

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 163

FINAL READING

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3;
Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 08, 2021

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 18-131, 18-305, 18-306, 18-307, 18-308, 18-309, 18-310, 18-311,
3 18-401, 18-402, 18-403, 18-404, 18-405, 18-407, 18-408, 18-409,
4 18-410, 18-411, 18-412, 18-412.02, 18-412.07, 18-412.08, 18-412.09,
5 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505, 18-506,
6 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512, 18-602,
7 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618,
8 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626,
9 18-627, 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003,
10 18-1004, 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202,
11 18-1203, 18-1204, 18-1205, 18-1206, 18-1207, 18-1215, 18-1216,
12 18-1501, 18-1502, 18-1503, 18-1504, 18-1508, 18-1509, 18-1701,
13 18-1702, 18-1705, 18-1706, 18-1707, 18-1708, 18-1709, 18-1712,
14 18-1713, 18-1714, 18-1716, 18-1718, 18-1721, 18-1722.01, 18-1723,
15 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748, 18-1750, 18-1752,
16 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803, 18-1804,
17 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915,
18 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131,
19 18-2135, 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206,
20 18-2301, 18-2302, 18-2303, 18-2304, 18-2305, 18-2306, 18-2307,
21 18-2308, 18-2309, 18-2310, 18-2311, 18-2312, 18-2313, 18-2314,

1 18-2315, 18-2402, 18-2443, 18-2476, 18-2501, 18-2502, 18-2504,
2 18-2505, 18-2506, 18-2518, 18-2520, 18-2521, 18-2522, 18-2523,
3 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529, 18-2530,
4 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538,
5 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, and 71-3305,
6 Reissue Revised Statutes of Nebraska, and sections 16-6,108, 18-132,
7 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902,
8 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, and 18-3001,
9 Revised Statutes Cumulative Supplement, 2020; to change provisions
10 relating to cities, villages, and metropolitan utilities districts;
11 to change a federal reference; to change and eliminate provisions
12 relating to publication of notice and requirements for application;
13 to name an act; to define and redefine terms relating to initiatives
14 and referendums; to harmonize provisions; and to repeal the original
15 sections.

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

1 Section 1. Section 16-6,108, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 16-6,108 The powers granted by sections 16-6,106 to 16-6,109 may be
4 exercised in whole or in part and from time to time as the city council
5 may in its discretion determine but before general obligation bonds are
6 issued for the purposes of sections 16-6,106 to 16-6,109, the city
7 council shall hold a public hearing after three weeks' notice published
8 in a legal newspaper in or of general circulation in such city, and the
9 referendum provisions of the Municipal Initiative and Referendum Act
10 ~~sections 18-2501 to 18-2536~~ shall apply to any ordinance or resolution
11 authorizing issuance of such bonds. The program for implementation of the
12 plan may be adopted and carried out in parts, sections, or stages.

13 Sec. 2. Section 18-131, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-131 Ordinances passed by cities of all classes and villages must
16 be posted, published in a legal newspaper in or of general circulation in
17 the respective cities or villages, or published in book or pamphlet form,
18 as required by their respective charters or general laws.

19 Sec. 3. Section 18-132, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 18-132 (1) The city council of any city or ~~village~~ board of trustees
22 of any village may adopt by ordinance the conditions, provisions,
23 limitations, and terms of a plumbing code, an electrical code, a fire
24 prevention code, a building or construction code, and any other standard
25 code which contains rules and regulations printed as a code in book, ~~or~~
26 pamphlet, or electronic form, by reference to such code, or portions
27 thereof, alone, without setting forth in the ordinance the conditions,
28 provisions, limitations, and terms of such code. When any such code, or
29 portion thereof, has been incorporated by reference into such ordinance,
30 as provided in this section, it shall have the same force and effect as
31 though it had been written in its entirety in such ordinance without

1 further or additional publication thereof.

2 (2) Not less than one copy of such standard code, or portion
3 thereof, shall be kept for use and examination by the public in the
4 office of the city clerk or village clerk prior to the adoption thereof
5 and as long as such standard code is in effect in such city or village.

6 (3) Any building or construction code implemented under this section
7 shall be adopted and enforced as provided in section 71-6406.

8 (4) If there is no ordinance adopting a plumbing code in effect in a
9 city or village, the 2009 Uniform Plumbing Code accredited by the
10 American National Standards Institute shall serve as the plumbing code
11 for all the area within the jurisdiction of the city or village. Nothing
12 in this section shall be interpreted as creating an obligation for the
13 city or village to inspect plumbing work done within its jurisdiction to
14 determine compliance with the plumbing code.

15 Sec. 4. Section 18-201, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 18-201 (1) The mayor and city ~~the~~ council of any city or board of
18 trustees of any village, in addition to other powers granted by law, may
19 by ordinance or resolution provide for direct borrowing from a financial
20 institution for the purposes outlined in this section. Loans made under
21 this section shall not be restricted to a single year and may be repaid
22 in installment payments for a term not to exceed seven years.

23 (2) The mayor and city ~~the~~ council of any city or board of trustees
24 of any village may borrow directly from a financial institution for the
25 (a) purchase of real or personal property, (b) construction of
26 improvements, (c) repair or reconstruction of real or personal property,
27 improvements, or infrastructure damaged as a result of a calamity, (d)
28 provision of public services temporarily disrupted or suspended as a
29 result of a calamity, or (e) refinancing of existing indebtedness upon a
30 certification in the ordinance or resolution authorizing the direct
31 borrowing that:

1 (i) Financing the (A) purchase of real or personal property, (B)
2 construction of improvements, (C) repair or reconstruction of real or
3 personal property, improvements, or infrastructure damaged as a result of
4 a calamity, (D) provision of public services temporarily disrupted or
5 suspended as a result of a calamity, or (E) refinancing of existing
6 indebtedness through traditional bond financing would be impractical;

7 (ii) Financing the (A) purchase of real or personal property, (B)
8 construction of improvements, (C) repair or reconstruction of real or
9 personal property, improvements, or infrastructure damaged as a result of
10 a calamity, (D) provision of public services temporarily disrupted or
11 suspended as a result of a calamity, or (E) refinancing of existing
12 indebtedness through traditional bond financing could not be completed
13 within the time restraints facing the city or village; or

14 (iii) Financing the (A) purchase of real or personal property, (B)
15 construction of improvements, (C) repair or reconstruction of real or
16 personal property, improvements, or infrastructure damaged as a result of
17 a calamity, (D) provision of public services temporarily disrupted or
18 suspended as a result of a calamity, or (E) refinancing of existing
19 indebtedness through direct borrowing would generate taxpayer savings
20 over traditional bond financing.

21 (3) Prior to approving direct borrowing under this section, the city
22 council or board of trustees shall include in any public notice required
23 for meetings a clear notation that an ordinance or resolution authorizing
24 direct borrowing from a financial institution will appear on the agenda.

25 (4)(a) The total amount of indebtedness attributable to any year
26 from direct borrowing under this section shall not exceed:

27 (i) For any a city of the metropolitan class, city of the primary
28 class, or city of the first class, ten percent of the municipal budget of
29 the city; and

30 (ii) For any city of the second class or village, twenty percent of
31 the municipal budget of the city or village.

1 (b) For purposes of this subsection, (i) the amount of any loan
2 which shall be attributable to any year for purposes of the limitation on
3 the total amount of indebtedness from direct borrowing is the total
4 amount of the outstanding loan balance divided by the number of years
5 over which the loan is to be repaid and (ii) the amount of indebtedness
6 from any direct borrowing shall only be measured as of the date the
7 ordinance or resolution providing for such direct borrowing is adopted.

8 (5) Prior to approving direct borrowing under this section, a
9 municipality shall consider, to the extent possible, proposals from
10 multiple financial institutions.

11 (6) For purposes of this section:

12 (a) Calamity means a disastrous event, including, but not limited
13 to, a fire, an earthquake, a flood, a tornado, or other natural event
14 which damages real or personal property, improvements, or infrastructure
15 of a city or village or which results in the temporary disruption or
16 suspension of public services provided by a city or village; and

17 (b) Financial institution means a state-chartered or federally
18 chartered bank, savings bank, building and loan association, or savings
19 and loan association.

20 Sec. 5. Section 18-305, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 18-305 It shall be unlawful for any telephone company to furnish to
23 any elected or appointed officer of any city or village in this state,
24 ~~whether such officer be elective or appointive,~~ a telephone free of
25 charge, or for a price less than is charged other customers for similar
26 service, or for any such officer to accept such telephone or telephone
27 service free of charge, or at a ~~less price~~ less than shall be charged to
28 other customers for similar service. Any violation of this section by a
29 telephone company shall be a Class III misdemeanor, and the officer or
30 agent of any such telephone company acting or assisting in such violation
31 shall be guilty of a Class III misdemeanor. Any violation of this section

1 by any officer of any such city or village shall be a Class III
2 misdemeanor, ~~÷~~ and the officer ~~he or she~~ shall upon conviction forfeit
3 the office held by him or her at the time of committing such offense.

