

31           (i) The home shall have no less than nine hundred square feet of



1 floor area;

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

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

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

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

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

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

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

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

29 (4) Subdivision regulations and building, plumbing, electrical,  
30 housing, fire, or health codes or similar regulations and the adoption  
31 thereof shall not be subject to sections 19-901 to 19-915.

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

3           19-903 The regulations and restrictions authorized by sections  
4 19-901 to 19-915 shall be in accordance with a comprehensive development  
5 plan which shall consist of both graphic and textual material and shall  
6 be designed to accommodate anticipated long-range future growth which  
7 shall be based upon documented population and economic projections. The  
8 comprehensive development plan shall, among other possible elements,  
9 include:

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

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

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

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

29           (5)(a) When next amended after January 1, 1995, an identification of  
30 sanitary and improvement districts, subdivisions, industrial tracts,  
31 commercial tracts, and other discrete developed areas which are or in the

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

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

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

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

24 19-904 The city council or village board of trustees ~~legislative~~  
25 ~~body~~ of a such municipality which adopts zoning regulations and  
26 restrictions pursuant to sections 19-901 to 19-915 shall provide for the  
27 manner in which such regulations and restrictions, and the boundaries of  
28 ~~such~~ districts established pursuant to section 19-902, shall be  
29 determined, established, and enforced, and from time to time amended,  
30 supplemented, or changed. The city council or village board of trustees  
31 ~~legislative body~~ shall receive the advice of the planning commission

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

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

12 19-904.01 The use of a building, structure, or land, existing and  
13 lawful at the time of the adoption of a zoning regulation, or at the time  
14 of an amendment of a regulation, may, except as provided in this section,  
15 be continued, although such use does not conform with provisions of such  
16 regulation or amendment. Such ; ~~and such~~ use may be extended throughout  
17 the same building if no structural alteration of such building is  
18 proposed or made for the purpose of such extension. If such nonconforming  
19 use is in fact discontinued for a period of twelve months, such right to  
20 the nonconforming use shall be forfeited and any future use of the  
21 building and premises shall conform to the regulation. The city council  
22 or village board of trustees ~~municipal legislative body~~ may provide in  
23 any zoning regulation for the restoration, reconstruction, extension, or  
24 substitution of nonconforming uses upon such terms and conditions as may  
25 be set forth in the zoning regulations. The city council or village board  
26 of trustees ~~municipal legislative body~~ may, in any zoning regulation,  
27 provide for the termination of nonconforming uses, either by specifying  
28 the period or periods in which nonconforming uses shall be required to  
29 cease, or by providing a formula whereby the compulsory termination of a  
30 nonconforming use may be so fixed as to allow for the recovery of  
31 amortization of the investment in the nonconformance, except that in the

1 case of a legally erected outdoor advertising sign, display, or device,  
2 no amortization schedule shall be used.

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

5 19-905 Regulations, restrictions, and boundaries authorized to be  
6 created pursuant to sections 19-901 to 19-915 may from time to time be  
7 amended, supplemented, changed, modified, or repealed. In case of a  
8 protest against such change, signed by the owners of twenty percent or  
9 more either of the area of the lots included in such proposed change, or  
10 of those immediately adjacent on the sides and in the rear thereof  
11 extending three hundred feet therefrom, and of those directly opposite  
12 thereto extending three hundred feet from the street frontage of such  
13 opposite lots, and such change is not in accordance with the  
14 comprehensive development plan, such amendment shall not become effective  
15 except by the favorable vote of three-fourths of all the members of the  
16 city council or village board of trustees ~~legislative body~~ of such  
17 municipality. The provisions of section 19-904 relative to public  
18 hearings and official notice shall apply equally to all changes or  
19 amendments. In addition to the publication of the notice as provided in  
20 section 19-904 ~~therein prescribed~~, a notice shall be posted in a  
21 conspicuous place on or near the property on which action is pending.  
22 Such notice shall not be less than eighteen inches in height and twenty-  
23 four inches in width with a white or yellow background and black letters  
24 not less than one and one-half inches in height. Such posted notice shall  
25 be so placed upon such premises that it is easily visible from the street  
26 nearest the same and shall be so posted at least ten days prior to the  
27 date of such hearing. It shall be unlawful for anyone to remove,  
28 mutilate, destroy, or change such posted notice prior to such hearing.  
29 Any person so doing shall be deemed guilty of a misdemeanor. If the  
30 record title owners of any lots included in such proposed change be  
31 nonresidents of the municipality, then a written notice of such hearing

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

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

24 19-907 Except as provided in section 19-912.01, the city council or  
25 village board of trustees of a municipality which has adopted zoning  
26 regulations pursuant to sections 19-901 to 19-915 ~~local legislative body~~  
27 shall provide for the appointment of a board of adjustment. Any actions  
28 taken by the board of adjustment shall not exceed the powers granted by  
29 section 19-910.

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

1           19-908 The board of adjustment appointed pursuant to section 19-907  
2 shall consist of five regular members, plus one additional member  
3 designated as an alternate who shall attend and serve only when one of  
4 the regular members is unable to attend for any reason, each to be  
5 appointed for a term of three years and removable for cause by the  
6 appointing authority upon written charges and after public hearings.  
7 Vacancies shall be filled for the unexpired term of any member whose term  
8 becomes vacant. One member only of the board of adjustment shall be  
9 appointed from the membership of the planning commission, and the loss of  
10 membership on the planning commission by such member shall also result in  
11 his or her immediate loss of membership on the board of adjustment and  
12 the appointment of another planning commissioner to the board of  
13 adjustment. After September 9, 1995, the first vacancy occurring on the  
14 board of adjustment shall be filled by the appointment of a person who  
15 resides in the extraterritorial zoning jurisdiction of the city or  
16 village at such time as more than two hundred persons reside within such  
17 area. Thereafter, at all times, at least one member of the board of  
18 adjustment shall reside outside of the corporate boundaries of the city  
19 or village but within its extraterritorial zoning jurisdiction. The board  
20 of adjustment shall adopt rules in accordance with the provisions of any  
21 ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the  
22 board of adjustment shall be held at the call of the chairperson and at  
23 such other times as the board may determine. Such chairperson, or in his  
24 or her absence the acting chairperson, may administer oaths and compel  
25 the attendance of witnesses. All meetings of the board of adjustment  
26 shall be open to the public. The board of adjustment shall keep minutes  
27 of its proceedings, showing the vote of each member upon each question,  
28 or, if absent or failing to vote, indicating such fact, and shall keep  
29 records of its examinations and other official actions, all of which  
30 shall be immediately filed in the office of the board and shall be a  
31 public record.

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

3           19-909 Appeals to the board of adjustment may be taken by any person  
4 aggrieved or by any officer, department, board, or bureau of the  
5 municipality affected by any decision of the administrative officer. Such  
6 appeal shall be taken within a reasonable time, as provided by the rules  
7 of the board of adjustment, by filing with the officer from whom the  
8 appeal is taken and with the board of adjustment a notice of appeal  
9 specifying the grounds for such appeal thereof. The officer from whom the  
10 appeal is taken shall forthwith transmit to the board of adjustment all  
11 the papers constituting the record upon which the action appealed from  
12 was taken. An appeal stays all proceedings in furtherance of the action  
13 appealed from, unless the officer from whom the appeal is taken certifies  
14 to the board of adjustment, after the notice of appeal shall have been  
15 filed with him or her, that by reason of facts stated in the certificate  
16 a stay would, in his or her opinion, cause imminent peril to life or  
17 property. In such case proceedings shall not be stayed otherwise than by  
18 a restraining order which may be granted by the board of adjustment or by  
19 a court of record on application on notice to the officer from whom the  
20 appeal is taken and on due cause shown. The board of adjustment shall fix  
21 a reasonable time for the hearing of the appeal, give public notice  
22 thereof, as well as due notice to the parties in interest, and decide the  
23 same within a reasonable time. Upon the hearing any party may appear in  
24 person or by agent or by attorney.

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

27           19-910 (1) The board of adjustment appointed pursuant to section  
28 19-907 shall, subject to such appropriate conditions and safeguards as  
29 may be established by the city council or village board of trustees  
30 ~~legislative body~~, have only the following powers: (a) To hear and decide  
31 appeals when it is alleged there is error in any order, requirement,



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

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

1 intended use of the property is not of so general or recurring a nature  
2 as to make reasonably practicable the formulation of a general regulation  
3 to be adopted as an amendment to the zoning regulations.

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

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

17 19-911 Notwithstanding the provisions of sections 19-907 and 19-908,  
18 the village board of trustees ~~legislative body of a village~~ may, except  
19 as set forth in section 19-912.01, provide by ordinance that it shall  
20 constitute a board of adjustment, and in the regulations and restrictions  
21 adopted pursuant to the authority of sections 19-901 to 19-905 may  
22 provide that as such board of adjustment it may exercise only the powers  
23 granted to boards of adjustment by section 19-910. As such board of  
24 adjustment, the village board of trustees ~~it~~ shall adopt rules and  
25 procedures that are in harmony with sections 19-907 to 19-910, and shall  
26 have the powers and duties therein provided for the board of adjustment,  
27 and other parties shall have all the rights and privileges therein  
28 provided for. The concurring vote of two-thirds of the members of the  
29 village board of trustees ~~legislative body~~ acting as a board of  
30 adjustment shall decide any question upon which it is required to pass as  
31 such board of adjustment.

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

3           19-912 Any person or persons, jointly or severally, aggrieved by any  
4 decision of the board of adjustment, or any taxpayer, or any officer,  
5 department, board, or bureau of the municipality, may present to the  
6 district court a petition duly verified, setting forth that such decision  
7 is illegal, in whole or in part, and specifying the grounds of such  
8 illegality. Such petition must be presented to the court within fifteen  
9 days after the filing of the decision in the office of the board of  
10 adjustment. Upon the filing of such petition a summons shall be issued  
11 and be served upon the board of adjustment, together with a copy of the  
12 petition. Return of service shall be made within four days after the  
13 issuance of the summons. Within ten days after the return day of such  
14 summons, the board of adjustment shall file an answer to such said  
15 petition which shall admit or deny the substantial allegations ~~averments~~  
16 of the petition, and shall state the contentions of the board of  
17 adjustment with reference to the matters in dispute as disclosed by the  
18 petition. The answer shall be verified in like manner as required for the  
19 petition. At the expiration of the time for filing answer, the court  
20 shall proceed to hear and determine the cause without delay and shall  
21 render judgment thereon according to the forms of law. If, upon the  
22 hearing, it shall appear to the court that testimony is necessary for the  
23 proper disposition of the matter, the court ~~it~~ may take evidence or  
24 appoint a referee to take such evidence as it may direct and report the  
25 same to the court with his or her findings of fact and conclusions of  
26 law, which shall constitute a part of the proceedings upon which the  
27 determination of the court shall be made. The court may reverse or  
28 affirm, wholly or partly, or may modify the decision brought up for  
29 review. Such said appeal to the district court shall not stay proceedings  
30 upon the decision appealed from, but the court may, on application, on  
31 notice to the board of adjustment and on due cause shown, grant a

1 restraining order. Any appeal from such judgment of the district court  
2 shall be prosecuted in accordance with the general laws of the state  
3 regulating appeals in actions at law.

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

6 19-912.01 The zoning board of adjustment of a county that has  
7 adopted a comprehensive development plan, as defined by section  
8 23-114.02, and is enforcing zoning regulations based upon such a plan,  
9 shall, upon request of the governing body of a ~~village or second-class~~  
10 city of the second class or village, serve as the zoning board of  
11 adjustment for such ~~village or city of the second class or village in~~  
12 that county. A city of the first class may request that the county zoning  
13 board of adjustment of the county in which it is located serve as that  
14 city's zoning board of adjustment, and such county government shall  
15 comply with that request within ninety days. A municipality located in  
16 more than one county shall be served by request or otherwise only by the  
17 county zoning board of adjustment of the county in which the greatest  
18 area of the municipality is located, and the jurisdiction of such county  
19 zoning board of adjustment shall include all portions of the municipality  
20 and its ~~area of extraterritorial zoning jurisdiction control~~, regardless  
21 of county lines. In a county in which ~~where there is~~ a city of the  
22 primary class is located, the board of zoning appeals, created under  
23 section 23-174.09, may serve in the same capacity for all cities of the  
24 second class and villages in place of a zoning board of adjustment.

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

27 19-913 The city council or village board of trustees ~~local~~  
28 ~~legislative body~~ may provide by ordinance for the enforcement of sections  
29 19-901 to 19-915~~7~~, and of any ordinance, regulation, or restriction made  
30 thereunder. A violation of such sections or of such ordinance or  
31 regulation is hereby declared to be a misdemeanor, and such city council

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

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

20 19-914 Whenever the regulations made pursuant to ~~under authority of~~  
21 sections 19-901 to 19-905 require a greater width or size of yards,  
22 courts, or other open spaces, or require a lower height of building or  
23 less number of stories, or require a greater percentage of lot to be left  
24 unoccupied, or impose other higher standards than are required in any  
25 other statute, local ordinance, or regulation, the provisions of the  
26 regulations made under authority of such ~~said~~ sections shall govern.  
27 Wherever the provisions of any other statute or local ordinance or  
28 regulation require a greater width or size of yards, courts, or other  
29 open spaces, or require a lower height of building or a less number of  
30 stories, or require a greater percentage of lot to be left unoccupied, or  
31 impose other higher standards than are required by the regulations made

1 under authority of such ~~said~~ sections, the provisions of such statute,  
2 local ordinance, or regulation shall govern.

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

5 19-915 (1) When any city of the first class, city of the ~~or~~ second  
6 class, or ~~any~~ village has enacted zoning regulations pursuant to sections  
7 19-901 to 19-915 in accordance with statutory authority and as a part of  
8 such regulations has bounded and defined the various zoning or building  
9 districts with reference to a zoning map, such zoning or building  
10 districts may from time to time, be changed, modified, or terminated, or  
11 additional or different zoning or building districts may from time to  
12 time be created, changed, modified, or terminated, by an appropriate  
13 amendatory action which describes the changed, modified, terminated, or  
14 created zone or district or part thereof by legal description or metes  
15 and bounds, or by republishing a part only of the original zoning map,  
16 and without republishing the original zoning map as a part of the  
17 amendatory action and without setting forth and repealing the entire  
18 section or ordinance adopting the rezoning maps, or a part of the zoning  
19 map, as a part of the amendatory action, notwithstanding the provisions  
20 of section 16-404 or 17-614.

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

28 Sec. 83. Section 19-916, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 19-916 (1) The city council of any city of the first class or city  
31 of the second class or the village board of trustees of any village local

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

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

31 (3) All additions laid out contiguous or adjacent to the corporate

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



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

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

20 19-917 A city of the first class, city of the second class, or  
21 village may vacate ~~Power is hereby given to such municipality through its~~  
22 ~~governing body by proper ordinance therefor duly enacted to vacate any~~  
23 ~~such~~ existing plat and addition to such ~~the~~ municipality or such part or  
24 parts thereof as such municipality may deem advantageous and best for its  
25 interests, and the power hereby granted shall be exercised by such  
26 municipality upon the petition of the owner or all the owners of lots or  
27 lands in such plat or addition. Such ordinance vacating such plat or  
28 addition shall specify whether, and, if any, what public highways,  
29 streets, alleys, and public grounds thereof are to be retained by such  
30 municipality. Any ; otherwise such ways, streets, and public grounds not  
31 retained shall upon such vacation revert to the owner or owners of lots

1 or lands abutting such ways, streets, and public grounds ~~the same~~ in  
2 proportion to the respective ownerships of such lots or grounds. In case  
3 of total or partial vacation of such plat or addition, the ordinance  
4 providing therefor shall be, at the cost of the owner or owners,  
5 certified to the office of the register of deeds and be there recorded by  
6 the owner or owners. The register of deeds ~~whereupon said officer~~ shall  
7 note such total or partial vacation of such plat or addition by writing  
8 in plain and legible letters upon such plat or portion thereof so vacated  
9 the word vacated, and also make on the same reference to the volume and  
10 page in which such ~~said~~ ordinance of vacation is recorded, ÷ and the  
11 owner or owners of the lots and lands in a plat so vacated shall cause  
12 the same and the proportionate part of the abutting highway, streets,  
13 alleys, and public grounds so vacated to be replatted and numbered by the  
14 city surveyor or county surveyor. When such replat so executed is  
15 acknowledged by such owner or owners and is recorded in the office of the  
16 register of deeds of such county, such property so replatted may be  
17 conveyed and assessed by the numbers given in such replat.

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

20 19-918 No owner of real estate within the corporate limits of a city  
21 of the first class, city of the second class, or village such  
22 ~~municipality~~ shall be permitted to subdivide, plat, or lay out such ~~said~~  
23 real estate into blocks, lots, streets, or other portions of the same  
24 intended to be dedicated for public use, or for the use of the purchasers  
25 or owners of lots fronting thereon or adjacent thereto, without first  
26 having obtained the approval thereof of the city council or village board  
27 of trustees ~~governing body~~ of such municipality or its agent designated  
28 pursuant to section 19-916. Any and all additions to be made to the  
29 municipality shall be made, so far as such additions ~~the same~~ relate to  
30 the avenues, streets, and alleys therein, under and in accordance with  
31 the provisions of sections 19-916 to 19-918.

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

3           19-919 No plat of or instruments effecting the subdivision of real  
4 property described in section 19-918 shall be recorded or have any force  
5 and effect unless such plat is the same be approved by the city council  
6 or village board of trustees governing body of such municipality or its  
7 agent designated pursuant to section 19-916. The city council or village  
8 board of trustees governing body of such municipality shall have power,  
9 by ordinance, to provide the manner, plan, or method by which real  
10 property in any such area may be subdivided, platted, or laid out,  
11 including a plan or system for the avenues, streets, or alleys to be laid  
12 out within or across the same, ~~and~~ and to prohibit the sale or offering for  
13 sale of, and the construction of buildings and other improvements on, any  
14 lots or parts of real property not subdivided, platted, or laid out as  
15 required in sections 19-918 and 19-920.

