

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 796**

Introduced by Hansen, M., 26.

Read first time January 08, 2020

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities of the primary class; to amend
- 2 sections 15-840, 15-841, 15-1201, and 15-1205, Reissue Revised
- 3 Statutes of Nebraska; to change provisions relating to allowance,
- 4 disallowance, and appeals of claims against a city; and to repeal
- 5 the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 15-840, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 15-840 All liquidated and unliquidated claims ~~and accounts payable~~  
4 against a the city of the primary class shall: (1) Be presented in  
5 writing; (2) state the name of the claimant and the amount of the claim;  
6 and (3) fully and accurately identify the items or services for which  
7 payment is claimed or the time, place, nature, and circumstances giving  
8 rise to the claim. The city finance director shall be responsible for the  
9 preauditing and recommending approval or denial of all claims ~~and~~  
10 ~~accounts payable~~, and no ~~warrant~~ in payment of any claim ~~or account~~  
11 ~~payable~~ shall be made drawn or paid without such approval. Claims made as  
12 provided in this section shall be presented to the city council for  
13 approval or denial. In order to maintain an action for a claim, other  
14 than a tort claim as defined in section 13-903, it shall be necessary, as  
15 a condition precedent, that the claimant file such claim within one year  
16 of the accrual of such claims thereof, in the office of the city clerk,  
17 or other official whose duty it is to maintain the official records of a  
18 ~~primary-class city of the primary class.~~

19 Sec. 2. Section 15-841, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 15-841 Any taxpayer of a the city of the primary class, after the  
22 allowance in whole or in part of any liquidated or unliquidated claim, or  
23 the claimant, after the disallowance in whole or in part of any such  
24 claim, may appeal therefrom to the district court of the county in which  
25 the city is situated in accordance with the procedures set forth in  
26 sections 15-1201 to 15-1205. In an appeal by a taxpayer, if in case the  
27 claimant finally recovers judgment for as great a sum exclusive of  
28 interest as was allowed by the city council, such appellant shall pay all  
29 costs of such appeal. In an appeal by a claimant in case claimant fails  
30 to recover as great a sum exclusive of interest as was allowed by the  
31 city council, such claimant shall pay all costs. No payment warrant shall

1 issue for ~~the payment of~~ any such claim until the appeal is finally  
2 determined. No appeal bond shall be required of the city by any court in  
3 case of appeal by the city, and judgment shall be stayed pending such  
4 appeal.

5       Sec. 3. Section 15-1201, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       15-1201 Any person or persons, jointly or severally aggrieved by any  
8 final administrative or judicial order or decision of the board of zoning  
9 appeals, the board of equalization, the city council, or any other board  
10 or officer or department or board of a city of the primary class may  ~~,~~  
11  ~~shall, except as provided for claims in sections 15-840 to 15-842.01,~~  
12  ~~appeal from such order or decision to the district court as provided in~~  
13  sections 15-1201 to 15-1205 in the manner herein prescribed.

14       Sec. 4. Section 15-1205, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       15-1205 The district court shall hear the appeal as in equity and  
17 without a jury and determine anew all questions raised before the city  
18 based on the record presented to the board of zoning appeals, the board  
19 of equalization, the city council, or any other board or officer or  
20 department of a city of the primary class. The court may reverse or  
21 affirm, wholly or partly, or may modify the order or decision brought up  
22 for review. Either party may appeal ~~from~~ the decision of the district  
23 court to the Court of Appeals.

24       Sec. 5. Original sections 15-840, 15-841, 15-1201, and 15-1205,  
25 Reissue Revised Statutes of Nebraska, are repealed.