4 Sec. 6. Section 18-306, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-306 It shall be unlawful for any person, partnership, limited
7 liability company, or corporation engaged in furnishing in any city or
8 village in this state artificial light, such as electric light, gas
9 light, or light from oil, to furnish light to any elected or appointed
10 ~~officer, either elective or appointive,~~ in any city or village in which
11 such person, partnership, limited liability company, or corporation is
12 engaged in furnishing such lights, free or for a less price less than is
13 charged other customers in such city or village for similar services. Any
14 violation of this section shall be a Class III misdemeanor. Each day any
15 service is furnished or accepted in violation of this section shall be
16 considered as a separate offense and punished accordingly.

17 Sec. 7. Section 18-307, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-307 If any elected or appointed officer, ~~either elective or~~
20 ~~appointive~~ in any city or village in this state, accepts free of charge
21 or for a price less than is charged other customers for similar services
22 in such city or village electric, ~~any light or lights from any lighting~~
23 ~~company or services from any electric utility such lighting~~ company or
24 from any person, partnership, or limited liability company which provides
25 electric service in such city or village so engaged, such officer shall
26 be guilty of a Class III misdemeanor and shall also forfeit the office
27 held by him or her at the date of such offense.

28 Sec. 8. Section 18-308, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-308 Any water company engaged in furnishing water in any city or
31 village in this state and any person, corporation, partnership, or

1 limited liability company engaged in such services who furnishes to any
2 elected or appointed officer, ~~either elective or appointive~~, in such city
3 or village, water free of charge or for a price less than is at the time
4 charged for similar service to other customers in such city or village
5 shall be guilty of a Class III misdemeanor. If any officer in any such
6 city or village accepts free of charge or for a price less than is
7 charged to other customers in such city or village any of the services
8 mentioned in this section, such officer shall be guilty of a Class III
9 misdemeanor and shall also forfeit the office held by him or her at the
10 date of such violation. Each day such service or services are furnished
11 or accepted in violation of this section shall constitute a separate and
12 distinct offense and shall be punished accordingly.

13 Sec. 9. Section 18-309, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-309 No person shall be excused from attending and testifying or
16 producing books and papers, in any prosecution under sections 18-305 to
17 18-309, for the reason that the required testimony, documentary or
18 otherwise, ~~required of him~~, may tend to incriminate such person ~~him~~ or
19 subject such person ~~him~~ to a penalty or forfeiture. ~~No ; but no~~ person
20 shall be prosecuted or subjected to any penalty or forfeiture for or on
21 account of any transaction, matter, or thing concerning which such person
22 ~~he~~ may testify or produce evidence, documentary or otherwise, in any
23 prosecution under such the provisions of said sections, except that ;
24 ~~Provided~~, no person so testifying shall be exempt from prosecution for
25 perjury committed in so testifying.

26 Sec. 10. Section 18-310, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-310 The Legislature finds and declares that it is ~~It is hereby~~
29 ~~declared to be~~ detrimental to good government and the best interests of
30 the state to permit payment to any person, firm, or corporation of fees
31 or compensation in any form, other than regular salaries of duly elected

1 or appointed officers of a city or village, for services rendered to a
2 city or village contingent or dependent upon the outcome of any municipal
3 election.

4 Sec. 11. Section 18-311, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-311 It shall be unlawful for the mayor and city council of any
7 city, or the chairperson ~~chairman~~ and board of trustees of any village,
8 to contract with, retain, or employ any person, firm, or corporation upon
9 the basis that the amount of the fees or compensation to be paid shall be
10 contingent or depend, in whole or in part, upon the outcome of any
11 municipal election.

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

14 18-401 In all cities, villages, or metropolitan utilities districts
15 owning or operating a waterworks system, sanitary sewerage system, storm
16 sewer system, gas plant, or other public utility plant and in which
17 water, gas, or other public utility is supplied by municipal authority
18 for domestic, mechanical, public, or other purposes, or sewage and storm
19 water disposal, or other services furnished, the authorities having
20 general charge, supervision, and control of all matters pertaining to the
21 water, gas, or other public utility supplied by any city, village, or
22 metropolitan utilities district, or the furnishing of any public service
23 such as sewage and storm water disposal, shall have the power and
24 authority, ~~whenever they deem it proper and necessary so to do,~~ to create
25 a water main ~~water-main~~ district, gas main ~~district~~, sanitary sewer
26 district, storm water disposal district, or other public utility
27 district, as the case may be, either within or without the corporate
28 limits of the city, village, or metropolitan utilities district ~~political~~
29 ~~subdivision~~ involved, and to order and cause to be made extensions or
30 enlargements of water mains, sanitary sewers, storm water disposal mains,
31 gas mains, or other public utility service through such public utility

1 district, except that nothing contained in this section shall be
2 construed as authorizing the creation of any such public utility district
3 outside of the corporate limits of a city of the primary class.

4 Sec. 13. Section 18-402, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-402 Any water main district, gas main district, sanitary sewer
7 district, storm water disposal district, Such water or gas main districts
8 or other public utility district as provided in section 18-401 service
9 districts shall be created by ordinance, if such public utility district
10 is created the power be exercised, by a city or village, or by resolution
11 of the board of directors of a metropolitan utilities district if such
12 public utility district is created by a metropolitan utilities district
13 the body having authority and control over the operation of said
14 respective public utilities.

15 Sec. 14. Section 18-403, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-403 Upon the passage of an ordinance or resolution under section
18 18-402 , as the case may be, creating a water main district, gas main
19 district, sanitary sewer district, storm water disposal district, or
20 other public utility service district or ordering the extension or
21 enlargement of a water main, gas main, or other public utility service
22 through such district, it shall be the duty of the city council or
23 village board of trustees council which passed the ordinance or of the
24 board of directors of the metropolitan utilities district other public
25 utility authority which passed the such resolution creating such district
26 to cause a notice to be published in a legal newspaper in or of general
27 circulation in such city or village the official paper of the city or
28 village, as the case may be, or in the principal city within the
29 metropolitan utilities district, addressed generally to the owners of the
30 real estate within such the water main, gas main, or other public utility
31 district, notifying them of the creation of the district and of the

1 ordering of the extension or enlargement of the water main, gas main, or
2 other public utility service within such district and further notifying
3 the owners of the real estate that they have thirty days from and after
4 such publication to file with such city council, village board of
5 trustees, or board of directors ~~or other public authority, as the case~~
6 ~~may be,~~ their written protest against the creation of the district and of
7 the extension or enlargement of the water main, gas main, or other public
8 utility service so ordered.

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

11 18-404 If within ~~the~~ thirty days there is filed, as provided in
12 section 18-403, a written protest signed by the record owners of a
13 majority of the foot frontage of taxable property in a water main
14 district, gas main district, sanitary sewer district, storm water
15 disposal district, or other public utility ~~such~~ district, then the filing
16 of such protest shall operate as a repeal or rescission of the ~~such~~
17 ordinance or resolution creating such district, but if no such protest is
18 filed within ~~the~~ thirty days, then the city power of the council, village
19 board of trustees, or board of directors ~~or other authority in the~~
20 ~~premises shall be deemed complete, and it shall be its duty to proceed to~~
21 contract for and on ~~in~~ behalf of such city, village, or metropolitan
22 utilities district for the extension or enlargement of the main or
23 utility service so ordered or to make such extension or enlargement ~~with~~
24 ~~its own forces.~~

25 Sec. 16. Section 18-405, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-405 Upon the completion of an extension or enlargement of any
28 water or gas main or other utility service in a water main district, gas
29 main district, sanitary sewer district, storm water disposal district, or
30 other public utility district created pursuant to section 18-401 ~~any such~~
31 ~~district,~~ the actual cost of such extension or enlargement thereof shall

1 be duly certified to the city council, village board of trustees, or
2 board of directors of a such city, village, or metropolitan utilities
3 district when done by contract, but when done by utilizing the equipment
4 and employees of any such city, village, or metropolitan utilities
5 district, the average cost, based upon the average cost per foot to such
6 city, village, or metropolitan utilities district in the previous
7 calendar year, of installing water or gas distribution mains, as the case
8 may be, shall be thus certified. Such city ~~Thereupon it shall be the duty~~
9 ~~of such~~ council, village board of trustees, or board of directors shall
10 ~~to~~ assess, to the extent of special benefits, the cost, not exceeding the
11 actual cost or average cost, as the case may be, of installing such water
12 main, ~~or~~ gas main, or other utility service, upon all real estate in such
13 ~~the~~ district, in proportion to the frontage of the real estate upon the
14 main or utility service. The cost of any such extension or enlargement in
15 excess of the actual or average cost of installing the water main, ~~or~~ gas
16 main, or other utility service, ~~as the case may be, heretofore authorized~~
17 to be assessed and levied against the real estate in such ~~the~~ district
18 shall be paid out of the water fund, ~~or~~ gas fund, or other utility fund,
19 ~~as the case may be,~~ of such city, village, or metropolitan utilities
20 district, if there is such a fund, and if such city or village has no
21 water fund, ~~or~~ gas fund, or other utility fund, then the costs same shall
22 be paid out of the general fund. No real estate in any city, village, or
23 metropolitan utilities district shall be subject to more than one special
24 tax assessment for the same extension or enlargement of water mains, ~~or~~
25 gas mains, or other utility service.