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

18           19-920 The city council of any city of the first class or city of  
19 the second class or the board of trustees of any village governing body  
20 shall have power to compel the owner of any real property described in  
21 section 19-918 in subdividing, platting, or laying out the same to  
22 conform to the requirements of the ordinance and to lay out and dedicate  
23 the avenues, streets, and alleys in accordance therewith.

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

26           19-921 For the purposes of sections 16-901 to 16-905 and 19-916 to  
27 19-920, in the area where a city of the first class, city of the second  
28 class, or village the municipality has a comprehensive plan and has  
29 adopted subdivision regulations pursuant thereto, subdivision shall mean  
30 the division of lot, tract, or parcel of land into two or more lots,  
31 sites, or other divisions of land for the purpose, whether immediate or

1 future, of ownership or building development, except that the division of  
2 land shall not be considered to be a subdivision when the smallest parcel  
3 created is more than ten acres in area.

4 Sec. 89. Section 19-922, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 19-922 Any standard code adopted and approved by a city of the first  
7 class, city of the second class, or village as provided in section 18-132  
8 and the building permit requirements or occupancy permit requirements  
9 imposed by any such code or by section 19-913 shall apply to all of the  
10 city or village and within the extraterritorial unincorporated area where  
11 a city or village has been granted zoning jurisdiction of such city or  
12 village and is exercising such jurisdiction.

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

15 19-923 (1) In order to provide for orderly school planning and  
16 development, a city of the first class, city of the second class, or  
17 village municipality considering the adoption or amendment of a zoning  
18 ordinance or approval of the platting or replatting of any development of  
19 real estate shall notify the board of education of each school district  
20 in which the real estate, or some part thereof, to be affected by such a  
21 proposal lies, of the next regular meeting of the planning commission at  
22 which such proposal is to be considered and shall submit a copy of the  
23 proposal to the board of education at least ten days prior to such  
24 meeting.

25 (2) When a city of the first class, city of the second class, or  
26 village municipality is considering the adoption or amendment of a zoning  
27 ordinance or the approval of the platting or replatting of any  
28 development of real estate, such city or village the municipality shall  
29 notify any military installation which is located within the corporate  
30 boundary limits or the extraterritorial zoning jurisdiction of the city  
31 or village municipality if the city or village municipality has received

1 a written request for such notification from the military installation.  
2 The city or village municipality shall deliver the notification to the  
3 military installation at least ten days prior to the meeting of the  
4 planning commission at which the proposal is to be considered.

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

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

14 19-925 Any city of the first class, city of the second class, or  
15 village municipality is hereby authorized and empowered to make, adopt,  
16 amend, extend, and carry out a municipal plan as provided in sections  
17 19-925 ~~19-924~~ to 19-933 and to create by ordinance a planning commission  
18 with the powers and duties set forth in such sections. The planning  
19 commission of a city shall be designated the city planning commission or  
20 city plan commission, and the planning commission of a village shall be  
21 designated the village planning commission or village plan commission.

22 Sec. 92. Section 19-926, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 19-926 (1) The planning commission of a city of the first class,  
25 city of the second class, or village shall consist of nine regular  
26 members who shall represent, ~~insofar as far as is possible,~~ the different  
27 professions or occupations in the city or village municipality and shall  
28 be appointed by the mayor, ~~by and with the approval of a majority vote of~~  
29 ~~the members of elected to the city council or by the chairperson of the~~  
30 village board of trustees by and with the approval of a majority vote of  
31 the members of the village board of trustees. Two of the regular members

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

1 for the unexpired portion of the term by appointment by the mayor or the  
2 chairperson of the village board of trustees.

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

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

31 (4) A regular or alternate member of the planning commission may

1 hold any other municipal office except (a) mayor, (b) a member of the  
2 city council or village board of trustees, (c) a member of any community  
3 redevelopment authority or limited community redevelopment authority  
4 created under section 18-2102.01, or (d) a member of any citizen advisory  
5 review committee created under section 18-2715.

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

8 19-927 The planning commission of a city of the first class, city of  
9 the second class, or village shall elect its chairperson from its members  
10 and create and fill such other of its offices as it may determine. The  
11 term of the chairperson shall be one year, and he or she shall be  
12 eligible for reelection. The commission shall hold at least one regular  
13 meeting in each calendar quarter, except the city council or village  
14 board of trustees ~~municipal governing body~~ may require the commission to  
15 meet more frequently and the chairperson of the commission may call for a  
16 meeting when necessary to deal with business pending before the  
17 commission. The commission shall adopt rules and regulations for the  
18 transaction of business and shall keep a record of its resolutions,  
19 transactions, findings, and determinations, which shall be a public  
20 record.

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

23 19-928 The city council or village board of trustees may provide the  
24 funds, equipment, and accommodations necessary for the work of the  
25 planning commission of a city of the first class, city of the second  
26 class, or village, but the expenditures of the commission, exclusive of  
27 gifts, shall be within the amounts appropriated for that purpose by the  
28 city council or village board of trustees. ~~No ; and no~~ expenditures nor  
29 agreements for expenditures shall be valid in excess of such amounts.

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



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

1 agent pursuant to section 19-916.

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

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

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

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

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

10       19-930 (1) For any matter within the jurisdiction of a  
11 ~~municipality's~~ planning commission of a city of the first class, city of  
12 the second class, or village relating to that portion of the  
13 extraterritorial ~~municipality's~~ zoning jurisdiction of the city or  
14 village as defined in section 16-901 or 17-1001 ~~outside the corporate~~  
15 ~~limits of the municipality~~ which is within a county other than the county  
16 in which the city or village ~~municipality~~ is located, the powers, duties,  
17 responsibilities, and functions of the planning commission of the city or  
18 village ~~municipality~~ with regard to such matter shall be assumed by the  
19 ~~municipality's~~ interjurisdictional planning commission of the city or  
20 village established under section 19-931 when the formation of such a  
21 commission is requested by either the city or village ~~municipality~~ or the  
22 county within which the city or village ~~municipality~~ is not located as  
23 provided in subsection (2) of this section.

24       (2) Any city or village ~~municipality~~ exercising extraterritorial  
25 zoning jurisdiction as defined in section 16-901 or 17-1001 ~~outside its~~  
26 ~~corporate limits but~~ within a county other than the county within which  
27 the city or village ~~municipality~~ is located or the county within which  
28 such city or village ~~municipality~~ is exercising extraterritorial such  
29 zoning jurisdiction may, by formal resolution of a majority of the voting  
30 members of the city council or village board of trustees ~~its governing~~  
31 ~~body~~, request the formation of an interjurisdictional planning commission

1 to exercise the jurisdiction granted by sections 19-930 to 19-933. Such  
2 resolution shall be transmitted to the appropriate city or village  
3 ~~municipality~~ or county and its receipt formally acknowledged.

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

6 19-931 The interjurisdictional planning commission of a city of the  
7 first class, city of the second class, or village municipality shall  
8 consist of six members. Three members shall be chosen from the membership  
9 of the planning commission of the city or village by the mayor ~~of the~~  
10 ~~municipality~~ with the approval of the city council or by the chairperson  
11 of the village board of trustees with the approval of the village board  
12 of trustees from the membership of the municipality's planning  
13 ~~commission~~. Three members shall be chosen by the county board of the  
14 county within which the city or village municipality exercises zoning  
15 jurisdiction under the circumstances specified in section 19-930. The  
16 three members chosen by the county board shall be members of the county  
17 planning commission as described in section 23-114.01. Members of the  
18 interjurisdictional planning commission shall serve without compensation  
19 and without reimbursement for expenses incurred pursuant to carrying out  
20 sections 19-930 to 19-933 for terms of one year. Members shall hold  
21 office until their successors are appointed and qualified. Vacancies  
22 shall be filled by appointment by the body which appointed the member  
23 creating the vacancy.

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

26 19-932 A city or village municipality exercising extraterritorial  
27 zoning jurisdiction under the circumstances set out in section 19-930  
28 shall create an interjurisdictional planning commission by ordinance  
29 within sixty days after the formal passage of a resolution pursuant to  
30 subsection (2) of section 19-930. All matters filed with the city or  
31 village municipality within ninety days after such date which are

1 properly within the jurisdiction of the interjurisdictional planning  
2 commission shall, after the effective date of the ordinance, be referred  
3 to such commission until such time as both the city or village  
4 ~~municipality~~ and the county agree by majority vote of each governing body  
5 to eliminate the interjurisdictional planning commission and transfer its  
6 jurisdiction to the planning commission of the city or village  
7 ~~municipality~~.

8 Sec. 99. Section 19-1101, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 19-1101 The city treasurer or village treasurer of each city or  
11 village that has a population of not more than one hundred thousand  
12 inhabitants as determined by the most recent federal decennial census or  
13 the most recent revised certified count by the United States Bureau of  
14 the Census shall prepare and publish annually within sixty days after the  
15 close of its municipal fiscal year a statement of the receipts and  
16 expenditures of funds of the city or village for the preceding fiscal  
17 year. The statement shall also include the information required by  
18 subsection (3) of section 16-318 or subsection (2) of section 17-606. Not  
19 more than the legal rate provided for in section 33-141 shall be charged  
20 and paid for such publication.

21 Sec. 100. Section 19-1102, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 19-1102 It shall be the duty of each ~~village or city clerk or~~  
24 village clerk in every village or city or village having a population of  
25 not more than one hundred thousand inhabitants as determined by the most  
26 recent federal decennial census or the most recent revised certified  
27 count by the United States Bureau of the Census to prepare and publish  
28 the official proceedings of the ~~village or city board, council, or~~  
29 village board of trustees ~~commission~~ within thirty days after any meeting  
30 of the ~~city board, council, or~~ village board of trustees ~~commission~~. The  
31 publication shall be in a legal newspaper in or of general circulation in

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

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

13 19-1103 Publication under sections 19-1101 and 19-1102 shall be made  
14 in one legal newspaper in or of general circulation in such ~~village or~~  
15 ~~city or village~~. If no legal newspaper in or of general circulation is  
16 published in the ~~village or city or village~~, then such publication shall  
17 be made in one legal newspaper published in or of general circulation  
18 within the county in which such ~~village or city or village~~ is located.  
19 The cost of publication shall be paid out of the general funds of such  
20 ~~village or city or village~~.

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

23 19-1104 Any ~~village or city clerk, village clerk, city treasurer, or~~  
24 village treasurer, failing or neglecting to comply with ~~the provisions of~~  
25 sections 19-1101 to 19-1103 shall be deemed guilty of a misdemeanor and  
26 shall, upon conviction, be fined, not to exceed twenty-five dollars, and  
27 be liable, in addition to removal from office for such failure or  
28 neglect.

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

31 19-1301 All cities of the first class, cities of the and second

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

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

17 19-1302 The city council ~~local governing body~~ of any city of the  
18 first class or city of the second class or the village board of trustees  
19 of any village, subject to all the limitations set forth in sections  
20 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed  
21 ten and five-tenths cents on each one hundred dollars in any one year  
22 upon the taxable value of all the taxable property within such  
23 municipality for a term of not to exceed ten years, in addition to the  
24 amount of tax which may be annually levied for the purposes of the  
25 adopted budget statement of such municipality, for the purpose of  
26 establishing a sinking fund for the construction, purchase, improvement,  
27 extension, original equipment, or repair, not including maintenance, of  
28 any one or more of the following public improvements, including  
29 acquisition of any land incident to the making thereof: Municipal  
30 libraries ~~library~~; municipal auditoriums ~~auditorium~~ or community houses  
31 ~~house~~ for social or recreational purposes; city or village halls ~~hall~~;

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

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

17       19-1303 Before any sinking fund or funds shall be established or  
18 before any annual tax shall be levied for planned municipal improvements  
19 ~~improvement~~ mentioned in section 19-1302, by a any ~~such~~ city or village,  
20 the city council or village board of trustees ~~its local governing body~~  
21 shall declare its purpose by resolution to submit to the qualified  
22 electors of the city or village at the next general municipal election  
23 the proposition to provide such city or village with the specific  
24 municipal improvement planned ~~for consummation~~ under sections 19-1301 to  
25 19-1304. Such resolution of submission shall, among other things, set  
26 forth a clear description of the improvement planned, the estimated cost  
27 according to the prevailing costs, the amount of annual levy over a  
28 definite period of years, not exceeding ten years, required to provide  
29 such cost, and the specific name or designation for the sinking fund  
30 sought to be established to carry out the planned improvement, together  
31 with a statement of the proposition for placement upon the ballot at such



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

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

1           19-1304 All funds received by the city treasurer or village  
2 treasurer ~~municipal treasurers~~, by donation or by tax levy, as  
3 ~~hereinbefore~~ provided in sections 19-1301 to 19-1304, shall, as they  
4 accumulate, be immediately invested by such said treasurer, with the  
5 written approval of the city council or village board of trustees ~~local~~  
6 ~~governing body~~, in the manner provided in section 77-2341. Whenever  
7 investments of such said sinking fund or funds are made, ~~as aforesaid~~,  
8 the nature and character of the same shall be reported to the city  
9 council or village board of trustees ~~local governing body~~, and such said  
10 investment report shall be made a matter of record by the city clerk or  
11 village ~~municipal~~ clerk in the proceedings of such city council or  
12 village board of trustees ~~local governing body~~. The sinking fund, or  
13 sinking funds, accumulated under ~~the provisions of~~ sections 19-1301 to  
14 19-1304, shall constitute a special fund, or funds, for the purpose or  
15 purposes for which such fund ~~the same~~ was authorized and shall not be  
16 used for any other purpose unless authorized by sixty percent of the  
17 qualified electors of such said municipality voting at a general election  
18 favoring such change in the use of such said sinking fund or sinking  
19 funds. ~~The ; Provided, that~~ the question of the change in the use of such  
20 ~~said~~ sinking fund or sinking funds, when it shall fail to carry, shall  
21 not be resubmitted in substance for a period of one year from and after  
22 the date of such said election.

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

25           19-1305 Any city of the first class, city of the ~~or~~ second class, or  
26 ~~any~~ village in the State of Nebraska, which owns and operates public  
27 utilities consisting of a waterworks plant, water system, sanitary sewer  
28 system, gas plant, gas system, electric light and power plant, or  
29 electric distribution system, may pay for extensions and improvements to  
30 any of such said public utilities by issuing and selling its combined  
31 revenue bonds and securing the payment thereof by pledging and

1 hypothecating the revenue and earnings of any two or more of such said  
2 public utilities and may enter into such contracts in connection  
3 therewith as may be necessary or proper. Such combined revenue bonds  
4 shall not be general obligations of the city or village issuing the bonds  
5 ~~same~~ and no taxes shall be levied for their payment but such said bonds  
6 shall be a lien only upon the revenue and earnings of the public  
7 utilities owned and operated by the municipality and which are pledged  
8 for their payment.

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

11       19-1306 The city council or village board of trustees of a governing  
12 ~~body of such~~ city or village seeking to issue revenue bonds pursuant to  
13 section 19-1305 shall first cause plans and specifications for such said  
14 proposed extensions and improvements and an estimate of the cost thereof  
15 to be made by the city engineer or village engineer or by a special  
16 engineer employed for that purpose. Such plans, specifications, and  
17 estimate of cost, after being approved and adopted by the city council or  
18 village board of trustees governing body, shall be filed with the city  
19 clerk or village clerk and be open to public inspection. The city council  
20 or village board of trustees governing body shall then, by resolution  
21 entered in the minutes of its ~~their~~ proceedings, direct that public  
22 notice be given in regard thereto. This notice shall state: (1) The  
23 general nature of the improvements or extensions proposed to be made; (2)  
24 that the plans, specifications, and estimate thereof are on file in the  
25 office of the city clerk or village clerk and are open to public  
26 inspection; (3) the estimated cost thereof; (4) that it has proposed to  
27 pay for the same by combined revenue bonds; (5) the principal amount of  
28 such said bonds which it proposes to issue; (6) the maximum rate of  
29 interest which such bonds will bear; (7) that the payment of such said  
30 bonds will be a lien upon and will be secured by a pledge of the revenue  
31 and earnings of certain public utilities; (8) the names of the utilities

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

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

24       19-1307 If the electors of a ~~such~~ city or village, equal in number  
25 to forty percent of the electors of such ~~said~~ city or village voting at  
26 the last preceding general municipal election, file written objections to  
27 proposed issuance of combined revenue bonds pursuant to section 19-1305  
28 with the city clerk or village clerk within twenty days after the first  
29 publication of the said notice given pursuant to section 19-1306, the  
30 city council or village board of trustees ~~governing body~~ shall submit  
31 such proposition of issuing such bonds to the electors of such city or

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

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

18 19-1308 Sections 19-1305 to 19-1308 are supplementary to existing  
19 statutes and confer upon and give to cities of the first class, cities of  
20 the and second class, and villages powers not heretofore granted, and  
21 sections 19-1305 to 19-1308 shall not be construed as repealing or  
22 amending any existing statute.

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

25 19-1309 Notwithstanding any other provision of law ~~provisions in the~~  
26 ~~statutes of Nebraska~~ to the contrary, for any fiscal year the governing  
27 body of any city of the first class, city of the second class, or village  
28 may decide to certify to the county clerk for collection one all-purpose  
29 levy required to be raised by taxation for all municipal purposes instead  
30 of certifying a schedule of levies for specific purposes added together.  
31 Subject to the limits in section 77-3442, such ~~the~~ all-purpose levy shall

1 not exceed an annual levy of eighty-seven and five-tenths cents on each  
2 one hundred dollars for cities of the first class and one dollar and five  
3 cents on each one hundred dollars for cities of the second class and  
4 villages upon the taxable valuation of all the taxable property in such  
5 city or village. Otherwise authorized extraordinary levies to service and  
6 pay bonded indebtedness of such municipalities may be made by such  
7 municipalities in addition to such all-purpose levy.