26 Sec. 17. Section 18-406, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 18-406 The special assessment provided in section 18-405 shall be
29 paid in ten installments. The first installment, or one-tenth of the
30 assessment, shall become due and delinquent fifty days after the date of
31 levy, and one-tenth of such assessment shall become due and delinquent

1 each year thereafter, counting from the date of levy, for nine years. The
2 special assessment shall bear interest at a rate not to exceed the rate
3 of interest specified in section 45-104.01, as such rate may from time to
4 time be adjusted by the Legislature, prior to delinquency, and at the
5 rate specified in section 45-104.01, as such rate may from time to time
6 be adjusted by the Legislature, after delinquency. Prior to the levy of
7 the special assessment as provided in section 18-405, such assessment
8 shall be equalized in the same manner as provided by law for the
9 equalization of special assessments levied in the city or village that
10 levied such special assessment, or in such cities, such villages, and the
11 city of the metropolitan class within the such metropolitan utilities
12 district that levied such special assessment.

13 Sec. 18. Section 18-407, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-407 If a petition is filed, signed by the owners of a majority of
16 the front footage of real estate within a the proposed water or gas main
17 district, gas main district, sanitary sewer district, storm water
18 disposal district, or other public utility service district, which
19 petition shall contain the consent of the owners of such the said real
20 estate for the installation of gas mains or water mains of sizes
21 designated by the city said council, village board of trustees, or board
22 of directors of a metropolitan utilities district and inserted in such
23 said petition, or of other utility service, then such said water or gas
24 main district, gas main district, sanitary sewer district, storm water
25 disposal district, or other public utility service district, shall be
26 created, \div and the entire cost of laying such said water main, or gas
27 main, or other utility service, shall be assessed and collected as
28 provided in sections 18-405 to 18-410. The city council, village board of
29 trustees, or board of directors governing body shall have the discretion
30 to deny the formation of the proposed district when the area to be
31 improved has not previously been improved with a water system, sewer

1 system, and grading of streets. If the city council, village board of
2 trustees, or board of directors ~~governing body~~ should deny a requested
3 district formation, it shall state the grounds for such denial in a
4 written letter to interested parties.

5 Sec. 19. Section 18-408, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-408 After the levy of a such special assessment tax and the
8 extension of such assessment tax ~~upon the tax record~~ against the real
9 estate in such water ~~or gas main district, gas main district, sanitary~~
10 sewer district, storm water disposal district, or other public utility
11 service district, the city council, village board of trustees, or board
12 of directors of a metropolitan utilities district ~~or other authority~~
13 having charge, supervision, and control of all matters pertaining to the
14 water or gas supply or other utility service of such city, village, or
15 metropolitan utilities district shall have the power to issue or cause to
16 be issued against the fund so created special warrants payable out of the
17 funds, which warrants shall be delivered to the contractor in payment of
18 the money due him or her under his or her contract for the extension or
19 enlargement of the water or gas main or other utility service, as the
20 case may be, to cover the cost for which the special assessments taxes
21 were levied.

22 Sec. 20. Section 18-409, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-409 The city council, village board of trustees, or board of
25 directors of a metropolitan utilities district ~~or other authority~~ in the
26 city, village, or metropolitan utilities district in this state having
27 general charge, supervision, and control of all matters pertaining to the
28 water or gas supply or other utility service of such city, village, or
29 metropolitan utilities district may by resolution elect and determine to
30 proceed under ~~the provisions of~~ sections 18-401 to 18-411 in the matter
31 of ordering and making and causing to be made extensions or enlargements

1 of water or gas mains or other utility utilities service in such cities,
2 villages, or metropolitan utilities districts but are not required to do
3 so.

4 Sec. 21. Section 18-410, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-410 Any metropolitan utilities district is hereby given power to
7 extend water mains, gas mains, and other utility service under its
8 operation and management beyond the corporate limits of the city of the
9 metropolitan class so as to include adjacent territory, sanitary and
10 improvement districts, unincorporated areas, cities ~~towns~~, or villages,
11 even though in an adjoining county or counties, and may create such water
12 main districts, gas main districts, sanitary sewer districts, storm water
13 disposal districts, and other public utility service districts within
14 such adjacent sanitary and improvement districts, unincorporated areas,
15 cities, ~~towns~~, and villages, even though located in an adjoining county
16 or counties. When such water main districts ~~mains~~, gas main districts,
17 sanitary sewer districts, storm water disposal districts ~~mains~~, or other
18 public utility service districts are created in an adjoining county or
19 counties, the special assessment ~~tax~~ levy in such districts shall be
20 certified to the county treasurer of such adjoining county or counties,
21 as the case may be, and shall there be entered of record against the
22 proper real estate ~~so taxed~~. It shall be the duty of the county treasurer
23 of the adjoining county or counties, as the case may be, to collect the
24 assessments ~~taxes~~ and as collected to report and transmit such
25 assessments ~~taxes~~ to the metropolitan utilities district.

26 Sec. 22. Section 18-411, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-411 Sections 18-401 to 18-410 shall not be construed as a
29 restriction upon the powers of cities, other than a city of not in the
30 metropolitan class, which have adopted or may hereafter adopt a home rule
31 charter under the ~~state~~ Constitution of Nebraska nor as a limitation upon

1 any provision in such charter or any amendments to such charter thereof.

2 Sec. 23. Section 18-412, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-412 Supplemental to any existing law on the subject, and in lieu
5 of the issuance of general obligation bonds, or the levy of taxes upon
6 property, as provided by law ~~provided~~, any city or village within the
7 State of Nebraska may construct, purchase, or otherwise acquire,
8 maintain, extend, or enlarge, an electric light and power plant,
9 distribution system, and transmission lines, and real and personal
10 property needed or useful in connection therewith, and pay the cost
11 thereof by pledging and hypothecating the revenue and earnings of any
12 electric light and power plant, distribution system, and transmission
13 lines, owned or to be owned by such city or village. In the exercise of
14 the authority granted in this section, any such city or village may issue
15 and sell revenue bonds or debentures and enter into such contracts in
16 connection therewith as may be proper and necessary. Such revenue bonds
17 or debentures shall be a lien only upon the revenue and earnings of the
18 electric light and power plant, distribution system, and transmission
19 lines owned or to be owned by such city or village. No revenue bonds
20 shall be issued until thirty days' notice of the proposition relating
21 thereto shall have been given by the governing body of such city or
22 village by publication once each week for three successive weeks in a
23 ~~some~~ legal newspaper in or published ~~and~~ of general circulation in such
24 city or village, or if no such newspaper is published ~~therein~~, then by
25 posting in five or more public places in such city or village ~~therein~~.
26 If, within thirty days after the last publication of such notice or
27 posting thereof, a referendum petition signed by qualified electors of
28 such city or village equal in number to at least twenty percent of the
29 vote cast at the last general municipal election held in such city or
30 village ~~therein~~ shall be filed with the city municipal clerk or village
31 clerk, such bonds shall not be issued until the issuance thereof has been

1 approved by a vote of the electors of such city or village ~~municipality~~
2 at any general or special municipal election. If a majority of the voters
3 voting on the issue vote against issuing such bonds, the bonds shall not
4 be issued. If no such petitions are filed, the bonds shall be issued at
5 the expiration of such thirty-day period. No publication of notice shall
6 be required when revenue bonds are issued solely for the maintenance,
7 extension, or enlargement of any electric generating plant, distribution
8 system, or transmission lines owned by such city or village. The
9 provisions of this section shall not restrict or limit the power or
10 authority in the issuance of any such revenue bonds, as authorized by any
11 home rule charter duly adopted by the electors or any city pursuant to
12 the Constitution of ~~the State of~~ Nebraska.