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

10 19-1310 If the method provided in section 19-1309, is followed in  
11 municipal financing, the city or village ~~municipalities~~ shall allocate  
12 the amount so raised to the several departments of such city or village  
13 ~~the municipality~~ in its annual budget and appropriation ordinance, or in  
14 other legal manner, as the governing body of such city or village  
15 ~~municipality~~ shall deem wisest and best.

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

18 19-1311 Should any city of the first class, city of the second  
19 class, or village ~~of such municipalities~~ elect to follow the method  
20 provided in section 19-1309, such city or village ~~it~~ shall be bound by  
21 that election during the ensuing fiscal year but may abandon such method  
22 in succeeding fiscal years.

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

25 19-1312 If it is necessary to certify the amount of an all-purpose  
26 levy under section 19-1309 to county officers for collection, such levy  
27 ~~the same~~ shall be certified as a single amount for general fund purposes.

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

30 19-1401 Cities of the primary class, cities of the first class,  
31 cities of the second class ~~Primary cities, first-class cities, second-~~

1 ~~class cities~~, and villages shall have the power to purchase, construct,  
2 maintain, and improve heating and lighting systems and ice plants for the  
3 use of their respective municipalities and the inhabitants thereof.

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

6 19-1402 The cost of purchasing, constructing, maintaining, and  
7 improving such utilities under section 19-1401 may be defrayed by the  
8 levy of a tax of not to exceed three and five-tenths cents on each one  
9 hundred dollars upon the taxable value of all the taxable property in  
10 such city or village in any one year for a heating or lighting plant and  
11 of not to exceed two and one-tenth cents on each one hundred dollars upon  
12 the taxable value of all the taxable property in such city or village in  
13 any one year for an ice plant, or when such tax is insufficient for the  
14 purpose, the cost of such utilities may be defrayed by the issuance of  
15 bonds of the municipality.

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

18 19-1403 The question of issuing bonds for any of the purposes  
19 mentioned in section 19-1401 shall be submitted to the electors at an  
20 election held for that purpose after not less than thirty days' notice  
21 thereof has been given (1) by publication in a legal ~~some~~ newspaper  
22 published in or ~~and~~ of general circulation in the ~~such~~ municipality or  
23 (2) if no legal newspaper is published in or of general circulation in  
24 such municipality therein, by posting in five or more public places in  
25 such municipality therein. Such bonds may be issued only when a majority  
26 of the electors voting on the question favor their issuance. Such bonds  
27 ~~They~~ shall bear interest, payable annually or semiannually, and shall be  
28 payable at any time the municipality may determine at the time of their  
29 issuance but in not more than twenty years after their issuance. The  
30 aggregate amount of bonds that may be issued for the construction or the  
31 purchase of a heating or lighting plant shall not exceed four percent of

1 the taxable value of the assessed property and, for the construction or  
2 purchase of an ice plant, shall not exceed one percent of the taxable  
3 value of the assessed property within such municipality, as shown by the  
4 last annual assessment. The city council or village board of trustees  
5 shall levy annually a sufficient tax to maintain, operate, and extend any  
6 system or plant and to provide for the payment of the interest on and  
7 principal of any bonds that may have been or shall be issued as provided  
8 in this section.

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

11 19-1404 When any ~~such~~ utility shall have been established pursuant  
12 to section 19-1401, the municipality shall provide by ordinance for the  
13 management thereof, the rates to be charged, and the manner of payment  
14 for service or for the product.

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

17 19-1501 In all cases where a ~~primary city of the primary class~~, a  
18 city of the first class, city of the ~~or~~ second class, or village has  
19 ~~heretofore~~ entered into a contract for paving or otherwise improving a  
20 street or streets ~~therein~~, or for the construction or improvement of a  
21 system of waterworks or sanitary or storm sewers, and the contract has  
22 not been completed on account of any order or regulation issued by the  
23 United States or any board or agency thereof, such city or village may  
24 accept that part of the work which has been completed, levy special  
25 assessments and taxes, and issue bonds to pay the cost of the work so  
26 completed and accepted, in the same manner and on the same conditions as  
27 if such ~~said~~ contract had been fully completed.

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

30 19-1502 Section 19-1501 shall be construed as granting additional  
31 authority and not as repealing any existing statutory authority ~~law now~~



1 ~~in force.~~

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

4       19-1826 As used in the Civil Service Act, unless the context  
5 otherwise requires:

6       (1) Agreement means an agreement pursuant to the Interlocal  
7 Cooperation Act;

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

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

19       (3) Appointment means shall mean all means of selecting, appointing,  
20 or employing any person to hold any position or employment subject to  
21 civil service;

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

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

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

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

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

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

9       ~~(8) (6) Full-time police officer means a police officer in a~~  
10 ~~position which requires officers shall mean police officers in positions~~  
11 ~~which require certification by the Nebraska Law Enforcement Training~~  
12 ~~Center, created pursuant to section 81-1402, who has have the power of~~  
13 ~~arrest, who is are paid regularly by a municipality, and for whom law~~  
14 ~~enforcement is a full-time career, but does shall not include any~~  
15 ~~clerical, custodial, or maintenance personnel;~~

16       ~~(9) Governing body means: (a) In a mayor and council plan of~~  
17 ~~government, the mayor and city council; (b) in a commission plan of~~  
18 ~~government, the mayor and city council or village board of trustees; (c)~~  
19 ~~in a village plan of government, the village board of trustees; and (d)~~  
20 ~~in a city manager plan of government, the mayor and city council;~~

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

23       ~~(11) Municipality means all cities and villages specified in~~  
24 ~~subsection (1) of section 19-1827 having full-time police officers or~~  
25 ~~full-time firefighters;~~

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

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

30       ~~(7) Full-time firefighter shall mean duly appointed firefighters who~~  
31 ~~are paid regularly by a municipality and for whom firefighting is a full-~~

1 ~~time career, but shall not include clerical, custodial, or maintenance~~  
2 ~~personnel who are not engaged in fire suppression;~~

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

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

7 ~~(10) Merged commission shall mean a civil service commission~~  
8 ~~resulting from the merger of two or more commissions pursuant to section~~  
9 ~~19-1848;~~

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

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

15 Sec. 122. Section 19-1827, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 19-1827 (1) There is hereby created, in cities ~~in the State of~~  
18 ~~Nebraska~~ having a population of more than five thousand inhabitants as  
19 determined by the most recent federal decennial census or the most recent  
20 revised certified count by the United States Bureau of the Census and  
21 having full-time police officers or full-time firefighters, a civil  
22 service commission, except in cities with a population in excess of forty  
23 thousand inhabitants as determined by the most recent federal decennial  
24 census or the most recent revised certified count by the United States  
25 Bureau of the Census which have or may adopt a home rule charter pursuant  
26 to sections 2 to 5 of Article XI of the Constitution of Nebraska ~~this~~  
27 ~~state~~. Any city or village having a population of five thousand  
28 inhabitants or less as determined by the most recent federal decennial  
29 census or the most recent revised certified count by the United States  
30 Bureau of the Census may adopt the Civil Service Act and create a civil  
31 service commission by a vote of the electors of such city or village. If

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

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

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

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

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

26           19-1829 The Civil Service Act shall only apply to full-time  
27 firefighters or full-time police officers of each municipality, including  
28 any paid full-time police chief or fire chief of such department. All  
29 appointments to and promotions in such department shall be made solely on  
30 merit, efficiency, and fitness, which shall be ascertained by open  
31 competitive examination and impartial investigation. If the appointing

1 authority fills a vacancy in a position subject to the Civil Service Act,  
2 the appointing authority shall consider factors including, but not  
3 limited to:

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

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

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

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

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

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

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

22 19-1830 (1) Immediately after the appointment of the commission, and  
23 annually thereafter, the commission shall organize by electing one of its  
24 members chairperson. The commission shall hold meetings as may be  
25 required for the proper discharge of its duties. The commission shall  
26 appoint a secretary and a chief examiner who shall keep the records of  
27 the commission, preserve all reports made to it, superintend and keep a  
28 record of all examinations held under its direction, and perform such  
29 other duties as the commission may prescribe. The commission may merge  
30 the positions of secretary and chief examiner and appoint one person to  
31 perform the duties of both positions. If the municipality has a personnel

1 officer, the commission shall appoint such personnel officer as secretary  
2 and chief examiner, if requested to do so by the appointing authority.  
3 The secretary and chief examiner shall be subject to suspension or  
4 discharge upon the vote of a majority of the appointed members of the  
5 commission.

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

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

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

29 (5) The commission may conduct an investigation concerning and  
30 report upon all matters regarding the enforcement and effect of the Civil  
31 Service Act and the rules and regulations prescribed. The commission may

1 inspect all institutions, departments, positions, and employments  
2 affected by such act to determine whether such act and all such rules and  
3 regulations are being obeyed. Such investigations may be conducted by the  
4 commission or by any commissioner designated by the commission for that  
5 purpose. The commission shall also make a like investigation on the  
6 written petition of a citizen, duly verified, stating that irregularities  
7 or abuses exist or setting forth, in concise language, the necessity for  
8 such an investigation. The commission may be represented in such  
9 investigations by the city attorney or village ~~municipal~~ attorney, if  
10 authorized by the appointing authority. If the city attorney or village  
11 ~~municipal~~ attorney does not represent the commission, the commission may  
12 be represented by special counsel appointed by the commission in any such  
13 investigation. In the course of such an investigation, the commission,  
14 designated commissioner, or chief examiner shall have the power to  
15 administer oaths, to issue subpoenas to require the attendance of  
16 witnesses and the production by them of books, papers, documents, and  
17 accounts appertaining to the investigation, and to cause the deposition  
18 of witnesses, residing within or without the state, to be taken in the  
19 manner prescribed by law for like depositions in civil actions in the  
20 courts of this state. The oaths administered and subpoenas issued shall  
21 have the same force and effect as the oaths administered by a district  
22 judge in a judicial capacity and subpoenas issued by the district courts  
23 of Nebraska. The failure of any person so subpoenaed to comply shall be  
24 deemed a violation of the Civil Service Act and be punishable as such. No  
25 investigation shall be made pursuant to this section if there is a  
26 written accusation concerning the same subject matter against a person in  
27 the civil service. Such accusations shall be handled pursuant to section  
28 19-1833.

29 (6) The commission shall provide that all hearings and  
30 investigations before the commission, designated commissioner, or chief  
31 examiner shall be governed by the Civil Service Act and the rules of



1 practice and procedure to be adopted by the commission. In the conduct  
2 thereof, they shall not be bound by the technical rules of evidence. No  
3 informality in any proceedings or hearing or in the manner of taking  
4 testimony shall invalidate any order, decision, rule, or regulation made,  
5 approved, or confirmed by the commission, except that no order, decision,  
6 rule, or regulation made by any designated commissioner conducting any  
7 hearing or investigation alone shall be of any force or effect unless it  
8 is concurred in by a majority of the appointed members of the commission,  
9 including the vote of any commissioner making the investigation.

10 (7) The commission shall establish and maintain a roster of officers  
11 and employees.

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

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

25 (10) The governing body shall in all municipalities, except those  
26 with a city manager plan in which the city manager shall, adopt a  
27 reduction-in-force policy which shall consider factors including, but not  
28 limited to:

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

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

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

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

5 (e) Required federal, state, or local certifications or licenses;  
6 and

7 (f) Seniority.

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

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

12 19-1833 (1) No person in the civil service who shall have been  
13 permanently appointed or inducted into civil service under the Civil  
14 Service Act shall be removed, suspended, demoted, or discharged except  
15 for cause and then only upon the written accusation of the police chief  
16 or fire chief, the appointing authority, or any citizen or taxpayer.

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

26 (3) Any person so removed, suspended, demoted, or discharged may,  
27 within ten days after being notified by the appointing authority of such  
28 removal, suspension, demotion, or discharge, file with the commission a  
29 written demand for an investigation, whereupon the commission shall  
30 conduct such investigation. The governing body of the municipality shall  
31 establish procedures by ordinance consistent with this section by which

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

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

1 person to compensation and restoration of benefits and privileges from  
2 the time of such removal, suspension, demotion, or discharge. The  
3 commission upon such hearing, in lieu of affirming the removal,  
4 suspension, demotion, or discharge, may modify the order of removal,  
5 suspension, demotion, or discharge by directing a suspension, with or  
6 without pay, for a given period and the subsequent restoration to duty or  
7 demotion in position or pay. The findings of the commission shall be  
8 certified in writing to and enforced by the appointing authority.

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

27 If such appeal is taken by the governing body and the district court  
28 affirms the decision of the commission, the municipality shall pay to the  
29 employee court costs and reasonable attorney's fees incurred as a result  
30 of such appeal and as approved by the district court. If such appeal is  
31 taken by the governing body and the district court does not affirm the

1 decision of the commission, the court may award court costs and  
2 reasonable attorney's fees to the employee as approved by the district  
3 court.

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

6 19-1834 The municipality shall afford the commission and its members  
7 and employees all reasonable facilities and assistance to inspect all  
8 books, papers, documents, and accounts applying or in any way  
9 appertaining to any and all positions and employments subject to civil  
10 service and shall produce such books, papers, documents, and accounts.  
11 All city or village ~~municipal~~ officers and employees shall attend and  
12 testify whenever required to do so by the commission, the accused, or the  
13 appointing authority.

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

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

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

28 19-1839 It shall be the duty of the commission to begin and conduct  
29 all civil suits which may be necessary for the proper enforcement of the  
30 Civil Service Act and of the rules of the commission. The commission may  
31 be represented in such suits and all investigations pursuant to the Civil

1 Service Act by the city attorney or village ~~municipal~~ attorney if  
2 authorized by the appointing authority. If the city attorney or village  
3 ~~municipal~~ attorney does not represent the commission, the commission may  
4 be represented by special counsel appointed by it in any particular case.

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

7 19-1846 It shall be the duty of each municipality subject to the  
8 Civil Service Act to appropriate each fiscal year, from the general funds  
9 of such municipality, a sum of money sufficient to pay the necessary  
10 expenses involved in carrying out the purposes of such act, including,  
11 but not limited to, reasonable attorney's fees for any special counsel  
12 appointed by the commission when the city attorney or village ~~municipal~~  
13 attorney is not authorized by the appointing authority to represent the  
14 commission. The appointing authority may establish the hourly or monthly  
15 rate of pay of such special counsel.

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

18 19-2101 Cities of the first class, cities of the second class, and  
19 villages shall have the power to purchase, construct, maintain, and  
20 improve garbage disposal plants or ~~τ~~ systems or solid waste disposal  
21 areas, and purchase equipment for the operation thereof, for the use of  
22 their respective municipalities and the inhabitants thereof, and are  
23 hereby authorized and empowered to lease or to take land in fee within  
24 their corporate limits or without their corporate limits by donation,  
25 gift, devise, purchase, or appropriation for rights-of-way and for  
26 construction and operation of such a disposal plant, system, or solid  
27 waste disposal area.

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

30 19-2102 The cost to purchase, construct, maintain, and improve  
31 garbage disposal plants or systems or solid waste disposal areas pursuant

1 ~~to section 19-2101 thereof~~ may be defrayed by the levy of a tax not to  
2 exceed ten and five-tenths cents on each one hundred dollars upon the  
3 taxable value of all the taxable property in such city or village in any  
4 one year or, when such tax is insufficient for such purpose, by the  
5 issuance of bonds of the ~~city or village~~ municipality.

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

8 19-2103 The question of issuing bonds for the purpose of section  
9 19-2102 herein contemplated shall be submitted to the electors at any  
10 election held for that purpose, after not less than thirty days' notice  
11 thereof shall have been given by publication in a legal ~~some~~ newspaper  
12 published in or and of general circulation in such municipality or, if no  
13 legal newspaper is in or of general circulation in such municipality  
14 ~~published therein~~, then by posting in five or more public places therein.  
15 Such bonds may be issued only when a majority of the electors voting on  
16 the question approve their issuance. The bonds shall bear interest  
17 payable annually or semiannually, ~~and~~ and shall be payable at any time the  
18 municipality may determine at the time of their issuance, but in not more  
19 than twenty years after their issuance. The aggregate amount of bonds  
20 that may be issued for the construction, installation, ~~or~~ or purchase of a  
21 garbage disposal plant or ~~or~~ system or solid waste disposal area shall not  
22 exceed five percent of the taxable value of the property within such  
23 municipality as shown by the last annual assessment.

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

26 19-2104 In a city of the first class, city of the second class, or  
27 village which purchases, constructs, maintains, or improves garbage  
28 disposal plants or systems or solid waste disposal areas pursuant to  
29 section 19-2101, the city ~~The~~ council or village board of trustees shall  
30 levy annually a sufficient tax to maintain and operate such plant or  
31 system, ~~plant~~ or solid waste disposal area and to provide for the payment

1 of the interest on and principal of any bonds that may have been issued  
2 as ~~herein~~ provided in section 19-2103.

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

5 19-2105 In a city of the first class, city of the second class, or  
6 village which purchases, constructs, maintains, or improves garbage  
7 disposal plants or systems or solid waste disposal areas pursuant to  
8 section 19-2101, the city ~~The council or~~ village board of trustees of  
9 ~~such municipality~~ may also make and enter into a contract or contracts  
10 with any person, firm, or corporation for the construction, maintenance,  
11 or operation of a garbage disposal plant or  system or solid waste  
12 disposal area.

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

15 19-2106 When a garbage disposal plant or system or solid waste  
16 disposal area ~~such system~~ shall have been established pursuant to section  
17 19-2101, the municipality may provide by ordinance for the management and  
18 operation thereof, the rates to be charged for such service, including  
19 collection and disposal, and the manner of payment and collection  
20 thereof, ~~and~~ prescribe penalties for the violation of such ordinance, and  
21 do whatever is necessary to protect the general health in the matter of  
22 removal and disposal of garbage.

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

25 19-2201 When any part of a city of the first class, city of the ~~or~~  
26 second class, or village shall have been platted (1) the plat having been  
27 recorded with the register of deeds of the proper county for more than  
28 ten years; (2) the streets and alleys having been dedicated to the public  
29 and such city or village having accepted such dedication by maintenance  
30 and use of such ~~the said~~ streets and alleys, and the inhabitants of that  
31 part of such city or village having been subject to taxation including



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

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

20 19-2202 The application presented pursuant to section 19-2201 to the  
21 district court of the county in which the territory lies shall: (1)  
22 Contain a recital of the resolution of the city council or village board  
23 of trustees for correction and reestablishment of the corporate limits  
24 and the vote thereon; (2) set forth the name of the plat or plats, the  
25 date of record, the book and page of the record book in which such plat  
26 or plats have been recorded, and the book and page of the record in which  
27 the original charter and annexations, if any there be, are recorded; (3)  
28 describe in general terms the area contained within the corporate limits  
29 and the territory affected by the corrections and reestablishment sought;  
30 (4) set forth the streets and alleys of such area which are maintained or  
31 used; and (5) be supported by exhibits consisting of a certificate of the

1 county treasurer of the county in which the territory lies showing the  
2 years for which the real estate and the property therein situated shall  
3 have been subject to the tax levy of such city or village and a  
4 certificate of the city clerk or village clerk or other officer having  
5 custody of the sign-in registers for elections of the city or village in  
6 which the territory lies showing the years during which the inhabitants  
7 thereof enjoyed the right of franchise in the elections of such city or  
8 village. The application shall pray for an order of the district court  
9 correcting and reestablishing the corporate limits of the city or village  
10 to include such territory.

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

13 19-2203 If it shall appear to the judge of the district court that  
14 the such application presented pursuant to section 19-2201 is properly  
15 filed, he or she shall make an order directing all persons owning real  
16 estate or having an interest in real estate situated in such part of such  
17 city or village, giving the name of the plat as recorded as well as a  
18 general description of the territory affected by the proposed correction  
19 and reestablishment of corporate limits, to appear before him or her at a  
20 time and place to be specified, not less than four and not more than ten  
21 weeks from the time of making such order, to show cause why a decree  
22 correcting and reestablishing the corporate limits of such city or  
23 village should not be entered. The notice of such order to show cause  
24 shall be made by publication in a legal newspaper in or of general  
25 circulation published in such city or village. If there is no legal  
26 newspaper in or of general circulation in such city or village, then such  
27 notice shall be published if there is any printed in such city or village  
28 and, if there is not, in some legal newspaper in or of printed in the  
29 county having general circulation in the county in which such city or  
30 village is located such city or village. If no legal newspaper is printed  
31 in the county, such notice shall be published in a legal newspaper having

1 ~~general circulation in such city or village.~~ The notice shall be  
2 published four consecutive weeks in such legal newspaper and shall  
3 contain a summary statement of the object and prayer of the application,  
4 mention the court where it is filed, and notify the persons interested  
5 when they are required to appear and show cause why such decree should  
6 not be entered.

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

9       19-2302 The proceeds derived from the use of the parking meters or  
10 other similar mechanical devices, established pursuant to ~~referred to in~~  
11 sections 19-2301 to 19-2304, shall be placed in the traffic and safety  
12 fund and shall be used by such a city or village referred to in section  
13 19-2301 (1) ~~;~~ ~~first,~~ for the purpose of the acquisition, establishment,  
14 erection, maintenance, and operation of the system; ~~second,~~ (2) for the  
15 purpose of making the system effective; ~~and third,~~ and (3) for the  
16 expenses incurred by and throughout such a city or village in the  
17 regulation and limitation of vehicular parking, traffic relating to  
18 parking, traffic safety devices, signs, signals, markings, policing,  
19 lights, traffic surveys, and safety programs.

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

22       19-2303 As used in sections 19-2301 to 19-2304, unless the context  
23 otherwise requires: Proceeds shall mean any money collected from or by  
24 reason of parking meters or other similar mechanical devices installed by  
25 any city of the first class, city of the ~~or~~ second class, or village,  
26 including revenue received by reason of any schedule of accelerated  
27 charges, to be fixed by ordinance. Accelerated charges may include, but  
28 need not be limited to, charges fixed by ordinance for parking in  
29 controlled or regulated areas without payment in advance of required  
30 parking fees or payments, but shall not include judicially imposed fines  
31 and penalties.

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

3           19-2304 Nothing contained in sections 19-2301 to 19-2304 shall  
4 prohibit the governing body of any city of the first class, city of the  
5 second class, or village from employing any and all other ways and means  
6 to regulate and control vehicular parking in such a city or village  
7 either in conjunction with a system of meters or devices or exclusive and  
8 independent thereof.

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

11           19-2401 (1) Any city of the first class, city of the ~~or~~ second  
12 class, or village, when constructing any municipal improvement or public  
13 works, may combine two or more similar pending projects although  
14 authorized by separate ordinances and located in separate improvement  
15 districts for the purpose of advertising for bids for the construction of  
16 such projects, and for the further purpose of awarding one contract for  
17 the construction of such two or more similar pending projects.

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

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

1           Sec. 143. Section 19-2402, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           19-2402 (1) Whenever the city council of any city of the first class  
4 or city of the ~~or~~ second class or the village board of trustees of a  
5 village deems it necessary and advisable to extend municipal water  
6 service or municipal sanitary sewer service to territory beyond the  
7 existing systems, such municipal officials may, by ordinance, create a  
8 district or districts to be known as sanitary sewer extension districts  
9 or water extension districts for such purposes, and such district or  
10 districts may include properties within the corporate limits of the  
11 municipality and the extraterritorial zoning jurisdiction as established  
12 pursuant to section 16-901 or 17-1002.

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

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

24           (4) Such ordinance shall state the size and kind of sewer mains or  
25 water mains proposed to be constructed in such district and shall  
26 designate the location and terminal points thereof. Such ordinance shall  
27 also refer to the plans and specifications for such utility extensions  
28 which shall have been made and filed with the city clerk or village  
29 ~~municipal~~ clerk by the city engineer or village ~~municipal~~ engineer prior  
30 to the introduction of the ordinance, and the city engineer or village  
31 engineer at the time of filing such plans and specifications shall make

1 and file an estimate of the total cost of the proposed utility extension.  
2 The ordinance shall also state the outer boundaries of the district or  
3 districts in which it is proposed to make special assessments.

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

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

12 19-2403 (1) When the extension of the sewer or water service  
13 involved in an extension district created pursuant to section 19-2402 is  
14 completed, the municipality shall compel all proper connections of  
15 occupied properties in the district with the extension and may provide a  
16 penalty for failure to comply with regulations of the municipality  
17 pertaining to the district.

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

27 Sec. 145. Section 19-2404, Revised Statutes Cumulative Supplement,  
28 2018, is amended to read:

29 19-2404 (1) Except as provided in subsection (2) of this section,  
30 special assessments for sanitary sewer extension mains or water extension  
31 mains in a district shall be levied at one time and shall become

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

28 (2) If the city or village incurs no new indebtedness pursuant to  
29 section 19-2405 for any water service extension or sanitary sewer  
30 extension in a district, the special assessments for such improvements  
31 shall be levied at one time and shall become delinquent in equal annual

1 installments over such period of years as the city council or village  
2 board of trustees determines at the time of making the levy to be  
3 reasonable and fair.

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

6       19-2405 For the purpose of paying the cost of any ~~such~~ water service  
7 extension or sanitary sewer service extension, in an extension ~~any such~~  
8 district created pursuant to section 19-2402, the city council or village  
9 board of trustees may, by ordinance, cause bonds of the municipality to  
10 be issued, called district water service extension bonds of district  
11 No. .... or district sanitary sewer service extension bonds of district  
12 No. ...., payable in not exceeding twenty years from date and to bear  
13 interest payable annually or semiannually with interest coupons attached.  
14 The ordinance effectuating the issuance of such bonds shall provide that  
15 the special tax and assessments shall constitute a sinking fund for the  
16 payment of such bonds and interest. If a written protest, signed by  
17 owners of the property located in the improvement district and  
18 representing a majority of the front footage which may become subject to  
19 assessment for the cost of the improvement, is filed with the city  
20 ~~municipal~~ clerk or village clerk within three days before the date of the  
21 meeting for the consideration of such ordinance, such ordinance shall not  
22 be passed. The entire cost of such water extension mains or sanitary  
23 sewer extension mains in any such street, avenue, or alley may be  
24 chargeable to the private property therein and may be paid by the owner  
25 of such property within fifty days from the levy of such special taxes  
26 and assessments, and thereupon such property shall be exempt from any  
27 lien for the special taxes and assessments. The bonds shall not be sold  
28 for less than their par value. If the assessment or any part thereof  
29 fails or for any reason is invalid, the city council or village board of  
30 trustees ~~governing body of the municipality~~ may, without further notice,  
31 make such other and further assessments on the lots and lands as may be



1 required to collect from the lots and lands the cost of the improvement,  
2 properly chargeable as provided in this section. In lieu of such general  
3 obligation bonds, the municipality may issue revenue bonds as provided in  
4 section 18-502, to pay all or part of the cost of the construction of  
5 such improvement.

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

8 19-2406 For the purpose of making partial payments as the work  
9 progresses in an extension district created pursuant to section 19-2402,  
10 warrants may be issued by the mayor and city council or the chairperson  
11 ~~chairman~~ and village board of trustees, as the case may be, upon  
12 certificates of the engineer in charge showing the amount of work  
13 completed and materials necessarily purchased and delivered for the  
14 orderly and proper continuation of the project, in a sum not exceeding  
15 ninety-five percent of the cost thereof and upon the completion and  
16 acceptance of the work issue a final warrant for the balance due the  
17 contractor, which warrants shall be redeemed and paid upon the sale of  
18 the bonds issued and sold as provided in section 19-2405, and which shall  
19 bear interest at such rate as the mayor and city council or chairperson  
20 ~~chairman~~ and village board of trustees, ~~as the case may be,~~ shall order.  
21 The city or village shall pay to the contractor interest at the rate of  
22 eight percent per annum on the amounts due on partial and final payments  
23 beginning forty-five days after the certification of the amounts due by  
24 the engineer in charge and approval by the city council or village board  
25 of trustees governing body, and running until the date that the warrant  
26 is tendered to the contractor. Such ~~Said~~ warrants shall be registered in  
27 the manner provided for the registration of other warrants, and called  
28 and paid whenever there are funds available for that purpose in the  
29 manner provided for the calling and paying of other warrants. For the  
30 purpose of paying such ~~said~~ warrants and the interest thereon from the  
31 time of their registration until paid, the special assessments as

1 ~~hereinbefore~~ provided in section 19-2404 ~~for~~ shall be kept as they are  
2 paid and collected in a fund to be designated as the sewer and water  
3 service extension fund.

4       Sec. 148. Section 19-2407, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6       19-2407 Special assessments may be levied by the mayor and city  
7 council or chairperson and village board of trustees, ~~as the case may be,~~  
8 for the purpose of paying the cost of constructing extension water mains  
9 or sanitary service connections, as provided in sections 19-2402 to  
10 19-2407. Such assessments shall be levied on the real property lying and  
11 being within the utility main district in which such extension mains may  
12 be situated to the extent of benefits to such property by reason of such  
13 improvement. The benefits to such property shall be determined by the  
14 mayor and city council, or chairperson and village board of trustees, as  
15 ~~the case may be,~~ sitting as a board of equalization after notice to  
16 property owners, as provided in other cases of special assessment. After  
17 the mayor and city council, or chairperson and village board of trustees,  
18 sitting as such board of equalization, shall find such benefits to be  
19 equal and uniform, such levy may be made according to the front footage  
20 of the lots or real estate within such utility district, or according to  
21 such other rule as the board of equalization may adopt for the  
22 distribution or adjustment of such cost upon the lots or real estate in  
23 such district benefited by such improvement. All such special assessments  
24 shall be collected in the same manner as general municipal taxes and  
25 shall be subject to the same penalty.

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

28       19-2410 Whenever a petition, signed by sixty percent of the owners  
29 of all real property in a ~~the~~ proposed improvement district, is presented  
30 to the city council or village board of trustees ~~of the village~~ setting  
31 forth (1) the property to be included in the improvement district, (2)

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

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

15 19-2411 The city council or village board of trustees ~~of a village~~  
16 may without petition create an improvement district and cause one or more  
17 of the improvements specified in section 19-2409 to be made in such the  
18 district. The ordinance shall designate the property included within the  
19 district or the outer boundaries thereof, the improvement or improvements  
20 to be made in the district, and the total estimated cost of the  
21 improvements, which shall not exceed the dollar limitations in section  
22 19-2408. After passage, approval, and publication of the ordinance, the  
23 city clerk or village clerk shall cause notice of the creation of such  
24 district to be published for two consecutive weeks in a legal newspaper  
25 in published or of general circulation in the city or village, or in lieu  
26 of publication cause such notice to be served personally or by certified  
27 mail on all owners of real property located within the district. If a  
28 majority of the owners of all the real property in the district file  
29 written objections to the creation of the district with the city clerk or  
30 village clerk within twenty days after the first publication of such  
31 notice or within twenty days after the date of mailing or service of

1 written notice on the property owners in the district, the city or  
2 village shall not proceed further and shall repeal such ordinance. If no  
3 such objections are filed, the city shall proceed with making the  
4 improvements.

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

7 19-2412 Contracts for improvements made under the Combined  
8 Improvement Act ~~The contract~~ shall be let and the improvements made in  
9 the same manner as required for street improvements. The city council or  
10 village board of trustees of the village may direct the improvements to  
11 be made under a single contract or that separate bids be taken for the  
12 street improvement, installation of water mains, and installation of  
13 sewers, but the aggregate of such said contracts shall not exceed the  
14 estimate as shown in the ordinance creating the district. For the purpose  
15 of making partial payment as the work progresses, warrants may be issued  
16 by the mayor and city council or the village board of trustees of the  
17 ~~village~~ upon certificate of the engineer in charge showing the amount of  
18 the work completed and materials necessarily purchased and delivered for  
19 the orderly and proper continuance of the project in an amount not  
20 exceeding ninety-five percent of the cost thereof, which warrants shall  
21 be redeemed and paid from the amounts received on the special assessments  
22 or from the sale of bonds issued to pay the cost of the project as  
23 provided in section 19-2414. The city or village shall pay to the  
24 contractor interest, at the rate of eight percent per annum on the  
25 amounts due on partial and final payments, beginning forty-five days  
26 after the certification of the amounts due by the engineer in charge and  
27 approval by the city council or village board of trustees governing body  
28 and running until the date that the warrant is tendered to the  
29 contractor.

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

1           19-2413 On the completion and acceptance of the improvement or  
2 improvements made under the Combined Improvement Act, the mayor and city  
3 council or the village board of trustees of the village may cause special  
4 assessments to be levied against the property in the district specially  
5 benefited by the improvement or improvements to the extent that such said  
6 property is specially benefited in the manner and form provided for  
7 levying special assessments for street improvements under the provisions  
8 of sections 16-617 to 16-655 or 17-509 to 17-515, and the special  
9 assessments shall mature and bear interest the same as provided for  
10 special assessments for paving.

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

13           19-2414 After the completion and acceptance of the improvement or  
14 improvements made under the Combined Improvement Act, the city or village  
15 may issue and sell its negotiable coupon bonds to be known as public  
16 improvement bonds in an amount not exceeding the balance of the unpaid  
17 cost of the improvement or improvements. The bonds shall be payable in  
18 not to exceed twenty years from date and bear interest payable annually  
19 or semiannually. All money collected from the special assessments shall  
20 be placed in a sinking fund to pay the cost of the improvement or  
21 improvements and the bonds issued under the Combined Improvement Act.

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

24           19-2416 The governing body of any city of the first class, city of  
25 the ~~or~~ second class, or of any village may by ordinance create a limited  
26 street improvement district for the sole purpose of grading, curbing, and  
27 guttering any unpaved street or streets or curbing and guttering any  
28 paved or unpaved street or streets in the city or village and each  
29 district shall be designated as Street Grading, Curbing, and Guttering  
30 District No. .... or as Curbing and Guttering District No. ...., as the  
31 case may be. The city clerk or village mayor or chairman of the board of

1 ~~trustees and~~ clerk shall, after the passage, approval, and publication of  
2 such ordinance, publish notice of the creation of any such district or  
3 districts one time each week for three weeks in a legal daily or weekly  
4 newspaper in or of general circulation in the city or village. After the  
5 passage, approval, and publication of such ordinance and the publication  
6 of such notice, the procedure of the mayor and city council or  
7 chairperson ~~chairman~~ and village board of trustees in reference to such  
8 improvement shall be in accordance with the applicable provisions of  
9 sections 16-620 to 16-655 or 17-508 to 17-520.

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

12 19-2417 The mayor and city council of any city of the first class or  
13 city of the second class or the village board of trustees of any village  
14 shall have the power to construct, replace, repair, or otherwise improve  
15 sidewalks within such city or village. Whenever the mayor and city  
16 council ~~of a city~~ or village board of trustees ~~of a village~~ shall by  
17 resolution passed by a three-fourths vote of all members of such city  
18 council or village board of trustees determine the necessity for sidewalk  
19 improvements, the mayor and city council or village board of trustees  
20 shall by ordinance create a sidewalk district, ~~and~~ shall cause such  
21 improvements to be made, and shall contract therefor.