13 Sec. 24. Section 18-412.02, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-412.02 If requested to do so at any time ~~hereafter~~ by a city or
16 village, any public power district or public power and irrigation
17 district, formed after May 4, 1945, and providing electrical service at
18 retail to a city of the metropolitan class, owning a distribution system
19 in such city or village and also owning generating plants and
20 transmission lines or both, shall inform the city or village of the
21 minimum price at which the district is permitted to sell that portion of
22 its distribution system within the corporate limits of such city or
23 village to such city or village under the agreements of the district
24 entered into with the holders of obligations issued by such district. For
25 ~~the~~ purposes of this section, the term obligations shall include all
26 bonds, notes, and other evidences of indebtedness to the payment of which
27 the revenue from that portion of the distribution system such city or
28 village desires to acquire has been pledged. There shall be allowed as a
29 credit upon such minimum price a sum that bears the same proportion
30 thereto as the amount of such obligations that have been paid or redeemed
31 and funded reserves established therefor by the district out of the net

1 revenue from its operation while such city or village was within such
2 district bears to the total amount of such obligations issued by the
3 district since the date of its formation, excluding the amount of such
4 obligations that have been refinanced and including the amount of the
5 refinancing obligations. Such city or village shall reimburse the
6 district for any costs necessarily paid by the district to independent
7 engineers to obtain the minimum price under such agreements with the
8 holders of the obligations of the district. At the request of the city or
9 village, the district shall sell and convey that portion of the
10 distribution system which is within its corporate limits to the city or
11 village upon payment of such minimum price, and the city or village shall
12 contract to continue to purchase all of its power and energy requirements
13 from the district at least until such time as all obligations of the
14 district outstanding on the date of such sale and conveyance shall have
15 been fully paid and retired or reserves sufficient for the redemption
16 thereof shall have been accumulated, but such transaction shall not be
17 consummated nor become effective until thirty days' notice of the
18 transaction shall have been given by the city council or village board of
19 trustees governing body by publication once each week for three
20 successive weeks in some legal newspaper in or published and of general
21 circulation in such city or village, or if no such newspaper is published
22 ~~therein~~, then by posting in five or more public places in such city or
23 village therein. If, within ninety days after the last publication of
24 such notice or posting thereof, referendum petitions signed by qualified
25 electors of such city or village equal in number to at least twenty
26 percent of the vote cast at the last general municipal election held in
27 such city or village therein shall be filed with the city municipal clerk
28 or village clerk, such transaction shall not become effective until it
29 has been approved by a vote of the electors of such city or village
30 municipality at any general or special municipal election. If a majority
31 of the voters voting on the issue vote against such transaction, the

1 transaction shall not become effective. If no such petitions are filed,
2 the transaction shall become effective at the expiration of such ninety-
3 day period. The public power district or public power and irrigation
4 district shall charge fair, reasonable, and nondiscriminatory rates so
5 adjusted as, in a fair and equitable manner, to confer upon and
6 distribute among its customers the benefits of a successful and efficient
7 operation and conduct of the business of the district.

8 Sec. 25. Section 18-412.07, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-412.07 The Legislature finds and declares that it is ~~It is~~
11 ~~hereby declared to be~~ in the public interest of the State of Nebraska
12 that cities and villages of this state be empowered to participate
13 jointly or in cooperation with public power districts and public power
14 and irrigation districts and other public agencies in the establishment
15 and operation of facilities for the generation or transmission of
16 electric power and energy located within or outside this state in order
17 to achieve economies and efficiencies in meeting the future electric
18 energy needs of the people of the State of Nebraska. In furtherance of
19 such need and in addition to but not in substitution for any other powers
20 granted cities and villages of this state, each city and village which
21 owns or operates electrical facilities shall have and may exercise its
22 power and authority to plan, finance, acquire, construct, own, operate,
23 maintain, improve, and decommission electric generation or transmission
24 facilities located within or outside this state jointly and in
25 cooperation with one or more such public power districts, public power
26 and irrigation districts, other cities or villages of this state which
27 own or operate electrical facilities, municipal corporations, or other
28 governmental entities of other states which operate electrical
29 facilities. The powers granted under this section may be exercised with
30 respect to any electric generation or transmission facility jointly with
31 the powers granted under any other provision of sections 18-412.07 to

1 18-412.09 and 70-628.02 to 70-628.04.

2 Sec. 26. Section 18-412.08, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-412.08 The Legislature finds and declares that it is ~~It is~~
5 ~~hereby declared to be~~ in the public interest of the State of Nebraska
6 that cities and villages of this state be empowered to participate
7 jointly and in cooperation with one or more electric cooperatives or
8 electric membership corporations organized under the laws of this state
9 or any other state in the establishment and operation of facilities for
10 the generation or transmission of electric power and energy in order to
11 achieve economies and efficiencies in meeting the future electric energy
12 needs of the people of the State of Nebraska. In furtherance of such end
13 and in addition to, but not in substitution for, any other powers granted
14 such cities and villages of this state, each city or village which owns
15 or operates electrical facilities shall have and may exercise such power
16 and authority to plan, finance, acquire, construct, own, operate,
17 maintain, improve, and decommission electric generation or transmission
18 facilities located in this state jointly and in cooperation with one or
19 more electric cooperatives or electric membership corporations organized
20 under the laws of this state or any other state, and each city or village
21 shall have and may exercise such power and authority with respect to
22 electric generation or transmission facilities located outside this state
23 jointly or in cooperation with one or more electric cooperatives or
24 electric membership corporations organized under the laws of this state
25 or any other state. The powers granted under this section may be
26 exercised with respect to any electric generation or transmission
27 facility jointly with the powers granted under any other provisions of
28 sections 18-412.07 to 18-412.09 and 70-628.02 to 70-628.04.

29 Sec. 27. Section 18-412.09, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-412.09 Any city or village participating jointly and in

1 cooperation with others in an electric generation or transmission
2 facility may own an undivided interest in such facility and be entitled
3 to the share of the output or capacity of such facility ~~therefrom~~
4 attributable to such undivided interest. Such city or village may enter
5 into an agreement or agreements with respect to each such electric
6 generation or transmission facility with the other participants in such
7 facility ~~therein~~, and any such agreement shall contain such terms,
8 conditions, and provisions consistent with the provisions of sections
9 18-412.07 to 18-412.10 as the governing body of such city or village
10 shall deem to be in the interests of such city or village. The agreement
11 may include, but not be limited to, provision for the construction,
12 operation, maintenance, and decommissioning of such electric generation
13 or transmission facility by any one of the participants, which shall be
14 designated in or pursuant to such agreement as agent, on behalf of itself
15 and the other participants or by such other means as may be determined by
16 the participants and provision for a uniform method of determining and
17 allocating among participants costs of construction, operation,
18 maintenance, renewals, replacements, decommissioning, and improvements
19 with respect to such facility. In carrying out its functions and
20 activities as such agent with respect to construction, operation,
21 maintenance, and decommissioning of such a facility, including without
22 limitation the letting of contracts therefor, such agent shall be
23 governed by the laws and regulations applicable to such agent as a
24 separate legal entity and not by any laws or regulations which may be
25 applicable to any of the other participants. Notwithstanding the
26 provisions of any other law to the contrary, pursuant to the terms of any
27 such agreement in which or pursuant to which a public power district, ~~or~~
28 a public power and irrigation district, ~~or~~ a city or village of this
29 state shall be designated as the agent thereunder for the construction,
30 operation, maintenance, and decommissioning of such a facility, each of
31 the participants may delegate its powers and duties with respect to the

1 construction, operation, maintenance, and decommissioning of such
2 facility to such agent, and all actions taken by such agent in accordance
3 with the provisions of such agreement shall be binding upon each of such
4 participants without further action or approval by their respective
5 boards of directors or governing bodies. Such agent shall be required to
6 exercise all such powers and perform its duties and functions under such
7 agreement in a manner consistent with prudent utility practice. As used
8 in this section, prudent utility practice shall mean any of the
9 practices, methods, and acts at a particular time which, in the exercise
10 of reasonable judgment in the light of the facts, including, but not
11 limited to, the practices, methods, and acts engaged in or approved by a
12 significant portion of the electrical utility industry prior thereto,
13 known at the time the decision was made, would have been expected to
14 accomplish the desired result at the lowest reasonable cost consistent
15 with reliability, safety, and expedition. Unless specifically contracted
16 otherwise by written agreement, no city or village shall become liable
17 for and pay for any costs, expenses, or liabilities attributable to the
18 undivided interest of any other participant in such electric generation
19 or transmission facility, and unless specifically contracted otherwise by
20 written agreement, no funds of such city or village may be used for any
21 such purpose.

22 Sec. 28. Section 18-412.10, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-412.10 If a city or village proposes to, and during such time as
25 such the city and village shall, plan, finance, acquire, construct, own,
26 operate, maintain, improve, and decommission jointly and in cooperation
27 with others as contemplated by sections 18-412.07 to 18-412.10 facilities
28 for the generation or transmission of electric power and energy located
29 or to be located outside this state, such city or village may comply with
30 all laws of the United States and of the state in which the facilities
31 are or are to be located applicable to such facilities or applicable to

1 any of such ~~the foregoing~~ activities or applicable to the performance of
2 any of such activities across state boundaries or in such state,
3 including, ~~without limiting the generality of the foregoing,~~ submitting
4 itself to any governmental body, board, commission, or agency having
5 jurisdiction over such facilities or over any of such activities or over
6 the performance of such activities and applying for and carrying out of
7 all licenses, certificates, or other approvals required by such laws in
8 order to enable the city or village to carry out the provisions of
9 sections 18-412.07 to 18-412.10.