22 Sec. 156. Section 19-2418, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 19-2418 The mayor and city council or village board of trustees  
25 shall levy special assessments on the lots and parcels of land abutting  
26 on or adjacent to the sidewalk improvements specially benefited thereby  
27 in any sidewalk district created pursuant to section 19-2417 such  
28 ~~district~~ in proportion to the benefits, to pay the cost of such  
29 improvements ~~improvement~~. All special assessments shall be a lien on the  
30 property on which levied from the date of the levy until paid. The  
31 special assessment for the sidewalk improvement shall be levied at one

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

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

17 19-2419 For the purpose of paying the cost of sidewalk improvements  
18 in any sidewalk district created pursuant to section 19-2417, the mayor  
19 and city council or village board of trustees shall have the power and  
20 may, by ordinance, cause to be issued bonds of the city or village, to be  
21 called Sidewalk Bonds of District No. . . . ., payable in not exceeding six  
22 years from date, and to bear interest annually or semiannually, with  
23 interest coupons attached. Such bonds shall be general obligations of the  
24 city or village, with principal and interest payable from a fund made up  
25 of the special assessments collected and supplemented by transfers from  
26 the general fund to make up any deficiency in the collection of the  
27 special assessments. For the purpose of making partial payments as the  
28 work progresses, warrants bearing interest may be issued by the mayor and  
29 city council, or the village board of trustees, upon certificate of the  
30 engineer in charge showing the amount of the work completed and materials  
31 necessarily purchased and delivered for the orderly and proper

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

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

12 19-2420 A city of the first class or city of the second class may  
13 acquire by gift or purchase from the federal government or any agency  
14 thereof sewer lines and sewage disposal systems, waterworks, and water  
15 distribution systems, whether within or without the corporate limits, and  
16 operate and extend the same, even though such system or systems are or  
17 may be and continue to be wholly disconnected and separate from any such  
18 utility system already belonging to such city, when, in the judgment of  
19 the mayor and city council of such a city not having a board of public  
20 works or of its board of public works in such a city having such board,  
21 it is beneficial to ~~any~~ such city to do so. For the purpose of acquiring,  
22 maintaining, operating, and extending any such system, ~~any such city of~~  
23 ~~the first or second class~~ may use funds from any sewer, water, ~~or~~  
24 electrical system presently owned and operated by it, without prior  
25 appropriation of such funds, and any other funds lawfully available for  
26 such purpose.

27 Rates charged for the use of any system or works so acquired under  
28 this section shall be reasonable and based on cost properly allocable to  
29 the customers of ~~any~~ such system.

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



1           19-2421 The mayor and city council of any city of the first class or  
2 city of the second class, and the chairperson ~~chairman~~ and village board  
3 of trustees of any village, in addition to other powers granted by law,  
4 may enter into contracts for lease of real or personal property for any  
5 purpose for which the city or village is authorized by law to purchase  
6 property or construct improvements. Such leases shall not be restricted  
7 to a single year, and may provide for the purchase of the property in  
8 installment payments.

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

11           19-2422 Any owner of real property who feels aggrieved by the levy  
12 of any special assessment by any city of the first class, city of the ~~or~~  
13 second class, or village may appeal from such assessment, both as to the  
14 validity and amount thereof, to the district court of the county where  
15 such assessed real property is located. The issues on such appeal shall  
16 be tried de novo. The district court may affirm, modify, or vacate the  
17 special assessment, or may remand the case to the local board of  
18 equalization for rehearing.

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

21           19-2423 The owner appealing a special assessment pursuant to section  
22 19-2422 shall, within ten days from the levy of such special assessment,  
23 file a notice of appeal with the city clerk or village clerk, and shall  
24 post a bond in the amount of two hundred dollars conditioned that such  
25 appeal shall be prosecuted without delay and the appellant shall pay all  
26 costs charged against him or her.

27           Sec. 162. Section 19-2424, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           19-2424 (1) Upon the request of the owner appealing a special  
30 assessment pursuant to section 19-2422 and the payment by him or her of  
31 the estimated cost of preparation of the transcript to the city clerk or

1 village clerk or such clerk's designee, the city clerk or village clerk  
2 shall cause a complete transcript of the proceedings before such city or  
3 village to be prepared. The cost of preparing the transcript shall be  
4 calculated in the same manner as the calculation of the fee for a court  
5 reporter for the preparation of a bill of exceptions as specified by  
6 rules of practice prescribed by the Supreme Court. At such time as the  
7 completed transcript is provided to the appellant, the appellant shall  
8 pay the amount of the cost of preparation which is in excess of the  
9 estimated cost already paid or shall receive a refund of any amount in  
10 excess of the actual cost. An appellant determined to be indigent shall  
11 not be required to pay any costs associated with such transcript  
12 preparation.

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

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

27 19-2425 The owner appealing a special assessment pursuant to section  
28 19-2422 ~~appellant~~ shall file his or her petition on appeal in the  
29 district court, together with a transcript of the proceedings before the  
30 ~~such~~ city or village, within thirty days from the date of the levy of  
31 such special assessment.

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

3           19-2426 Any ~~first- or second-class~~ city of the first class, city of  
4 the second class, or village may wall, enclose, or cover in a manner that  
5 will not restrict or impair the intended purpose, function, or operation  
6 of a segment of any irrigation or drainage ditch, canal, or lateral,  
7 whether on public or private property, which lies within the corporate  
8 limits of such city or village, and for this purpose may acquire and hold  
9 land or an interest in land. Nothing in this section shall be construed  
10 to authorize the taking of property without payment of compensation when  
11 required by law. Such city or village may undertake and finance a project  
12 authorized by this section either independently or jointly with any  
13 person owning or operating such irrigation ditch, canal, or lateral. If ÷  
14 ~~Provided,~~ ~~that~~ if such project is undertaken independently, the owner or  
15 operator of such irrigation ditch, canal, or lateral shall approve the  
16 design of the project prior to any construction.

17           Sec. 165. Section 19-2427, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

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

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

28           19-2428 (1) Whenever the city council ~~governing body~~ of a city of  
29 the first class or city of the second class or the village board of  
30 trustees of a village creates an improvement district as specified in  
31 section 19-2427 which includes land adjacent to such city or village and

1 such adjacent land is within an agricultural use zone and is used  
2 exclusively for agricultural use, the owners of record title of such  
3 adjacent land may apply for a deferral from special assessments pursuant  
4 to sections 19-2428 to 19-2431.

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

6 (a) Agricultural use means the use of land as described in section  
7 77-1359, so that incidental use of the land for nonagricultural or  
8 nonhorticultural purposes shall not disqualify the land; and

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

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

23 19-2429 (1) Any owner of record title eligible for the deferral  
24 granted by section 19-2428 shall, to secure such assessment, make  
25 application to the city council ~~or board of trustees~~ of any city of the  
26 first class or city of the second class or the village board of trustees  
27 of any village within ninety days after creation of an improvement  
28 district as specified in section 19-2427 which includes land adjacent to  
29 such city or village which is within an agricultural use zone and is used  
30 exclusively for agricultural use.

31 (2) Any owner of record title who makes application for the deferral

1 provided by sections 19-2428 to 19-2431 shall notify the county register  
2 of deeds of such application in writing prior to approval by the city  
3 council or village board of trustees.

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

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

11 19-2430 The deferral provided for in sections 19-2428 to 19-2431  
12 shall be terminated upon any of the following events:

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

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

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

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

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

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

25 19-2432 (1) Whenever a tract of land against which a special  
26 assessment has been levied is divided or subdivided by any platting,  
27 replatting, or other form of division creating separate lots or tracts,  
28 the city council governing body of any city of the first class or ~~or~~ city  
29 of the second class ~~or~~ the village board of trustees of any village  
30 which has levied such special assessments may (a) on application of the  
31 owner of any part of the tract or (b) on its own motion, determine the

1 apportionment of such special assessment remaining unpaid among the  
2 various lots and parcels in the tract resulting from the division or  
3 subdivision. Any such reapportionment shall be on such fair and equitable  
4 terms as the city council or village board of trustees ~~governing body~~  
5 shall determine after notice and hearing on the reapportionment. No  
6 reapportionment of a special assessment shall be done on a tract of land  
7 if a tax sale certificate has been issued for such tract or if the  
8 special assessment being reapportioned is delinquent.

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

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

27 (4) Any notice required under this section may be waived in writing  
28 by any owner of any lot or parcel affected by any reapportionment.

29 (5) Any owner of real property who feels aggrieved by the  
30 reapportionment of any special assessment under this section may appeal  
31 such reapportionment in the same manner as applies for appeals from

1 special assessments under sections 19-2422 to 19-2425, but only matters  
2 related to such reapportionment shall be considered upon any such appeal.

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

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

8 19-2701 A city of the first class or city of the second class may  
9 enter into a contract or contracts to sell electric, water, or sewer  
10 service to persons beyond the corporate limits of such a city when, in  
11 the judgment of the mayor and city council of such a city not having a  
12 board of public works or of its board of public works in such a city  
13 having such board, it is beneficial to ~~any~~ such city to do so. No such  
14 contract shall run for a period in excess of twenty-five years. Such a  
15 city is hereby authorized and empowered to enter into contracts for the  
16 furnishing of electric service to persons, firms, associations, and  
17 corporations beyond the corporate limits of such a city.

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

20 19-2901 Sections 19-2901 to 19-2909 shall be known and may be cited  
21 as the Nebraska Municipal Auditing Law.

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

24 19-2902 For purposes of the Nebraska Municipal Auditing Law, unless  
25 the context otherwise requires:

26 (1) Accountant means a duly licensed public accountant or certified  
27 public accountant who otherwise is not an employee of or connected in any  
28 way with the municipality involved;

29 (2) Annual audit report means the written report of the accountant  
30 and all appended statements and schedules relating thereto presenting or  
31 recording the findings of an examination or audit of the financial

1 transactions, affairs, or financial condition of a municipality and its  
2 proprietary functions for the fiscal year immediately prior to the making  
3 of such annual report;

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

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

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

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

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

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

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

27 ~~(5) Fiscal year shall mean the fiscal year for the particular~~  
28 ~~municipality involved or the fiscal year established in section 18-2804~~  
29 ~~for a proprietary function if different than the municipal fiscal year.~~

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



1           19-2904 The annual audit report shall set forth, ~~insofar~~ as  
2 possible, the financial position and results of financial operations for  
3 each fund or group of accounts of the municipality. When the accrual  
4 method is selected for the annual audit report, such report shall be in  
5 accordance with generally accepted accounting principles. The annual  
6 audit report shall also include the professional opinion of the  
7 accountant with respect to the financial statements, or, if an opinion  
8 cannot be expressed, a declaration that the accountant is unable to  
9 express such an opinion with an explanation of the reasons why he or she  
10 cannot do so.

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

13           19-2905 At least three copies of the ~~such~~ annual audit report shall  
14 be properly signed and attested by the accountant, ~~;~~ two copies shall be  
15 filed with the clerk of the municipality involved, ~~;~~ and one copy shall be  
16 filed with the Auditor of Public Accounts. The copy of the annual audit  
17 report submitted to the Auditor of Public Accounts shall be accompanied  
18 by a supplemental report, if appropriate, by the accountant making the  
19 audit identifying any illegal acts or indications of illegal acts  
20 discovered as a result of the audit.

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

27           Sec. 175. Section 19-2907, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           19-2907 Should any municipality fail or refuse to cause an ~~such~~  
30 annual audit to be made of all of its functions, activities, and  
31 transactions for the fiscal year within a period of six months following

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

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

3           19-2908 The Nebraska Municipal Auditing Law ~~provisions of sections~~  
4 ~~19-2901 to 19-2909~~ shall not be construed to relieve any officer of any  
5 duties now required by law of him or her with relation to public accounts  
6 of a municipality or the disbursement of public funds of a municipality  
7 ~~the same~~. Failure of the municipality to comply with any provisions of  
8 the Nebraska Municipal Auditing Law ~~sections 19-2901 to 19-2909~~ shall not  
9 affect the legality of taxes levied for any of the funds of such  
10 municipality or any special assessments levied in connection with public  
11 improvements.

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

14           19-2909 The expenses of the audit required by the Nebraska Municipal  
15 Auditing Law ~~in sections 19-2901 to 19-2909~~ shall be paid by the  
16 municipal authorities of the municipality involved from appropriate  
17 municipal funds; ~~Provided, that if any municipality has completed its~~  
18 ~~annual budget and passed its appropriation ordinance before March 30,~~  
19 ~~1959, then such expenses may be paid from the general fund of such~~  
20 ~~municipality for the first annual audit made under the provisions of~~  
21 ~~sections 19-2901 to 19-2909.~~

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

24           19-3052 (1) For purposes of this section, municipality means ~~shall~~  
25 ~~mean~~ any city of the first class, city of the ~~or~~ second class, or village  
26 which elects members of the city council or village board of trustees ~~its~~  
27 ~~governing board~~ by districts.

28           (2) Any municipality which annexes territory and thereby brings  
29 sufficient new residents into such municipality so as to require that  
30 election districts be redrawn to maintain substantial population equality  
31 between districts shall redistrict its election districts so that such

1 districts are substantially equal in population within one hundred and  
2 eighty days after the effective date of the ordinance annexing the  
3 territory. Such redistricting shall create election districts which are  
4 substantially equal in population as determined by the most recent  
5 federal decennial census.

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

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

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

25 (5)(a) No proposed annexation by a municipality shall be restricted  
26 or governed by this section unless such annexation would bring sufficient  
27 new residents into such municipality so as to require the election  
28 districts of the municipality to be redrawn to maintain substantial  
29 population equality between districts.

30 (b) Nothing in this section shall be construed to require a  
31 municipality to redraw the boundaries of its election districts following

1 an annexation unless such annexation brought sufficient new residents  
2 into such municipality so as to require such redistricting to maintain  
3 substantial population equality between districts.

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

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

13 19-3101 In all cities of the first class, cities of the ~~and~~ second  
14 class, classes and villages, regardless of the form of government, in  
15 addition to the events listed in section 32-560 and any other reasons for  
16 a vacancy provided by law, after notice and a hearing, a vacancy on the  
17 city council or village board of trustees shall exist if a member is  
18 absent from more than five consecutive regular meetings of the city  
19 council or village board of trustees unless the absences are excused by a  
20 majority vote of the remaining members.

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

23 19-3302 As used in the Offstreet Parking District Act ~~sections~~  
24 ~~19-3301 to 19-3326,~~ unless the context otherwise requires,  
25 offstreet ~~offstreet~~ parking facilities includes parking lots, garages,  
26 buildings, and multifloor buildings for the parking of motor vehicles.

27 Sec. 181. Section 19-3303, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-3303 In addition to matters specifically ~~elsewhere~~ set forth in  
30 the Offstreet Parking District Act, cities of the primary class, cities  
31 of the first class, and cities of the second class are authorized to

1 ~~conduct sections 19-3301 to 19-3326, such sections authorize and include~~  
2 the following activities:

3 (1) The formation of offstreet parking districts;

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

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

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

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

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

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

28 (8) The administration, maintenance, operation, and repair of such  
29 offstreet parking facilities, including the maintenance of parking meters  
30 thereon;

31 (9) The collection of fees or charges to pay all or any part of the

1 cost of improving, repairing, maintaining, or operating offstreet parking  
2 facilities and of acquiring and improving offstreet parking facilities;

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

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

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

14 19-3304 Whenever any notice is to be given or posted pursuant to the  
15 Offstreet Parking District Act provisions of sections 19-3301 to 19-3326  
16 and the officer to give or post notice is not designated, the notice  
17 shall be given or posted by the city engineer. Any notice or posting  
18 shall not be invalidated because such notice or posting is given or done  
19 by an officer other than those whose duty it is to give the notice or  
20 perform the posting.

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

23 19-3305 Any proceedings taken, taxes or assessments levied, or bonds  
24 issued pursuant to the Offstreet Parking District Act sections 19-3301 to  
25 19-3326 shall not be held invalid for failure to comply with the act  
26 provisions of sections 19-3301 to 19-3326.

27 Sec. 184. Section 19-3306, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 19-3306 Any procedure not expressly set forth in the Offstreet  
30 Parking District Act sections 19-3301 to 19-3326 but deemed necessary or  
31 convenient to carry out any of the its purposes of the act is authorized.

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

3           19-3307 The remedies provided in the Offstreet Parking District Act  
4 ~~sections 19-3301 to 19-3326~~ for the enforcement of taxes or assessments  
5 levied or bonds issued pursuant to the act provisions of sections 19-3301  
6 ~~to 19-3326~~ are not exclusive ~~and additional remedies may be provided at~~  
7 ~~any time.~~

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

10           19-3308 The curative clauses of the Offstreet Parking District Act  
11 ~~sections 19-3301 to 19-3326~~ are cumulative, and each is to be given full  
12 effect.

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

15           19-3309 The Offstreet Parking District Act does ~~Sections 19-3301 to~~  
16 ~~19-3326~~ do not affect any other law relating to the same or any similar  
17 subject but provides ~~provide~~ an alternative authority and procedure for  
18 the subject to which it relates ~~they relate~~. When proceeding under the  
19 act sections 19-3301 to 19-3326, only the their provisions of the act  
20 ~~only~~ need be followed.

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

23           19-3310 The Offstreet Parking District Act ~~Sections 19-3301 to~~  
24 ~~19-3326~~ shall be liberally construed.

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

27           19-3311 Notwithstanding the provisions of any home rule charter and  
28 in addition to the powers set out in sections 15-269 to 15-276 and 16-801  
29 to 16-811, any city of the primary class, city of the first class, or  
30 city of the ~~, first or second class in Nebraska~~ is hereby authorized to  
31 own, purchase, construct, equip, lease, either as lessee or lessor, or



1 operate within such city, offstreet parking facilities for the use of the  
2 general public and to refund bonds of the city issued pursuant to the  
3 Offstreet Parking District Act sections 19-3301 to 19-3326, or in a city  
4 of the first class to refund outstanding bonds issued to purchase,  
5 construct, equip, or operate such offstreet parking facilities pursuant  
6 to sections 16-801 to 16-811. Except as otherwise provided in any home  
7 rule charter, the grant of power in this section ~~herein~~ does not include  
8 power to engage, directly or indirectly, in the sale of gasoline, oil, or  
9 other merchandise or in furnishing of any service other than of parking  
10 motor vehicles as provided in the act sections 19-3301 to 19-3326. Any  
11 such city shall have the authority to acquire by grant, contract, or  
12 purchase, or through condemnation, as provided by law or by any home rule  
13 charter for such acquisition, all real or personal property, including a  
14 site or sites on which to construct such offstreet parking facility,  
15 necessary or convenient in carrying out of this grant of power.  
16 Property ; ~~Provided, that property~~ now used or hereafter acquired for  
17 public offstreet motor vehicle parking by a private operator in such  
18 cities shall not be subject to condemnation. Before any such city may  
19 commence a program to construct, purchase, or acquire by other means a  
20 proposed offstreet parking facility or facilities, notice shall be given,  
21 by publication once each week for not less than thirty days, inviting  
22 application for private ownership and operation of offstreet parking  
23 facilities, which notice shall fix a date for a public hearing on any  
24 application received. If no application or applications have been  
25 received or if received, the same have been disapproved by the city  
26 council governing body of such city after a public hearing concerning  
27 such applications, then such city may proceed in the exercise of the  
28 powers ~~herein~~ granted in this section. The procedure to condemn property  
29 shall be exercised in the manner set forth in sections 76-701 to 76-724,  
30 except as to properties specifically excluded by section 76-703, and as  
31 to which sections 19-701 to 19-707 are applicable. The duties set forth

1 for the mayor and city council in sections 19-3312 to 19-3325 shall be  
2 the duties and responsibilities of the city council in any city which by  
3 law or by home rule charter has exclusively vested all legislative powers  
4 of the city in such city council.

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

7 19-3312 The mayor and city council may fix and establish by  
8 resolution pursuant to the Offstreet Parking District Act ~~provisions of~~  
9 ~~sections 19-3301 to 19-3326~~ the boundaries of a proposed offstreet  
10 parking district, which boundaries shall include all the land in the  
11 district which in the opinion of the mayor and city council will be  
12 specially benefited thereby. Notice of the time and place of a hearing  
13 before the city council on the creation of such district and of protests  
14 and objections to the creation of the district as set forth in the notice  
15 shall be given by publication one time each week for not less than three  
16 weeks in a legal daily or weekly newspaper in or of general circulation  
17 ~~published~~ in the city. The notice shall also set forth ~~in addition~~ the  
18 proposed boundaries of the district and the engineer's estimate of the  
19 sum of money to be expended in the acquisition of property and the  
20 construction of the offstreet parking facility. Not later than the hour  
21 set for the hearing any owner or any person interested in any real estate  
22 within the proposed district may severally or with other owners file with  
23 the city clerk written objections to the thing proposed to be done, the  
24 extent of the proposed district, or both, and every person so interested  
25 shall have a right to protest on any grounds and to object to his or her  
26 real estate being included in the district, and at such hearing all  
27 objections and protests shall be heard and passed upon by the mayor and  
28 city council.

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

31 19-3313 If the owners of the record title representing more than

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

- 27 (1) The amounts estimated to be paid for the property to be  
28 acquired;
- 29 (2) All costs and expenses in construction of the offstreet parking  
30 facility;
- 31 (3) All engineering expense; and

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

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

6 19-3314 In the ordinance creating an offstreet parking district  
7 pursuant to the Offstreet Parking District Act ~~the district~~, the mayor  
8 and city council shall provide that in addition to the levy of taxes and  
9 pledge of revenue all or a portion of the cost of acquisition, including  
10 construction, maintenance, repair, and reconstruction of any offstreet  
11 parking facility may be paid for by special assessment against the real  
12 estate located in such district in proportion to the special benefit of  
13 each parcel of real estate. The amounts of such special assessments shall  
14 be determined by the mayor and city council sitting as a board of  
15 equalization. Notice of a hearing on any special assessments to be levied  
16 under section 19-3315 shall be given to the landowners in such district  
17 by publication of the description of the land, the amount proposed to be  
18 assessed, and the general purpose for which such assessment is to be made  
19 one time each week for three weeks in a legal ~~daily or weekly~~ newspaper  
20 in or of general circulation ~~published~~ in the city. The notice shall  
21 provide the date, time, and place of hearing to determine any objection  
22 or protest by landowners in the district as to the amount of assessment  
23 made against their land. An appeal by writ of error or direct appeal to  
24 the district court of the county in which such city is located may be  
25 taken from the decision of the city council in the same manner and under  
26 like terms and conditions as appeals may be taken from the amount of  
27 special assessments levied in street improvement districts of such city  
28 ~~as now provided by law.~~

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

31 19-3315 The mayor and city council may by resolution levy and assess

1 taxes and assessments under the Offstreet Parking District Act as  
2 follows:

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

17 (2) A special assessment against the real property located in an  
18 offstreet parking ~~such~~ district to the extent of the special benefit  
19 thereto for the purpose of paying all or any part of the total costs and  
20 expenses of acquisition, including construction, of an offstreet parking  
21 facility in such district. The special assessment shall be levied as  
22 provided in section 19-3314. In the event that subsequent to the levy of  
23 assessments the use of any parcel of land changes so that, had the new  
24 use existed at the time of making such levy, the assessment on such  
25 parcel would have been higher than the assessment actually made, an  
26 additional assessment may be made on such parcel by the mayor and city  
27 council taking into consideration the new and changed use of the  
28 property. The total amount of assessments levied under this subdivision  
29 shall not exceed the total costs and expenses of acquiring a facility  
30 defined in section 19-3313. The levy of an additional assessment shall  
31 not reduce or affect in any manner the assessments previously levied.

1 Additional assessments shall be levied as provided in section 19-3314,  
2 except that published notice may be omitted if notice is personally  
3 served on the owner at least twenty days prior to the date of hearing.  
4 All assessments levied under this subdivision shall constitute a sinking  
5 fund for the payment of principal and interest on bonds issued for such  
6 facility as provided by section 19-3317 until such bonds and interest are  
7 fully paid; and

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

1 total costs and the assessment percentages shall be deemed to have been  
2 waived and assessments shall be levied as stated in such notice unless  
3 the mayor and city council reduce any assessment. At such hearing, the  
4 assessment percentage for the assessment of costs in the future may be  
5 changed.

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

8 19-3315.01 (1) In addition to uses otherwise authorized in the  
9 Offstreet Parking District Act, any money available from taxes or  
10 assessments levied pursuant to section 19-3315 or revenue derived from  
11 the operation of an offstreet parking facility may be used in an  
12 offstreet parking ~~the~~ district for any one or more of the following  
13 purposes as determined by a vote of the majority of the city council:

14 (a) Improvement of any public place or facility, including  
15 landscaping, physical improvements for decoration or security purposes,  
16 and plantings;

17 (b) 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, foundations,  
21 skywalks, and pedestrian and vehicular overpasses and underpasses, and  
22 any useful or necessary public improvements;

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

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

30 (e) Development of any public activities and promotion of public  
31 events, including the management, promotion, and advocacy of retail trade

1 activities or other promotional activities;

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

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

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

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

13 (iii) The proposed improvements to be financed shall serve to foster  
14 the purposes of the Offstreet Parking District Act æt, promote economic  
15 activity, or contribute to the public health, safety, and welfare;

16 (h) Any other project or undertaking for the betterment of the  
17 public facilities, whether the project is capital or noncapital in  
18 nature;

19 (i) Enforcement of parking regulations and the provision of  
20 security; and

21 (j) Employing or contracting for personnel, including  
22 administrators, for any improvement program under the Offstreet Parking  
23 District Act æt, and providing for any service as may be necessary or  
24 proper to carry out the purposes of the act.

25 (2) If any part of the revenue from fees and charges on the use of  
26 an offstreet parking facility or from onstreet parking meters within the  
27 district has been dedicated for the payment of principal or interest on  
28 bonds issued pursuant to section 19-3317 or has been pledged as security  
29 for such bonds, such revenue shall not be used for the purposes set forth  
30 in subsection (1) of this section until such time as such bonds have been  
31 fully paid or sufficient revenue has been placed in the sinking fund to



1 guarantee such repayment.

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

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

20 19-3316 Special assessments levied pursuant to section 19-3315 shall  
21 become due in fifty days after the date of such levy and shall become  
22 delinquent in one or more installments over a period of not to exceed  
23 twenty years, in such manner as the mayor and city council shall  
24 determine at the time of making the levy. The first installment may  
25 become delinquent in fifty days after the date of levy if so specified by  
26 the mayor and the city council. Each of such installments shall draw  
27 interest before due date of not more than the rate of interest specified  
28 in section 45-104.01, as such rate may from time to time be adjusted by  
29 the Legislature, and after delinquency at the rate specified in section  
30 45-104.01, as such rate may from time to time be adjusted by the  
31 Legislature, as the mayor and city council shall determine at the time

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

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

22 19-3317 For the purpose of paying the cost of such offstreet parking  
23 facility, or any portion thereof, or to refund all or a portion of any  
24 outstanding bonds of the city authorized to be refunded by the Offstreet  
25 Parking District Act ~~sections 19-3301 to 19-3326,~~ the mayor and city  
26 council shall have power and may, by ordinance, cause to be issued  
27 general obligation bonds of the city, to be called Offstreet Parking  
28 Bonds of the City of ....., Nebraska, payable in not exceeding twenty  
29 years from date and bearing interest, payable either annually or  
30 semiannually, not exceeding a rate of twelve percent per annum with  
31 interest coupons attached. In such cases they shall also provide that

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

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

28 19-3318 The owners of the record title of any real property within a  
29 given area in any city of the first class or city of the second class  
30 representing fifty-five percent of the total taxable valuation of all of  
31 the taxable real property within the proposed district to be formed,

1 which district must consist of contiguous lands and lots, may petition  
2 the mayor and city council to create a vehicle offstreet parking district  
3 by ordinance, which district shall be consecutively numbered, and to  
4 acquire property and construct an offstreet parking facility thereon as  
5 provided in the Offstreet Parking District Act. For purposes of the act,  
6 property separated by streets or alleys shall be deemed to be contiguous.

7 The petition shall contain:

8 (1) A general description of the exterior boundaries of the proposed  
9 district;

10 (2) A general statement of the estimated amount of money involved in  
11 the acquisition of the land and property and construction of the  
12 facility;

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

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

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

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

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

26 19-3319 When such petition is presented to the mayor and city  
27 council pursuant to section 19-3318, it shall be the duty of the mayor  
28 and city council to proceed as provided in sections 19-3312 and 19-3313  
29 as upon the passage of a resolution for the creation of an offstreet  
30 parking district. The same procedure for publication of notice and  
31 objections to the creation of the district shall apply.

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

3           19-3320 Whether the ordinance creating an ~~the~~ offstreet parking  
4 district is passed on the initiative of the city council or on the  
5 petition of landowners, the city council shall not change the boundaries,  
6 except after notice of intention to do so given by the city clerk by one  
7 insertion in the legal newspaper in which the ordinance and notice were  
8 published. The notice shall describe the proposed change and specify the  
9 time for hearing objections, which shall be at least fifteen days after  
10 publication of the notice.

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

13          19-3321 If a ~~the~~ change proposed pursuant to section 19-3320 is to  
14 include additional land in the offstreet parking district, the city clerk  
15 also shall mail a copy of the notice to each person to whom land in the  
16 area proposed to be added is assessed as shown in the office of the  
17 register of deeds or the county clerk at such person's last-known  
18 address. The notice shall be mailed by certified mail at least fifteen  
19 days prior to the time set for hearing objections. If the boundaries are  
20 changed, objection or protest made by owners of lands excluded by the  
21 change shall not be counted in computing a protest but written objection  
22 or protest made by owners of the remaining assessable land in the  
23 district, including assessable land added by the change and filed with  
24 the city clerk not later than the time set for hearing, objecting to the  
25 proposed change shall be included in computing the protest. If owners of  
26 real property representing more than fifty percent of the taxable  
27 valuation of all real property in such new proposed district after the  
28 change of boundaries file a written protest within twenty days after the  
29 notice is published in such newspaper, then such district may not be  
30 changed.

31          Sec. 201. Section 19-3322, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-3322 Any land which in the judgment of the mayor and city council  
3 will not be benefited shall not be included in an offstreet parking the  
4 district under the Offstreet Parking District Act.

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

7 19-3323 If the proceedings for the creation of an original offstreet  
8 parking district or for an offstreet parking district under which the  
9 boundaries have been changed, are terminated by a protest to the city  
10 council, a proceeding under the Offstreet Parking District Act ~~provisions~~  
11 ~~of sections 19-3301 to 19-3326~~ for the same or substantially the same  
12 acquisition and improvement shall not be commenced within one year  
13 thereafter, except on petitions signed by owners of the record title  
14 representing a majority of the total land area in the district.

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

17 19-3324 Any protest or objection made pursuant to the Offstreet  
18 Parking District Act ~~provisions of sections 19-3301 to 19-3326~~ or any  
19 signature to such objection or protest may be withdrawn by a written  
20 withdrawal signed by the person or persons who signed the protest or  
21 objection or who affixed the signature to be withdrawn and filed with the  
22 city clerk at any time prior to the determination of the mayor and city  
23 council as to whether or not a protest exists. Any protest, objection, or  
24 signature withdrawn shall not be counted in computing the protest.

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

27 19-3325 Proceedings under the Offstreet Parking District Act  
28 ~~sections 19-3301 to 19-3326~~ shall not be attacked after the hearing upon  
29 any grounds not stated in an objection or protest filed pursuant to the  
30 act ~~provisions of sections 19-3301 to 19-3326~~. Any owner of real estate  
31 or person interested in any real estate within the district is estopped

1 to attack the proceedings upon any ground not stated in the protest filed  
2 by him or her pursuant to the Offstreet Parking District Act provisions  
3 of ~~sections 19-3301 to 19-3326~~.

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

6 19-3326 (1) After the issuance of bonds under the Offstreet Parking  
7 District Act hereunder by a city of the first class or city of the second  
8 class, a certificate shall be issued by the city clerk certifying the  
9 same to the county treasurer of the county in which such city is located  
10 and the annual taxes within the district shall be handled in the same  
11 manner and collected in the same manner as intersection bonds for street  
12 paving in the cities of the first class or cities of the second class in  
13 ~~Nebraska~~ and to be paid to the city for use as provided by the act  
14 ~~sections 19-3301 to 19-3326~~.

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

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

23 19-3327 Any city of the primary class, city of the first class, or  
24 city of the , ~~first, or~~ second class, after the creation of an offstreet  
25 parking district pursuant to the Offstreet Parking District Act, shall  
26 have the power to own, purchase, construct, equip, lease, or operate  
27 within such city any offstreet parking facility in addition to any  
28 offstreet parking facility contemplated at the time of the creation of  
29 the district if the mayor and city council are of the opinion that the  
30 district will be benefited thereby. Whenever the city council deems it  
31 advisable to own, purchase, construct, equip, lease, or operate such

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

29       Sec. 207. Section 19-3501, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31       19-3501 (1) The city council ~~governing body~~ of cities of the first



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

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

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

- 26 (i) The number of persons participating in the retirement plan;
- 27 (ii) The contribution rates of participants in the plan;
- 28 (iii) Plan assets and liabilities;
- 29 (iv) The names and positions of persons administering the plan;
- 30 (v) The names and positions of persons investing plan assets;
- 31 (vi) The form and nature of investments;

1 (vii) For each defined contribution plan, a full description of  
2 investment policies and options available to plan participants; and

3 (viii) For each defined benefit plan, the levels of benefits of  
4 participants in the plan, the number of members who are eligible for a  
5 benefit, and the total present value of such members' benefits, as well  
6 as the funding sources which will pay for such benefits.

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

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

1 report to the Nebraska Retirement Systems Committee shall be submitted  
2 electronically.

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

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

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

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

28 19-3801 Any city of the first class, city of the ~~or~~ second class, or  
29 ~~any~~ village may, under the provisions of the Interlocal Cooperation Act  
30 or Joint Public Agency Act, enter into a contract with the county board  
31 of its county for police services to be provided by the county sheriff.

1 The county board shall enter into such a contract when requested by a  
2 village to do so. Whenever any such contract has been entered into, the  
3 sheriff shall, in addition to his or her other powers and duties, have  
4 all the powers and duties of peace officers within and for the city or  
5 village so contracting.

6 Sec. 210. Section 19-4017, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8 19-4017 Cities of the metropolitan class, primary class, first  
9 class, and second class in the state at present have business areas in  
10 need of improvement and development, but lack the funds with which to  
11 provide and maintain such improvements. The purpose of the Business  
12 Improvement District Act is to provide a means by which such cities may  
13 raise the necessary funds to be used for the purpose of providing and  
14 maintaining the improvements authorized by the act.

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

17 19-4017.01 For purposes of the Business Improvement District Act:

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

28 (2) Business area means an established area of the city zoned for  
29 business, public, or commercial purposes ~~Assessable unit shall mean front~~  
30 ~~foot, square foot, equivalent front foot, or other unit of assessment~~  
31 ~~established under the proposed method of assessment set forth in the~~

1 ~~ordinance creating a business improvement district;~~

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

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

19       Sec. 212. Section 19-4018, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21       19-4018 Pursuant to the Business Improvement District Act, cities of  
22 the metropolitan class, primary class, first class, or second class may  
23 impose (1) a special assessment upon the property within a business  
24 improvement district in the city or (2) a general business occupation tax  
25 on businesses and users of space within a business improvement district.  
26 After March 27, 2014, any occupation tax imposed pursuant to this section  
27 shall make a reasonable classification of businesses, users of space, or  
28 kinds of transactions for purposes of imposing such tax, except that no  
29 occupation tax shall be imposed on any transaction which is subject to  
30 tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
31 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under section

1 77-2704.24. The proceeds or other available funds may be used for the  
2 purposes stated in section 19-4019.