10 Sec. 29. Section 18-413, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-413 Any city or village in this state erecting, constructing, or
13 maintaining a system of waterworks, or part of a system of waterworks,
14 outside ~~without~~ its corporate limits, is hereby granted the right-of-way
15 along any of the public roads of the state, along any of the streets and
16 alleys of any ~~village or city or village~~ village within the state, and over and
17 through any of the lands which are the property of the state, for the
18 laying, constructing, and maintaining of water mains, conduits, and
19 aqueducts for the purpose of transporting or conveying water from such
20 system of waterworks, or part of such system of waterworks, to such city
21 or village erecting the same. Such city or village is hereby granted such
22 right-of-way for the further purpose of erecting and maintaining all
23 necessary poles, ~~and~~ wires, or conduits, for the purpose of transporting,
24 transmitting, or conveying electric current from such city or village to
25 such system of waterworks, or part of such system of waterworks, for
26 power and light purposes. In ; ~~Provided, however, that such city in~~
27 constructing such water mains, conduits, and aqueducts for transporting
28 water, and such poles, wires, and conduits for transmitting electric
29 current along the streets or alleys of any other city or village, such
30 city or village ~~as aforesaid,~~ shall construct and locate the same in
31 accordance with existing ordinances of such other ~~village or city or~~

1 village pertaining thereto, and shall be liable for any damage caused
2 thereby. Such ; ~~provided further, that~~ poles and wires shall be
3 constructed so as not to interfere with the use of the public roadway,
4 and such ~~said~~ wires shall be placed at a height not less than twenty feet
5 above all road crossings.

6 Sec. 30. Section 18-501, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-501 (1) Any city or village in this state is hereby authorized to
9 own, construct, equip, and operate, either within or without the
10 corporate limits of such city or village ~~municipality~~, a sewerage system,
11 including any storm sewer system or combination storm and sanitary sewer
12 system, and plant or plants for the treatment, purification, and disposal
13 in a sanitary manner of the liquid and solid wastes, and sewage, ~~and~~
14 ~~night soil~~ of such city or village ~~municipality~~ or to extend or improve
15 any existing storm sewer system, ~~or~~ sanitary sewer system, or combination
16 storm and sanitary sewer system.

17 (2) Any city or village shall have authority to acquire by gift,
18 grant, purchase, or condemnation necessary lands for the construction of
19 a sewerage system ~~therefor~~, either within or without the corporate limits
20 of such city or village ~~municipality~~.

21 (3) For the purpose of owning, operating, constructing, maintaining,
22 and equipping a such sewage disposal plant and sewerage system, including
23 any storm sewer system or combination storm and sanitary sewer system,
24 referred to in subsections (1), (2), and (4) of this section, or
25 improving or extending such existing system, any city or village is
26 authorized and empowered to make a special levy of not to exceed three
27 and five-tenths cents on each one hundred dollars upon the taxable value
28 of all the taxable property within any such city or village ~~municipality~~.
29 The proceeds of the tax may be used for any of the purposes enumerated in
30 this section and for no other purpose.

31 (4) In the event the present or proposed sewage disposal system of

1 any city or village does not comply with the provisions of any other law
2 relating to sewer systems, sewage disposal, or water pollution, such city
3 or village shall levy each year a tax of seven cents on each one hundred
4 dollars of taxable valuation for such purpose until sufficient funds are
5 available for the financing of a system in compliance with law. In the
6 event any city or village is otherwise raising funds for such purpose,
7 equivalent to such a levy, such city or village ~~it~~ shall not be required,
8 in addition thereto, to make such levy.

9 Sec. 31. Section 18-502, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-502 For the purpose of owning, operating, constructing, and
12 equipping ~~a such~~ sewage disposal plant or sewerage system or improving or
13 extending such existing system as provided in section 18-501, a city or
14 village municipality may issue revenue bonds therefor. Such revenue
15 bonds, as provided in this section, shall not impose any general
16 liability upon the city or village municipality but shall be secured only
17 by the revenue ~~as hereinafter provided~~ of such utility as provided in
18 section 18-504. Such revenue bonds shall be sold for not less than par
19 and bear interest at a rate set by the governing body ~~city council~~. The
20 amount of such revenue bonds, either issued or outstanding, shall not be
21 included in computing the maximum amount of bonds which such city or
22 village the said municipality may be authorized to issue under its
23 charter or any statute of this state.

24 Sec. 32. Section 18-503, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-503 The governing body of a city or village which owns,
27 constructs, equips, or operates a sewage disposal plant or sewerage
28 system pursuant to section 18-501 ~~such municipality~~ may make all
29 necessary rules and regulations governing the use, operation, and control
30 of such system thereof. The governing body may establish just and
31 equitable rates or charges to be paid to it for the use of such disposal

1 plant and sewerage system by each person, firm, or corporation whose
2 premises are served by such system ~~thereby~~. If the service charge so
3 established is not paid when due, such sum may be recovered by the city
4 or village municipality in a civil action, or it may be certified to the
5 tax assessor and assessed against the premises served, and collected or
6 returned in the same manner as other municipal taxes are certified,
7 assessed, collected, and returned.

8 Sec. 33. Section 18-504, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-504 (1) Revenue bonds which are issued, as provided in section
11 18-502, shall not be a general obligation of the city or village
12 municipality, but shall be paid only out of the revenue received from the
13 service charges as provided in section 18-503.

14 (2) If a service rate is charged, as a part of the revenue, as
15 provided in subsection (1) of this section, to be paid as ~~herein~~ provided
16 in this section, such portion of such rate ~~thereof~~ as may be deemed
17 sufficient shall be set aside as a sinking fund for the payment of the
18 interest on such revenue ~~said~~ bonds, and the principal of such revenue
19 bonds ~~thereof~~ at maturity.

20 (3) It shall be the duty of the governing body of the city or
21 village municipality to charge rates for the service of the sewerage
22 system, as referred to in subsection (1) of this section, which shall be
23 sufficient, at all times, to pay the cost of operation and maintenance of
24 such system ~~thereof~~ and to pay the principal of and interest upon all
25 revenue bonds issued, under the provisions of section 18-502, and to
26 carry out any covenants that may be provided in the ordinance authorizing
27 the issuance of any such bonds.

28 (4) The holders of any of the revenue bonds or any of the coupons of
29 any revenue bonds, issued under subsection (1) of this section, in any
30 civil action, mandamus, or other proceeding may enforce and compel the
31 performance of all duties required by this section and the covenants made

1 by the city or village municipality in the ordinance providing for the
2 issuance of such bonds, including the making and collecting of sufficient
3 rates or charges for the specified purposes and for the proper
4 application of the income from such bonds therefrom.

5 Sec. 34. Section 18-505, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-505 For the purpose of providing for a ~~such~~ sewage disposal plant
8 and sewerage system, or improving or extending such existing system, any
9 city or village ~~such municipality~~ may also enter into a contract with any
10 corporation organized under or authorized by the laws of this state to
11 engage in such ~~the business herein mentioned~~, to receive and treat in the
12 manner provided in sections 18-501 to 18-510 ~~hereinbefore mentioned~~, the
13 sewage of such system ~~and right soil thereof~~, and to construct, and
14 provide the facilities and services as provided in section 18-501
15 ~~hereinbefore described~~. Such contract may also authorize the corporation
16 to charge the owners of the premises served such a service rate therefor
17 as the governing body of such city or village municipality may determine
18 to be just and reasonable, or the city or village municipality may
19 contract to pay such ~~the said~~ corporation a flat rate for such service,
20 and pay therefor out of its general fund or the proceeds of any tax levy
21 applicable to the purposes of such contract, or assess the owners of the
22 property served a reasonable charge for such service ~~therefor~~ to be
23 collected as ~~hereinbefore~~ provided in section 18-503 and paid into a fund
24 to be used to defray such contract charges.

25 Sec. 35. Section 18-506, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-506 For the purpose of owning, operating, constructing, and
28 equipping any sewage disposal plant and any sanitary or storm sewer
29 system or combination storm and sanitary sewer system, or improving or
30 extending such existing system, or for the purpose stated in sections
31 18-501 to 18-505, any city or village ~~such municipality~~ is also

1 authorized and empowered to issue and sell the general obligation bonds
2 of such city or village ~~municipality~~ upon compliance with the provisions
3 of section 18-506.01. Such bonds shall not be sold or exchanged for less
4 than the par value thereof and shall bear interest which shall be payable
5 annually or semiannually. The governing body of ~~any~~ such city or village
6 ~~municipality~~ shall have the power to determine the denominations of such
7 bonds, and the date, time, and manner of the payment thereof. The amount
8 of such general obligation bonds, either issued or outstanding, shall not
9 be included in the maximum amount of bonds which ~~any~~ such city or village
10 ~~municipality~~ may be authorized to issue and sell under its charter or any
11 statutes of this state.

12 Sec. 36. Section 18-506.01, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 18-506.01 Revenue bonds, authorized by section 18-502, may be issued
15 by ordinance duly passed by the mayor and city council of any city or the
16 board of trustees of any village without any other authority. General
17 obligation bonds, authorized by section 18-506, may be issued only after
18 the question of their issuance shall have been submitted to the electors
19 of such ~~the~~ city or village at a general or special election, of which
20 three weeks' notice thereof has been published in a legal newspaper
21 published in or of general circulation in such city or village, and more
22 than a majority of the electors voting at the election have voted in
23 favor of the issuance of such ~~the~~ bonds.

24 Sec. 37. Section 18-507, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-507 Whenever the governing body of any city or village shall have
27 ordered the installation of a sewerage system and sewage disposal plant
28 or the improvement or extension of an existing system, the fact that such
29 order was issued shall be recited in the official minutes of the
30 governing body. The governing ~~said~~ body shall ~~thereupon~~ require that
31 plans and specifications be prepared of such sewerage system and sewage

1 disposal plant, or such improvement or extension. Upon approval of such
2 plans, the governing body shall ~~thereupon~~ advertise for sealed bids for
3 the construction of such ~~said~~ improvements once a week for three weeks in
4 a legal newspaper ~~paper~~ published in or of general circulation within
5 such city or village ~~said municipality~~, and the contract shall be awarded
6 to the lowest responsible bidder.

7 Sec. 38. Section 18-508, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-508 The owner of any sewerage system or sewage disposal plant,
10 provided for in sections 18-501 to 18-507, or the city or village in
11 which such system or plant is located ~~municipality~~, is ~~hereby~~ authorized
12 to extend such system or plant ~~the same~~ beyond the corporate limits of
13 the city or village which it serves, under the same conditions as nearly
14 as may be as within the ~~such~~ corporate limits of such city or village and
15 to charge to users of its services reasonable and fair rates consistent
16 with those charged or which might be charged within such corporate limits
17 and consistent with the expense of extending and maintaining such system
18 or plant ~~the same~~ for the users thereof outside such corporate limits at
19 a fair return to the owner thereof. The mayor and city council of any
20 city or the board of trustees of any village shall have authority to
21 enter into contracts with users of such sewerage system or sewage
22 disposal plant, except that ~~;~~ ~~Provided,~~ no contract shall provide ~~call~~
23 for furnishing of such service for a period in excess of twenty years.

24 Sec. 39. Section 18-509, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-509 (1) The mayor and city council of any city or the board of
27 trustees of any village, in addition to other sources of revenue
28 available to the city or village, may by ordinance set up a rental or use
29 charge, to be collected from users of any system of sewerage, and provide
30 methods for collection of such rental or use charge ~~thereof~~. The charges
31 shall be charged to each property served by the sewerage system, shall be

1 a lien upon the property served, and may be collected either from the
2 owner or the person, firm, or corporation requesting the service.

3 (2) All money raised from the charges, referred to in subsection (1)
4 of this section, shall be used for maintenance or operation of the
5 existing system of sewerage, for payment of principal and interest on
6 bonds issued as is provided for in section 17-925, 18-502, 18-506, or
7 19-1305, or to create a reserve fund for the purpose of future
8 maintenance or construction of a new sewer system for the city or
9 village. Any funds raised from this charge shall be placed in a separate
10 fund and not be used for any other purpose or diverted to any other fund.

11 Sec. 40. Section 18-510, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 18-510 The terms sewage system, sewerage system, and disposal plant
14 or plants as used in sections 18-501 to 18-511 ~~herein~~ are defined to mean
15 and include any system or works above or below ground which has for its
16 purpose any or all of the following: The removal, discharge, conduction,
17 carrying, treatment, purification, or disposal of the liquid and solid
18 waste ~~and night soil~~ of a city or village municipality. It is intended
19 that sections 18-501 to 18-512 may be employed in connection with sewage
20 projects which do not include the erection or enlargement of a sewage
21 disposal plant.

22 Sec. 41. Section 18-511, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-511 Sections 18-501 to 18-512 ~~The provisions of Chapter 18,~~
25 ~~article 5,~~ shall be construed as independent, supplemental, ~~of~~ and in
26 addition to any other ~~provisions of the~~ laws of the State of Nebraska
27 relating with reference to sewage disposal plants and sewerage systems in
28 cities and villages. Such sections ~~The provisions of this article~~ shall
29 not be considered amendatory of or limited by any other provision of the
30 laws of the State of Nebraska.

31 Sec. 42. Section 18-512, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-512 For the purpose of creating a fund out of which anti-
3 pollution-of-water measures may be financed, any city or village in this
4 state is hereby authorized and empowered to make a special levy of not
5 exceeding three and five-tenths cents on each one hundred dollars upon
6 the taxable value of all the taxable property within ~~any such city or~~
7 village municipality, the proceeds of such levy ~~thereof~~ to be used for
8 such measures ~~purpose~~.

9 Sec. 43. Section 18-601, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 18-601 Any city or village shall have power by ordinance to avail
12 itself of federal funds for the construction within the city or village
13 limits of subways, viaducts, and approaches thereto, over or under
14 railroad tracks, and may authorize agreements with the Department of
15 Transportation to construct such ~~viaducts or subways or viaducts~~, which
16 shall be paid for out of funds furnished by the federal government. Such
17 ~~The~~ ordinance shall approve detailed plans and specifications for such
18 construction, including a map showing the exact location that such
19 ~~viaduct or subway~~ or viaduct is to occupy, which shall ~~then and~~
20 ~~thereafter~~ be kept on file with the city clerk or village clerk and be
21 open to public inspection. The ordinance shall make provision for the
22 assumption of liability and payment of consequential damages to property
23 owners resulting from such proposed construction and payment of damages
24 for property taken therefor. The procedure to condemn property shall be
25 exercised in the manner set forth in sections 76-704 to 76-724.

26 Sec. 44. Section 18-602, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-602 Grade crossing projects within the boundaries of a
29 municipality shall be undertaken on a basis that will impose no
30 involuntary contributions on the affected railroads except as provided by
31 23 U.S.C. 130(b) and (c) section 5(b) of Public Law 521 ~~enacted by the~~

1 ~~78th Congress of the United States, as such sections existed on January~~
2 ~~1, 2021 and any amendments thereof,~~ and shall not interfere with the use
3 of present railroad tracks without the consent of such railroads.

4 Sec. 45. Section 18-603, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-603 Any such city or village that constructs subways or viaducts
7 as provided in section 18-601 may appropriate an existing street or
8 highway for such subway or viaduct therefor, and may acquire, extend,
9 widen, or enlarge any street or highway for such purpose.

10 Sec. 46. Section 18-604, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-604 When it becomes ~~shall become~~ necessary to appropriate or
13 damage any private property for the construction of a such viaduct or
14 subway as provided in section 18-601, such appropriation shall be made by
15 ordinance. Such ~~Said~~ ordinance ~~to be headed Viaduct Ordinance~~ shall be
16 published once each week for three weeks ~~issues~~ in a legal ~~daily~~ or
17 ~~weekly~~ newspaper published in or of general circulation in such city or
18 village ~~and of general circulation therein.~~ Such ~~Said~~ publication shall
19 be sufficient notice to the owners, occupants, and parties interested,
20 and all parties having equitable interests therein.

21 Sec. 47. Section 18-610, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-610 The original ordinance authorizing construction of subways or
24 viaducts as provided in section 18-601 shall also give notice of an
25 election to authorize issuance of bonds, for such amount as may be
26 necessary to pay for ~~such~~ right-of-way and damages. A majority of those
27 voting shall be sufficient to carry authority to issue bonds, as ~~herein~~
28 provided in sections 18-610 to 18-612 ~~for.~~ A failure to approve the issue
29 of bonds shall cancel all proceedings, except that in that event, the
30 city or village shall pay the cost of survey and preparation of plans and
31 specifications that have been filed, and may levy a tax for that purpose.

1 Sec. 48. Section 18-611, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-611 Upon approval of the issuance of bonds pursuant to section
4 18-610, a ~~Such~~ city or village may, without further vote of the electors,
5 issue negotiable bonds in such amount as may be needed to pay for
6 acquisition ~~such~~ acquiring, extension, or enlargement of any street or
7 highway, and the amount of damages that may accrue by the appropriation
8 thereof and construction of viaducts ~~such~~ viaduct or subways pursuant to
9 section 18-601 subway. ~~Such~~ Said bonds shall draw interest and may be
10 sold at not less than par, and shall be payable in annual installments
11 over a period of not to exceed twenty years, and shall be subject to
12 retirement at the option of the city or village at any time after five
13 years. ~~Such~~ Said bonds shall be payable out of the general fund, and the
14 city or village shall annually make a levy and an appropriation for the
15 payment of interest and the installment of the principal.

16 Sec. 49. Section 18-612, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 18-612 On the approval of a ~~such~~ bond issue pursuant to section
19 18-610 by the electors, the mayor and city council or village board of
20 trustees shall be vested with all the powers provided for them in
21 sections 18-601 to 18-614, without ~~such~~ powers the same having been
22 specifically mentioned in the ~~said~~ ordinance authorizing construction of
23 subways and viaducts pursuant to section 18-601.