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

5 19-4019 Any money available under section 19-4018 may be used for  
6 any one or more of the following purposes:

7 (1) The acquisition, construction, maintenance, and operation of  
8 public offstreet parking facilities for the benefit of the business  
9 improvement district area;

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

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

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

26 (5) Creation and implementation of a plan for improving the general  
27 architectural design of public areas in the business improvement  
28 district;

29 (6) The development of any public activities and promotion of public  
30 events, including the management and promotion and advocacy of retail  
31 trade activities or other promotional activities, in the business

1 improvement district area;

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

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

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

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

13 Sec. 214. Section 19-4021, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 19-4021 The mayor, with the approval of the city council, shall  
16 appoint a business improvement board consisting of property owners,  
17 residents, business operators, or users of space within the business area  
18 to be improved. The boundaries of the business area shall be declared by  
19 resolution of the city council at or prior to the time of the appointment  
20 of the business improvement board. The business improvement board shall  
21 make recommendations to the city council for the establishment of a plan  
22 or plans for improvements in the business area. If it is found that the  
23 improvements to be included in one business area offer benefits that  
24 cannot be equitably assessed together under the Business Improvement  
25 District Act, more than one business improvement district as part of the  
26 same plan for improvements for that business area may be proposed. The  
27 business improvement board may make recommendations to the city as to the  
28 use of any occupation tax funds collected, and may administer such funds  
29 if so directed by the mayor and city council. The business improvement  
30 board shall also review and make recommendations to the city regarding  
31 expansion of the boundaries of the business improvement district under

1 sections 19-4029.02 to 19-4029.05.

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

4 19-4022 The business improvement board shall consist of five or more  
5 members to serve such terms as the city council, by resolution,  
6 determines. The mayor, with the approval of the city council, shall fill  
7 any vacancy for the term vacated. A board member may serve more than one  
8 term. The board shall select from its members a chairperson and a  
9 secretary.

10 Sec. 216. Section 19-4026, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12 19-4026 In the event that the city council has not acted to call a  
13 hearing to create a business improvement district as provided in section  
14 19-4029, it shall do so when presented with a petition signed by the  
15 record owners of thirty percent of the assessable front footage in a  
16 business area or by the users of thirty percent of space in a business  
17 area.

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

20 19-4027 Whenever a hearing is held under section 19-4029, the city  
21 council shall:

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

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

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

28 If a special assessment is to be used, proceedings shall terminate  
29 if written protest is made prior to the close of the hearing by the  
30 record owners of over fifty percent of the assessable units in the  
31 proposed business improvement district. If an occupation tax is to be



1 used, proceedings shall terminate if protest is made by users of over  
2 fifty percent of the space in the proposed business improvement district.

3 Sec. 218. Section 19-4028, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 19-4028 If the city council decides to change the boundaries of the  
6 proposed business improvement district or to change the proposed  
7 modifications to the boundaries of an existing business improvement  
8 district or districts from those recommended by the business improvement  
9 board, the hearing shall be continued to a time at least fifteen days  
10 after such decision and the notice shall be given as prescribed in  
11 section 19-4029.01, showing the boundary amendments. The city council may  
12 not expand the proposed boundaries recommended by the business  
13 improvement board without the city council's proposed boundaries being  
14 considered by the business improvement board.

15 Sec. 219. Section 19-4029, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 19-4029 Upon receiving ~~a~~ the recommendation from ~~a~~ the business  
18 improvement board, the city council may create one or more business  
19 improvement districts. The city council, following a hearing, may  
20 establish or reject any proposed business improvement district or  
21 districts. If the city council decides to establish any business  
22 improvement district, it shall adopt an ordinance to that effect. This  
23 ordinance shall contain the following information:

24 (1) A statement that notice of hearing was given, including the date  
25 or dates on which it was given, in accordance with section 19-4029.01;

26 (2) The time and place the hearing was held concerning the formation  
27 of the business improvement ~~such~~ district;

28 (3) A statement that a business improvement district has been  
29 established;

30 (4) The purposes of the business improvement district, and the  
31 public improvements and facilities to be included in such district;

1 (5) The description of the boundaries of the business improvement  
2 ~~such~~ district;

3 (6) A statement that the businesses and users of space in the  
4 business improvement district shall be subject to the general business  
5 occupation tax or that the real property in the business improvement  
6 district will be subject to the special assessment authorized by the  
7 Business Improvement District Act;

8 (7) The proposed method of assessment to be imposed within the  
9 business improvement district or the initial rate of the occupation tax  
10 to be imposed; and

11 (8) Any penalties to be imposed for failure to pay the tax or  
12 special assessment.

13 The ordinance shall recite that the method of raising revenue shall  
14 be fair and equitable. In the use of a general occupation tax, the tax  
15 shall be based primarily on the square footage of the owner's and user's  
16 place of business. In the use of a special assessment, the assessment  
17 shall be based upon the special benefit to the property within the  
18 business improvement district.

19 Sec. 220. Section 19-4029.01, Revised Statutes Cumulative  
20 Supplement, 2018, is amended to read:

21 19-4029.01 (1) At least ten days prior to the date of any hearing  
22 under sections 19-4029, 19-4029.02, and 19-4029.03, notice of such  
23 hearing shall be given by:

24 (a) One publication of the notice of hearing in a legal newspaper in  
25 or of general circulation in the city;

26 (b) Mailing a copy of the notice of hearing to each owner of taxable  
27 property as shown on the latest tax rolls of the county treasurer for  
28 such county;

29 (c) Providing a copy of the notice of hearing to any neighborhood  
30 association registered pursuant to subsection (2) of this section in the  
31 manner requested by such neighborhood association; and

1 (d) If an occupation tax is to be imposed, mailing a copy of the  
2 notice of hearing to each user of space in the proposed district.

3 (2) The notice required by subdivision (1)(c) of this section shall  
4 be provided to any neighborhood association which is registered pursuant  
5 to this subsection and whose area of concern is located, in whole or in  
6 part, within a one-mile radius of the existing or proposed boundaries of  
7 the district. Each neighborhood association desiring to receive such  
8 notice shall register with the city the area of concern of such  
9 association and provide the name of and contact information for the  
10 individual who is to receive notice on behalf of such association and the  
11 requested manner of service, whether by email or regular, certified, or  
12 registered mail. The registration shall be in accordance with any rules  
13 adopted and promulgated by the city.

14 (3) Any notice of hearing for any hearing required by section  
15 19-4029 shall contain the following information:

16 (a) A description of the boundaries of the proposed business  
17 improvement district;

18 (b) The time and place of a hearing to be held by the city council  
19 to consider establishment of the business improvement district;

20 (c) The proposed public facilities and improvements to be made or  
21 maintained within any business improvement ~~such~~ district; and

22 (d) The proposed or estimated costs for improvements and facilities  
23 within the proposed business improvement district and the method by which  
24 the revenue shall be raised. If a special assessment is proposed, the  
25 notice shall also state the proposed method of assessment.

26 (4) Any notice of hearing for any hearing required by sections  
27 19-4029.02 and 19-4029.03 shall contain the following information:

28 (a) A description of the boundaries of the area to be added to the  
29 existing business improvement district and a description of the new  
30 boundaries of the modified business improvement district;

31 (b) The time and place of a hearing to be held by the city council

1 to consider establishment of the modified business improvement district;

2 (c) The new public facilities and improvements, if any, to be made  
3 or maintained within any business improvement ~~such~~ district; and

4 (d) The proposed or estimated costs for new and existing  
5 improvements and facilities within the proposed modified business  
6 improvement district and the method by which the revenue shall be raised.  
7 If a special assessment is proposed, the notice shall also state the  
8 proposed method of assessment.

9 Sec. 221. Section 19-4029.04, Revised Statutes Cumulative  
10 Supplement, 2018, is amended to read:

11 19-4029.04 Whenever a hearing is held to expand business improvement  
12 district boundaries under section 19-4029.02 or 19-4029.03, the city  
13 council shall:

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

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

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

20 If a special assessment is to be used, proceedings shall terminate  
21 if written protest is made prior to the close of the hearing by the  
22 record owners of over fifty percent of the assessable units in the  
23 modified business improvement district as proposed. If an occupation tax  
24 is to be used, proceedings shall terminate if protest is made by users of  
25 over fifty percent of space in the modified business improvement district  
26 as proposed.

27 Sec. 222. Section 19-4029.05, Revised Statutes Cumulative  
28 Supplement, 2018, is amended to read:

29 19-4029.05 The city council, following a hearing under section  
30 19-4029.02 or 19-4029.03, may expand the boundaries of any business  
31 improvement district or districts. If the city council decides to expand

1 the boundaries, it shall adopt an ordinance to that effect. This  
2 ordinance shall contain the following information:

3 (1) The name of the business improvement district whose boundaries  
4 will be expanded;

5 (2) A statement that notice of hearing was given, including the date  
6 or dates on which it was given, in accordance with section 19-4029.01;

7 (3) The time and place the hearing was held concerning the new  
8 boundaries of the business improvement ~~such~~ district;

9 (4) The purposes of the boundary expansion and any new public  
10 improvements and facilities to be included in the business improvement  
11 ~~such~~ district;

12 (5) The description of the new boundaries of the business  
13 improvement ~~such~~ district;

14 (6) A statement that the businesses and users of space in the  
15 modified business improvement district established by the ordinance shall  
16 be subject to the general business occupation tax or that the real  
17 property in the modified business improvement district will be subject to  
18 the special assessment authorized by the Business Improvement District  
19 Act;

20 (7) The proposed method of assessment to be imposed within the  
21 business improvement district or the initial rate of the occupation tax  
22 to be imposed; and

23 (8) Any penalties to be imposed for failure to pay the tax or  
24 special assessment.

25 The ordinance shall recite that the method of raising revenue shall  
26 be fair and equitable. In the use of a general occupation tax, the tax  
27 shall be based primarily on the square footage of the owner's and user's  
28 place of business. In the use of a special assessment, the assessment  
29 shall be based upon the special benefit to the property within the  
30 business improvement district.

31 Sec. 223. Section 19-4030, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 19-4030 A city may levy a special assessment against the real estate  
3 located in a business improvement district, to the extent of the special  
4 benefit thereto, for the purpose of paying all or any part of the total  
5 costs and expenses of performing any authorized work, except maintenance,  
6 repair, and reconstruction costs, within the business improvement such  
7 district. The amount of each special assessment shall be determined by  
8 the city council sitting as a board of equalization. Assessments shall be  
9 levied in accordance with the method of assessment proposed in the  
10 ordinance creating the business improvement district. If the city council  
11 finds that the proposed method of assessment does not provide a fair and  
12 equitable method of apportioning costs, then it may assess the costs  
13 under such method as the city council finds to be fair and equitable.  
14 Notice of a hearing on any special assessments to be levied under the  
15 Business Improvement District Act shall be given to the landowners in the  
16 business improvement ~~such~~ district by publication of the description of  
17 the land, the amount proposed to be assessed, and the general purpose for  
18 which such assessment is to be made one time each week for three weeks in  
19 a legal ~~daily or weekly~~ newspaper in or of general circulation ~~published~~  
20 in the city. The notice shall provide the date, time, and place of  
21 hearing to hear any objections or protests by landowners in the business  
22 improvement district as to the amount of assessment made against their  
23 land. A direct appeal to the district court of the county in which such  
24 city is located may be taken from the decision of the city council in the  
25 same manner and under like terms and conditions as appeals may be taken  
26 from the amount of special assessments levied in street improvement  
27 districts in such city as now provided by law. All special assessments  
28 levied under the act shall be liens on the property and shall be  
29 certified for collection and collected in the same manner as special  
30 assessments for improvements and street improvement districts of the city  
31 are collected. If any part of a business improvement district overlaps

1 with a riverfront development district in which a special assessment is  
2 already being levied pursuant to section 19-5313, the city creating the  
3 business improvement district shall not impose the business improvement  
4 district's special assessment within the overlapping area.

5 Sec. 224. Section 19-4031, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 19-4031 (1) In addition to or in place of the special assessments  
8 authorized by the Business Improvement District Act, a city may levy a  
9 general business occupation tax upon the businesses and users of space  
10 within a business improvement district established for acquiring,  
11 constructing, maintaining, or operating public offstreet parking  
12 facilities and providing in connection therewith other public  
13 improvements and facilities authorized by the Business Improvement  
14 District Act, for the purpose of paying all or any part of the total cost  
15 and expenses of any authorized improvement or facility within the  
16 business improvement ~~such~~ district. Notice of a hearing on any such tax  
17 levied under the Business Improvement District Act shall be given to the  
18 businesses and users of space of the business improvement ~~such~~ districts,  
19 and appeals may be taken, all in the manner provided in section 19-4030.

20 (2) After March 27, 2014, any occupation tax imposed pursuant to  
21 this section shall make a reasonable classification of businesses, users  
22 of space, or kinds of transactions for purposes of imposing such tax,  
23 except that no occupation tax shall be imposed on any transaction which  
24 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
25 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
26 section 77-2704.24. The collection of a tax imposed pursuant to this  
27 section shall be made and enforced in such a manner as the city council  
28 shall by ordinance determine to produce the required revenue. The city  
29 council may provide that failure to pay the tax imposed pursuant to this  
30 section shall constitute a violation of the ordinance and subject the  
31 violator to a fine or other punishment as provided by ordinance.

1 (3) If any part of a business improvement district overlaps with a  
2 riverfront development district in which a general business occupation  
3 tax is already being levied pursuant to section 19-5312, the city  
4 creating the business improvement district shall not impose the business  
5 improvement district's occupation tax within the overlapping area.

6 Sec. 225. Section 19-4032, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 19-4032 If, subsequent to the levy of taxes or assessments under the  
9 Business Improvement District Act, the use of any parcel of land shall  
10 change so that, had the new use existed at the time of making such levy,  
11 the assessment or levy on such parcel would have been higher than the  
12 levy or assessment actually made, an additional assessment or levy may be  
13 made on such parcel by the city council taking into consideration the new  
14 and changed use of the property. Reassessments or changes in the rate of  
15 levy of assessments or taxes may be made by the city council after notice  
16 and hearing as provided in section 19-4030. The city council shall adopt  
17 a resolution of intention to change the rate of levy at least fifteen  
18 days prior to the hearing required for changes. This resolution shall  
19 specify the proposed change and shall give the time and place of the  
20 hearing.

21 Sec. 226. Section 19-4033, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 19-4033 The total amount of special assessments or general business  
24 occupation taxes levied under the Business Improvement District Act shall  
25 not exceed the total costs and expenses of performing the authorized  
26 work. The levy of any additional assessment or tax shall not reduce or  
27 affect in any manner the assessments previously levied. The assessments  
28 or taxes levied must be for the purposes specified in the ordinances and  
29 the proceeds shall not be used for any other purpose.

30 Sec. 227. Section 19-4034, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:



1           19-4034 A city may levy a general business occupation tax, or a  
2 special assessment against the real estate located in a business  
3 improvement district to the extent of special benefit to such real  
4 estate, for the purpose of paying all or any part of the cost of  
5 maintenance, repair, and reconstruction, including utility costs of any  
6 improvement or facility in the business improvement district. Districts  
7 created for taxation or assessment of maintenance, repair, and  
8 reconstruction costs, including utility costs of improvements or  
9 facilities which are authorized by the Business Improvement District Act,  
10 but which were not acquired or constructed pursuant to the act, may be  
11 taxed or assessed as provided in the act. Any occupation tax levied under  
12 this section shall be limited to those improvements and facilities  
13 authorized by section 19-4030. After March 27, 2014, any occupation tax  
14 imposed pursuant to this section shall make a reasonable classification  
15 of businesses, users of space, or kinds of transactions for purposes of  
16 imposing such tax, except that no occupation tax shall be imposed on any  
17 transaction which is subject to tax under section 53-160, 66-489,  
18 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is  
19 exempt from tax under section 77-2704.24. The city council may levy such  
20 taxes or assessments under either of the following methods:

21           (1) The city council, sitting as a board of equalization, may, not  
22 more frequently than annually, determine the costs of maintenance or  
23 repair, and reconstruction, of a facility. Such costs shall be either  
24 assessed to the real estate located in the business improvement such  
25 district in accordance with the proposed method of assessment, or taxed  
26 against the businesses and users of space in the business improvement  
27 district, whichever may be applicable as determined by the ordinance  
28 creating the business improvement district. However, if the city council  
29 finds that the method of assessment proposed in the ordinance creating  
30 the business improvement district does not provide a fair and equitable  
31 method of apportioning such costs, then it may assess the costs under

1 such method as the city council finds to be fair and equitable. At the  
2 hearing on such taxes or assessments, objections may be made to the total  
3 cost and the proposed allocation of such costs among the parcels of real  
4 estate or businesses in the business improvement ~~such~~ district; or

5 (2) After notice is given to the owners or businesses as provided in  
6 section 19-4030 the city council may establish and may change from time  
7 to time, the percentage of such costs for maintenance, repair, and  
8 reconstruction which each parcel of real estate or each business or user  
9 of space in any business improvement district shall pay. The city council  
10 shall annually determine the total amount of such costs for each period  
11 since costs were last taxed or assessed, and shall, after a hearing, tax  
12 or assess such costs to the real estate in the business improvement  
13 district in accordance with the percentages previously established at  
14 such hearing. Notice of such hearing shall be given as provided in  
15 section 19-4030 and shall state the total costs and percentage to be  
16 taxed or assessed to each parcel of real estate. Unless objections are  
17 filed with the city clerk at least five days before the hearing, all  
18 objections to the amount of total costs and the assessment percentages  
19 should be deemed to have been waived and the assessments shall be levied  
20 as stated in such notice except that the city council may reduce any  
21 assessment percentage.

22 Sec. 228. Section 19-4035, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 19-4035 The city council may dissolve ~~disestablish~~ a business  
25 improvement district by ordinance after a hearing before the city  
26 council. The city council shall adopt a resolution of intention to  
27 dissolve ~~disestablish~~ the business improvement district ~~area~~ at least  
28 fifteen days prior to the hearing required by this section. The  
29 resolution shall give the time and place of the hearing.

30 Sec. 229. Section 19-4036, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           19-4036 Upon dissolution ~~disestablishment~~ of a business improvement  
2 district, any proceeds of any general business occupation ~~the tax or the~~  
3 special assessment, or assets acquired with such proceeds, shall be  
4 subject to disposition as the city council shall determine.

5           Sec. 230. Section 19-4037, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7           19-4037 Any The city which has established one or more business  
8 improvement districts is authorized to receive, administer, and disburse  
9 donated funds or grants of federal or state funds for the purposes of and  
10 in the manner authorized by the Business Improvement District Act.

11           Sec. 231. Section 19-4629, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           19-4629 (1) A The resolution of intent pursuant to section 19-4628  
14 shall describe the property subject to the proposed condemnation,  
15 including the types of property and facilities to be subject to the  
16 condemnation and the extent and amount of property to be appropriated.  
17 The resolution of intent shall set forth one or more of the following:

18           (a) A description of the acts and omissions of the utility regarding  
19 natural gas safety which the city believes have created or may create a  
20 material threat to the health and safety of the public in the city and a  
21 description of the nature of the threat;

22           (b) A description of the acts and omissions of the utility regarding  
23 the terms, conditions, and quality of natural gas service to natural gas  
24 ratepayers in the city which the city believes fail to meet generally  
25 accepted standards of customer service within the natural gas industry;

26           (c) A comparison of the rates for natural gas charged by the utility  
27 to ratepayers in the city and of the rates charged to similarly situated  
28 ratepayers in comparably sized cities in Nebraska and neighboring states  
29 which are served by the same or different utilities, which comparison the  
30 city believes shows that the rates charged in the city are excessive; or

31           (d) A description of recent or contemporaneous events or disclosures

1 regarding the utility, including, but not limited to, changes in  
2 ownership, corporate structure, financial stability, or debt rating or  
3 any other factor which the city believes indicates financial instability  
4 in the utility which may materially impair its ability to maintain  
5 appropriate levels of safety and consumer service in the city.

6 (2) If the resolution of intent contains provisions as set out in  
7 subdivision (1)(a) or (b) of this section, the resolution shall describe  
8 the efforts by the city to inform the utility of the utility's acts or  
9 omissions regarding safety or service and shall describe the  
10 opportunities afforded the utility to remedy the stated defects.

11 (3) The resolution of intent shall not contain any provision  
12 regarding nor make any references to any expected or anticipated revenue  
13 to be derived by the city in consequence of the city's condemnation or  
14 operation of the gas system.

15 Sec. 232. Section 19-4630, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 19-4630 (1) A The resolution of intent to pursue condemnation  
18 pursuant to section 19-4628 shall be presented to the governing body of  
19 the city at a regular meeting of such governing body. At that meeting the  
20 governing body may adopt the resolution of intent and, if it does so,  
21 shall set a time at least forty-five days after the date of the meeting  
22 at which the resolution of intent was adopted at which time the governing  
23 body of the city shall hold a public hearing.

24 (2) At the public hearing, the sole item of business to be conducted  
25 shall be the public hearing on the resolution of intent at which the  
26 public shall be permitted to comment on the proposed condemnation, the  
27 utility shall be permitted to respond to the statements set out in the  
28 resolution of intent and any comments made at the public hearing, and the  
29 governing body may act as provided in section 19-4631.

30 (3) The city clerk ~~of the city~~ shall transmit a copy of the  
31 resolution of intent and notice of the date and time of the public

1 hearing to the utility by United States registered mail with signature  
2 confirmation within seven days after the meeting at which the resolution  
3 of intent was adopted. At least thirty days prior to the public hearing,  
4 the city shall publish notice of the time and place of the public hearing  
5 and a summary of the resolution of intent in a legal newspaper published  
6 in or of general circulation in the city.

7 (4) The utility may present to the city a description of portions of  
8 the gas system which (a) are not described as part of the gas system  
9 being condemned by the city and (b) are served through the town border  
10 station of the city. The utility may require the city to include in its  
11 description of the gas system being condemned any or all of those  
12 portions of the system if the proposed condemnation would sever those  
13 portions of the system from the utility's distribution facilities and  
14 would require the utility to create new infrastructure to link these  
15 portions to its existing delivery system outside the city. If the utility  
16 chooses to require the city to include additional portions of the gas  
17 system in the description of the property being condemned, it shall do so  
18 prior to the adjournment of the public hearing.

19 Sec. 233. Section 19-4632, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 19-4632 Following the adoption of a the motion pursuant to section  
22 19-4631, including an override of any veto, if necessary, the city clerk  
23 ~~of the city~~ shall transmit to the Chief Justice of the Supreme Court  
24 notice of the decision of the city to pursue condemnation of the gas  
25 system. The Supreme Court shall, within thirty days after the receipt of  
26 such notice, appoint three judges of the district court from three of the  
27 judicial districts of the state to constitute a court of condemnation to  
28 ascertain and find the value of the gas system being taken. The Supreme  
29 Court shall enter an order requiring the judges to attend as a court of  
30 condemnation at the county seat of the county in which the city is  
31 located, within such time as may be stated in the order, except upon

1 stipulation by all necessary parties as to the value of the gas system  
2 filed with the Supreme Court prior to such date. The judges shall attend  
3 as ordered and at the first meeting shall select a presiding judge,  
4 organize, and proceed with the court's duties. The court may adjourn from  
5 time to time and shall fix a time for the appearance before it of all  
6 such corporations or persons as the court may deem necessary to be made  
7 parties to such condemnation proceedings or which the city or the utility  
8 may desire to have made a party to the proceedings. If such time of  
9 appearance shall occur after any proceedings have begun, the proceedings  
10 shall be reviewed by the court, as it may direct, to give all parties  
11 full opportunity to be heard. All corporations or persons, including all  
12 mortgagees, bondholders, trustees for bondholders, leaseholders, or other  
13 parties or persons claiming any interest in or lien upon the gas system,  
14 may be made parties to the proceedings. All parties shall be served with  
15 notice of the proceedings and the time and place of the meeting of the  
16 court of condemnation in the same manner and for such length of time as  
17 the service of a summons in cases begun in the district court, either by  
18 personal service or service by publication, and actual personal service  
19 of notice within or without the state shall supersede the necessity of  
20 notice by publication.

21       Sec. 234. Section 19-4633, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       19-4633 In all proceedings before it, the court of condemnation  
24 shall appoint a reporter of its proceedings who shall report and preserve  
25 all evidence introduced before it. The clerk of the district court, in  
26 the county where the city is located, shall attend upon the court of  
27 condemnation and perform the duties of the clerk thereof, as the court of  
28 condemnation may direct. The sheriff of the county or any of his or her  
29 deputies shall attend upon the court of condemnation and shall have power  
30 to serve summonses, subpoenas, and all other orders or papers ordered to  
31 be served by the court. In case of a vacancy on the court, the vacancy

1 shall be filled by the Supreme Court if the vacancy occurs while the  
2 Supreme Court is in session, and if it occurs while the Supreme Court is  
3 not in session, then by the Chief Justice. The judges constituting the  
4 court of condemnation shall be paid by the city a per diem for their  
5 services in an amount to be established by rule of the Supreme Court and  
6 the city shall pay their necessary traveling expenses, accommodation  
7 bills, and all other necessary expenses incurred while in attendance upon  
8 the sittings of the court of condemnation, with reimbursement for  
9 expenses to be made as provided in sections 81-1174 to 81-1177. The city  
10 shall pay the reporter that is appointed by the court of condemnation the  
11 amount that is set by such the court. The sheriff shall serve all  
12 summonses, subpoenas, or other orders or papers ordered issued or served  
13 by the court of condemnation at the same rate and compensation for which  
14 he or she serves like papers issued by the district court, but shall  
15 account to the county for all compensation as required of him or her  
16 under the law governing his or her duties as sheriff.

17 Sec. 235. Section 19-4634, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 19-4634 (1) In ascertaining the value of the gas system, the court  
20 of condemnation shall have full power to summon witnesses, administer  
21 oaths, take evidence, order the taking of depositions, and require the  
22 production of any and all books and papers deemed necessary for a full  
23 investigation and ascertainment of the value of any portion of the gas  
24 system. When part of the gas system appropriated under the Municipal  
25 Natural Gas System Condemnation Act extends beyond the territory within  
26 which the city exercising the power of eminent domain has a right to  
27 operate the gas system, the court of condemnation, in determining the  
28 damages caused by the appropriation, shall take into consideration the  
29 fact that the portion of the gas system beyond that territory is being  
30 detached and not appropriated by the city, and the court of condemnation  
31 shall award damages by reason of the detachment and the destruction in

1 value and usefulness of the detached and unappropriated property as it  
2 will remain and be left after the detachment and appropriation. The court  
3 of condemnation shall have all the necessary powers and perform all the  
4 necessary duties in the condemnation and ascertainment of the value and  
5 in making an award of the value of the gas system.

6 (2) The court of condemnation shall have power to apportion the  
7 costs of the proceedings before it between the city and the utility and  
8 the city shall provide for and pay the costs as ordered by such the  
9 court. The city shall make provisions for the necessary funds and  
10 expenses to carry on the proceedings of the court of condemnation while  
11 the proceedings are in progress. If the governing body of the city elects  
12 to abandon the condemnation proceedings, the city shall pay all the costs  
13 made before the court of condemnation.

14 (3) If the services of expert witnesses or attorneys are secured by  
15 the utility, their fees or compensation as billed to the utility are to  
16 be taxed and paid as costs by the city to the extent that the court of  
17 condemnation determines that the fees and compensation sought (a) reflect  
18 the prevailing industry or professional charges for such services in  
19 cases of the size involved in the condemnation and (b) were reasonably  
20 necessary to a just and accurate determination of the value of the gas  
21 system. The costs of any appeal shall be adjudged against the party  
22 defeated in the appeal in the same degree and manner as is done under the  
23 general court practice relating to appellate proceedings.

24 Sec. 236. Section 19-4636, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-4636 Upon the hearing of an ~~the~~ appeal pursuant to section  
27 19-4635 in the district court, judgment shall be pronounced, as in  
28 ordinary cases, for the value of the gas system. The city or utility may  
29 appeal the judgment to the Supreme Court. All actions and proceedings  
30 under the Municipal Natural Gas System Condemnation Act which are heard  
31 by the district court or the Supreme Court shall be expedited for hearing



1 and decision by the appropriate court as soon as the issues and parties  
2 are properly before such court. Such proceedings and actions shall be  
3 preferred over all other civil cases irrespective of their position on  
4 the calendar.

5 Sec. 237. Section 19-4638, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 19-4638 If an ~~the~~ election pursuant to section 19-4637 at which the  
8 question is submitted is a special election and sixty percent of the  
9 votes cast upon such proposition are in favor, or if such ~~the~~ election at  
10 which the question is submitted is a general election and a majority of  
11 the votes cast upon such proposition are in favor, then the officer  
12 possessing the power and duty to ascertain and declare the result of the  
13 election shall certify the result immediately to the governing body of  
14 the city. The governing body of the city may then proceed to tender the  
15 amount of the value and award made by the court of condemnation, the  
16 district court, or the Supreme Court to the utility owning the gas system  
17 and shall have the right and power to take immediate possession of the  
18 gas system upon the tender.

19 Sec. 238. Section 19-4701, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 19-4701 A city of the metropolitan class or primary class may  
22 acquire, purchase, and operate a professional baseball organization.

23 Sec. 239. Section 19-5001, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 19-5001 (1) A city of the first class, city of the ~~or~~ second class,  
26 or village shall provide written notice of a proposed annexation to the  
27 owners of property within the area proposed for annexation in the manner  
28 set out in this section.

29 (2) Initial notice of the proposed annexation shall be sent to the  
30 owners of property within the area proposed for annexation by regular  
31 United States mail, postage prepaid, to the address of each owner of such

1 property as it appears in the records of the office of the register of  
2 deeds or as the address is determined from another official source,  
3 postmarked at least ten working days prior to the planning commission's  
4 public hearing on the proposed change with a certified letter to the  
5 clerk of any sanitary and improvement district if the annexation includes  
6 property located within the boundaries of such district. Such notice  
7 shall describe the area proposed for annexation, including a map showing  
8 the boundaries of the area proposed for annexation, and shall contain the  
9 date, time, and location of the planning commission's hearing and how  
10 further information regarding the annexation can be obtained, including  
11 the telephone number of the pertinent city or village official and an  
12 electronic mail or Internet address if available.

13 (3) A second notice of the proposed annexation shall be sent to the  
14 same owners of property who were provided with notice under subsection  
15 (2) of this section. Such notice shall be sent by regular United States  
16 mail, postage prepaid, to the owner's address as it appears in the  
17 records of the office of the register of deeds or as the address is  
18 determined from another official source, postmarked at least ten working  
19 days prior to the public hearing of the city council or village board of  
20 trustees on the annexation. Such notice shall describe the area proposed  
21 for annexation, including a map showing the boundaries of the area  
22 proposed for annexation, and shall contain the date, time, and location  
23 of the hearing and how further information regarding the annexation can  
24 be obtained, including the telephone number of the pertinent city or  
25 village official and an electronic mail or Internet address if available.

26 (4) No additional or further notice beyond that required by  
27 subsections (2) and (3) of this section shall be necessary if the  
28 scheduled public hearing by the planning commission or city council or  
29 village board of trustees on the proposed annexation is adjourned,  
30 continued, or postponed until a later date.

31 (5) Except for a willful or deliberate failure to cause notice to be

1 given, no annexation decision made by a city of the first class, city of  
2 the ~~or~~ second class, or village to accept or reject a proposed  
3 annexation, either in whole or in part, shall be void, invalidated, or  
4 affected in any way because of any irregularity, defect, error, or  
5 failure on the part of the city or village or its employees to cause  
6 notice to be given as required by this section if a reasonable attempt to  
7 comply with this section was made. No action to challenge the validity of  
8 the acceptance or rejection of a proposed annexation on the basis of this  
9 section shall be filed more than one year following the date after the  
10 formal acceptance or rejection of the annexation by the city council or  
11 village board of trustees.

12 (6) Except for a willful or deliberate failure to cause notice to be  
13 given, the city of the first class, city of the ~~or~~ second class, or  
14 village and its employees shall not be liable for any damage to any  
15 person resulting from failure to cause notice to be given as required by  
16 this section if a reasonable attempt was made to provide such notice. No  
17 action for damages resulting from the failure to cause notice to be  
18 provided as required by this section shall be filed more than one year  
19 following the date of the formal acceptance or rejection of the proposed  
20 annexation, either in whole or in part, by the city council or village  
21 board of trustees.

22 (7) For purposes of this section, owner means the owner of a piece  
23 of property as indicated on the records of the office of the register of  
24 deeds as provided to or made available to the city of the first class,  
25 city of the ~~or~~ second class, or village no earlier than the last business  
26 day before the twenty-fifth day preceding the public hearing by the  
27 planning commission on the annexation proposed for the subject property.

28 Sec. 240. Section 32-538, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 32-538 (1) In a city which adopts the city manager plan of  
31 government pursuant to the City Manager Plan of Government Act sections

1 ~~19-601 to 19-610~~, the number of city council members shall be determined  
2 by the class and population of the city. In cities having one thousand or  
3 more but not more than forty thousand inhabitants as determined by the  
4 most recent federal decennial census or the most recent revised certified  
5 count by the United States Bureau of the Census, there shall be five  
6 members, and in cities having more than forty thousand but less than two  
7 hundred thousand inhabitants as determined by the most recent federal  
8 decennial census or the most recent revised certified count by the United  
9 States Bureau of the Census, there shall be seven members, except that in  
10 cities having between twenty-five thousand and forty thousand inhabitants  
11 as determined by the most recent federal decennial census or the most  
12 recent revised certified count by the United States Bureau of the Census,  
13 the city council may by ordinance provide for seven members. Council  
14 members shall be elected from the city at large unless the city council  
15 by ordinance provides for the election of all or some of its council  
16 members by wards, the number and boundaries of which are provided for in  
17 section 16-104. Council members shall serve for terms of four years or  
18 until their successors are elected and qualified. The council members  
19 shall meet the qualifications found in sections 19-613 and 19-613.01.

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

1 needed, for two years, as provided in the ordinance. If only one council  
2 member is to be elected at large at such first election, such member  
3 shall serve for four years.

4 (2) Commencing with the statewide primary election in 1976, and  
5 every two years thereafter, those candidates whose terms will be expiring  
6 shall be nominated at the statewide primary election and elected at the  
7 statewide general election.

8 Sec. 241. Section 32-539, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

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

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

1 the council member elected as the commissioner of the department of  
2 public works and the council member elected as the commissioner of the  
3 department of public accounts and finances shall each serve a term of  
4 four years and the council member elected as the commissioner of the  
5 department of streets, public improvements, and public property and the  
6 council member elected as the commissioner of the department of parks and  
7 recreation shall each serve a term of two years. Upon the expiration of  
8 such terms, all council members shall serve terms of four years and until  
9 their successors are elected and qualified.

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

14 Sec. 242. Original sections 14-502, 18-2507, 19-201, 19-402,  
15 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417,  
16 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601,  
17 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611,  
18 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619,  
19 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703,  
20 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902,  
21 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910,  
22 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917,  
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28 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203,  
29 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410,  
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2 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305,  
3 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313,  
4 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319,  
5 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327,  
6 19-3701, 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, and  
8 19-5001, Reissue Revised Statutes of Nebraska, and sections 16-238,  
9 16-305, 16-308, 16-404, 17-108.02, 17-121, 18-2102.01, 19-401, 19-415,  
10 19-418, 19-602, 19-922, 19-926, 19-1101, 19-1102, 19-1827, 19-2402,  
11 19-2404, 19-2407, 19-2418, 19-2427, 19-3501, 19-4017, 19-4017.01,  
12 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01,  
13 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037,  
14 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018, are  
15 repealed.

16 Sec. 243. The following sections are outright repealed: Sections  
17 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska,  
18 and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement,  
19 2018.