24 Sec. 50. Section 18-613, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 18-613 The Department of Transportation shall be authorized to enter
27 into contracts for the construction of viaducts ~~such~~ viaduct or subways
28 subway, in accordance with ~~such~~ plans and specifications approved under
29 section 18-601, immediately upon the approval by the voters of the
30 issuance ~~such~~ issuing of bonds under section 18-610.

31 Sec. 51. Section 18-614, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-614 In lieu of, or in addition to, the issuance of bonds under
3 section 18-610, the city council or village board of trustees may issue
4 warrants for the payment of damages, and levy taxes, if necessary, to
5 provide funds for their payment, or may temporarily borrow any funds in
6 the treasury belonging to any other fund, for the purpose of making the
7 payments required under sections 18-601 to 18-615 ~~herein required~~,
8 restoring such funds within a reasonable time.

9 Sec. 52. Section 18-617, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-617 Whenever the governing body of any city or village within the
12 state believes the construction of a viaduct over or subway under the
13 track or tracks of any railroad within its corporate limits is necessary
14 for the public safety, convenience, and welfare, such governing body ~~it~~
15 shall pass a resolution so declaring. ~~The~~ ~~Thereafter~~ ~~such~~ governing body
16 shall publish a notice of the passage of such ~~said~~ resolution six
17 consecutive days in a legal newspaper published in or of general
18 circulation in such ~~said~~ city or village or, if there is ~~be~~ no such daily
19 legal newspaper, then two consecutive weeks in a weekly legal newspaper
20 published in or of general circulation in such city or village ~~therein~~.
21 The notice of the passage of such ~~said~~ resolution, ~~published as~~
22 ~~aforsaid~~, shall include an exact copy of the resolution ~~same~~.

23 Sec. 53. Section 18-618, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-618 After the passage and publication of a ~~said~~ resolution as
26 provided in section 18-617, a ~~said~~ city or village shall have authority
27 to enter into contracts and agreements with any railroad company or
28 companies over or under whose railroad a viaduct or subway ~~such structure~~
29 is to be constructed providing for the construction and maintenance of
30 such viaduct or subway and for the apportionment of the costs thereof.
31 Such ; ~~Provided~~, ~~such~~ agreement or contract shall not be effective nor

1 shall any work be commenced until after such matter is submitted to a
2 vote of the electors as ~~hereinafter~~ provided in section 18-623.

3 Sec. 54. Section 18-619, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-619 If no agreement can be reached between ~~a said~~ city or village
6 and ~~a the~~ railroad company or companies for ~~such~~ construction or the
7 division of the costs thereof as provided in section 18-618, the city or
8 village shall file a complaint by the city ~~its~~ attorney or village
9 attorney with the city clerk or village clerk on behalf of such city or
10 village. The complaint ~~It~~ shall allege therein (1) the passage of the
11 resolution ~~hereinbefore~~ referred to in section 18-617, (2) the location
12 of the proposed viaduct or subway, (3) any facts which may show or tend
13 to show why the proposed improvement is necessary for the public safety,
14 convenience, and welfare, and (4) that the city or village and the
15 railroad company or companies are unable to agree as to the construction
16 or the division of the cost thereof and ask , ~~and (5) asking the city or~~
17 ~~village~~ governing body to make an order relative to such construction and
18 apportioning the cost thereof between the railroad company or companies
19 and the city or village ~~other public authority~~. A copy of such said
20 complaint shall be served upon the railroad company or companies
21 affected. Thereafter, within a reasonable time to be fixed by the
22 governing body, such said railroad company or companies shall file with
23 the city clerk or village clerk plans and specifications for such viaduct
24 or subway requested in such complaint ~~said petition~~, together with an
25 estimate by such railroad or railroads of the cost of construction and
26 maintenance thereof.

27 Sec. 55. Section 18-620, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-620 Upon the filing of ~~a such~~ complaint and after the filing of
30 plans and specifications as provided in section 18-619, the governing
31 body shall fix a time for hearing such said complaint and give notice

1 thereof to the railroad company or companies. At the time so fixed the
2 governing body shall sit as a board of equalization and assessment and at
3 such said hearing shall receive and hear such evidence as may be offered
4 on the question of whether public safety, convenience, and welfare
5 require the construction of such said viaduct or subway, whether or not
6 the cost of such viaduct or subway thereof will exceed the benefits to be
7 derived therefrom, and evidence on the question of the extent to which
8 such said railroad company or companies and the public will be
9 respectively benefited by the construction of such viaduct or subway
10 thereof.

11 Sec. 56. Section 18-621, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 18-621 Upon the conclusion of the hearing provided for in section
14 18-620, the said governing body, as a board of equalization, shall make
15 an order determining: (1) Whether or not the construction of the said
16 viaduct or subway is necessary for the public safety, convenience, and
17 welfare; (2) whether or not the cost of such viaduct or subway thereof
18 will exceed the benefits to be derived therefrom; and (3) the proportion
19 of the total benefits from the construction of such viaduct or subway
20 thereof to be derived by the public and by the railroad company or
21 companies respectively and shall apportion the cost of construction and
22 maintenance of such viaduct or subway structure in the proportions found
23 and shall apportion to the city or village and the railroad company or
24 companies respectively such proportion of the cost of construction and
25 maintenance of such viaduct or subway structure as the governing body
26 ~~board~~ shall find the public and railroad company or companies are
27 respectively benefited. Such Said order shall include the governing
28 body's estimate of the cost of the proposed viaduct or subway including
29 the cost of approaches and damages caused to any property by construction
30 thereof. A copy of such said order together with the plans,
31 specifications, and estimates made therein shall be signed by the

1 presiding officer and a majority of the members of the governing said
2 body who concur therein, and filed with the city clerk or village clerk
3 and a copy thereof served on the railroad company or companies, parties
4 thereto. If the governing body shall find that construction of such
5 viaduct or subway is not necessary for public safety, convenience, or
6 welfare or that the cost thereof exceeds the benefits to be derived
7 therefrom, it shall dismiss such complaint said petition.

8 Sec. 57. Section 18-622, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-622 If any railroad company is ~~, party to said proceedings,~~ shall
11 be dissatisfied with an said order issued as provided in section 18-621,
12 such company ~~it~~ may appeal such order therefrom to the district court in
13 the county in which such said city or village is situated. Such appeal
14 shall be perfected by the railroad company filing, with the city clerk or
15 village clerk of such said city or village within ten days after such
16 ~~said order is served upon it,~~ a written notice of its intention to appeal
17 ~~therefrom.~~ Within twenty days after the filing of such notice of appeal,
18 the city clerk or village clerk shall file with the clerk of the district
19 court of such said county a transcript containing the complaint and the
20 order appealed from together with such other documents as may have been
21 filed in such said proceedings. The railroad company appealing shall pay
22 to the city clerk or village clerk the cost of preparing such transcript.
23 Upon such appeal the district court, without jury, shall hear and
24 determine de novo all of the issues determined by the governing body said
25 ~~board~~ except the question of whether or not the construction of such said
26 viaduct or subway is necessary for the public safety, convenience, and
27 welfare. The said court shall hear and determine such an appeal promptly
28 and speedily, and the court's ~~Its~~ decision shall be subject to review
29 by appeal or otherwise as other judgments of the district court are
30 reviewable.

31 Sec. 58. Section 18-623, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-623 The governing body of a ~~any such~~ city or village shall, after
3 agreeing with a ~~such~~ railroad company or companies as provided in section
4 18-618 or after an order, other than one of dismissal, of the governing
5 body, sitting as a board of equalization as provided in sections 18-620
6 to 18-622, at the next general election or at a special election called
7 for the purpose, submit to the electors of the ~~said~~ city or village the
8 question of whether such city or village ~~or city~~ and ~~said~~ railroad
9 company or companies shall construct and maintain a viaduct or subway in
10 accordance with any agreement made or in accordance with the order of the
11 governing body of such city or village, and whether such city or village
12 shall have the power to levy taxes or borrow money and pledge the
13 property and credit of such ~~said~~ city or village upon its negotiable
14 bonds to pay its proportion of all costs connected therewith. The ballot
15 shall contain concise statements, to be prepared by the city attorney or
16 village attorney, of the original ordinance declaring the necessity and,
17 if such viaduct or subway ~~said structure~~ is to be constructed under the
18 provisions of any agreement, a concise statement of the provisions of the
19 agreement or, if it is to be constructed by virtue of an order of the
20 governing body, a concise statement of such ~~said~~ order, and in any
21 instance a statement of the estimated amount of the costs of the
22 construction and maintenance of such viaduct or subway ~~said structure~~,
23 including the cost of acquisition of or damage to property to be borne by
24 such ~~said~~ city or village and the method by which the ~~said~~ share of such
25 costs of such city or village is to be obtained. The city or village may,
26 at its option, proceed with such ~~said~~ election notwithstanding the
27 pendency of any appeal of any railroad company as ~~hereinbefore~~ provided
28 in section 18-622.

29 Sec. 59. Section 18-624, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-624 If a majority of those voting on the proposition of the

1 construction of ~~a said~~ viaduct or subway approve such construction the
2 ~~same~~ by their vote, the governing body of ~~the any such~~ city or village
3 shall have the power to levy taxes, borrow money, and pledge the property
4 and credit of such ~~said~~ city or village upon its negotiable bonds in an
5 amount not exceeding its proportion of the aggregate cost of the
6 construction and maintenance of such viaduct or subway, and to pay for
7 the acquisition of or damage to property by reason of such construction.

8 Sec. 60. Section 18-625, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-625 If the construction of a viaduct or subway is approved by the
11 electors as ~~hereinbefore~~ provided in section 18-624, the governing body
12 of ~~the such~~ city or village shall (1) by resolution approve the detailed
13 plans and specifications for such construction, including a map showing
14 the exact location of such viaduct or subway, (2) by resolution make
15 provision for the assumption of liability, the payment of consequential
16 damages to property owners resulting from such proposed construction, and
17 the payment of damages for property taken therefor, and (3) award and pay
18 damages as provided in sections 76-704 to 76-724.

19 Sec. 61. Section 18-626, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-626 ~~A Such~~ city or village constructing a viaduct or subway as
22 provided in sections 18-617 to 18-636 may appropriate any existing street
23 or highway therefor and may acquire, extend, widen, or enlarge any street
24 or highway for such purpose.

25 Sec. 62. Section 18-627, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-627 When it becomes ~~shall become~~ necessary to appropriate or
28 damage any private property for the construction of ~~a such~~ viaduct or
29 subway as provided in sections 18-617 to 18-636, such appropriation shall
30 be made by resolution. The resolution ~~to be headed Viaduct Resolution~~
31 shall be published once each week for three weeks in a legal ~~daily or~~

1 ~~weekly~~ newspaper published in or of general circulation in such city or
2 village ~~or in general circulation therein~~. The publication shall be
3 sufficient notice to the owners, occupants, and parties interested, and
4 all parties having equitable interest therein. The procedure to condemn
5 property shall be exercised in the manner set forth in sections 76-704 to
6 76-724.

7 Sec. 63. Section 18-633, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-633 When any viaduct or subway construction ~~such~~ project has been
10 agreed to or when the division of costs has been otherwise finally
11 determined and when such proposal has been approved by a vote as provided
12 in sections 18-617 to 18-636 ~~all in the manner heretofore provided~~, the
13 railroad company or companies affected shall within ten days' notice or
14 demand deposit with the city treasurer or village treasurer ~~of the~~
15 ~~governing body~~ the amount of its proportionate share ~~so determined~~. The
16 district court is hereby given jurisdiction upon the application of the
17 governing body of the city or village municipality to compel such deposit
18 by mandamus together with such penalties as may be found and deemed
19 reasonable by the court.

20 Sec. 64. Section 18-634, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 18-634 After a ~~such~~ city or village has made provisions for
23 financing its proportionate share of the costs and has complied with the
24 provisions of sections 18-617 to 18-636, and the provisions of section
25 18-633 have been complied with, such city or village ~~it~~ shall proceed to
26 construct, in accordance with plans and specifications previously
27 approved, the ~~such~~ viaduct or subway, or such city or village is hereby
28 authorized to contract for such construction in accordance with such
29 plans and specifications. Any such contract shall be awarded ~~let~~ as
30 provided by law.

31 Sec. 65. Section 18-635, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-635 Nothing in sections 18-617 to 18-636 shall modify, change, or
3 abrogate any obligation of any railroad company or companies to maintain,
4 reconstruct, or keep in repair any viaduct or subway previously
5 ~~heretofore~~ built or any replacement of such viaduct or subway thereof
6 under any agreement, statute, or ordinance previously in effect.

7 Sec. 66. Section 18-636, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-636 Sections ~~Nothing in sections~~ 18-617 to 18-636 shall be
10 construed ~~to repeal or amend any statute except those statutes~~
11 ~~hereinafter specifically repealed, but shall be construed~~ as independent,
12 supplemental, and in addition to any other laws of the State of Nebraska
13 relating to the elimination of grade crossings, and shall be deemed
14 ~~additional thereto, and as an independent act~~ to provide the entire
15 powers, facilities, and expenditures necessary to accomplish the
16 elimination of grade crossings in the manner provided herein specified.
17 No other provision of law ~~statute~~ shall be effectual as a limitation upon
18 the powers or proceedings ~~herein~~ contained in such sections, but other
19 provisions of law . ~~Other statutes~~ may be relied upon, ~~if need be,~~ to
20 supplement and effectuate the purposes of such sections ~~herein contained~~.

21 Sec. 67. Section 18-1001, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-1001 The Legislature hereby declares the public policy of the
24 State of Nebraska to be that the acquisition of real estate sites for the
25 construction of state armories within the corporate limits of cities or
26 villages for the uses and purposes of the Nebraska National Guard and
27 State Guard is a matter of general state concern and that the use of such
28 ~~said~~ sites is a state use and not a city, village, or local use. One of
29 the corporate purposes of all cities and villages is hereby declared to
30 be to acquire real estate sites within their corporate limits and to
31 convey such sites ~~the same~~ without consideration to the State of Nebraska

1 for the uses and purposes of the Nebraska National Guard and State Guard,
2 as provided in sections 18-1002 to 18-1005. Notwithstanding any more
3 general or special law respecting armories in force and effect in this
4 state, the ~~local~~ governing bodies of cities or villages therein are
5 hereby empowered by ordinance to acquire through the exercise of the
6 right of eminent domain, or otherwise, real estate to be used as a site
7 or sites for the construction of state armories to be devoted to the uses
8 and purposes of the Nebraska National Guard and State Guard and to convey
9 such real estate without consideration, when acquired, to the State of
10 Nebraska to the end that through state aid, ~~or~~ federal aid, or both,
11 state armory buildings may be constructed on such sites ~~thereon~~ without
12 cost to such cities or villages other than the cost to such ~~said~~ cities
13 or villages to acquire and convey such ~~of said~~ real estate ~~so acquired~~
14 ~~and conveyed~~.

15 Sec. 68. Section 18-1002, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1002 Whenever the Nebraska National Guard and State Guard desire
18 any city or village in this state to acquire at the cost of not to exceed
19 ten thousand dollars to such city or village by condemnation, or
20 otherwise, any lot, piece, ~~or~~ parcel of land within the corporate limits
21 of such city or village for a state armory site, the Adjutant General
22 shall notify the city municipal clerk or village clerk of such city or
23 village ~~the local governing body thereof~~ in writing to that effect. The
24 city clerk or village clerk shall present the notice to the ~~local~~
25 governing body at its next regular or special meeting. ~~If ; and, if~~ a
26 majority of the members of the governing body thereof, ~~the vote thereon~~
27 ~~to be recorded by yeas and nays in the minutes of the proceedings of such~~
28 ~~city or village,~~ shall favor the acquisition of such ~~said~~ lot, piece, ~~or~~
29 parcel of land, the governing body as aforesaid, ~~they shall so order such~~
30 acquisition by resolution duly passed and approved and recorded in ~~spread~~
31 ~~at large upon~~ the minutes. The mayor or chairperson ~~chairman~~ of the

1 village board of trustees, as the case may be, shall ~~thereupon~~ designate
2 a committee from the ~~local~~ governing body to negotiate with the owner or
3 owners of such ~~said~~ real estate for the purchase thereof for the purposes
4 and uses provided in this section ~~aforsaid~~. If the committee and the
5 owners are able to agree on the price, value, and title of the land, the
6 committee shall report in writing its agreement with the owners to the
7 ~~local~~ governing body. If the agreement is ratified, approved, and
8 confirmed in all things by the ~~local~~ governing body by a majority vote of
9 its members, by ordinance upon receipt of a deed properly executed,
10 approved as to form and substance by the city attorney or village
11 attorney in writing, from the owner or owners, as grantors to the city or
12 village, as the case may be, as grantee, such ~~said~~ governing body shall
13 direct the issuance through its proper officers of warrants upon the
14 state armory site fund, as authorized by sections 18-1005 and 18-1006.
15 Such warrants so issued shall be drawn payable to the owner or owners of
16 the land.

17 Sec. 69. Section 18-1003, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-1003 If the owner or owners and the committee cannot agree on the
20 price, value, or title of ~~the land~~ as provided in section 18-1002, within
21 a period of negotiation extending not more than ten days from the date of
22 appointment of the committee by the ~~local~~ governing body, the committee
23 shall report the fact of disagreement to the mayor and city council or to
24 the chairperson ~~chairman~~ and village board of trustees, as the case may
25 be. The city clerk or village ~~municipal~~ clerk shall immediately ~~forthwith~~
26 notify in writing the Adjutant General to that effect, whereupon ~~-~~
27 ~~whereupon~~ it shall be the duty of the Attorney General, collaborating
28 with the city attorney or village attorney, to institute proper legal
29 proceedings to acquire the land for state use through the exercise of the
30 power of eminent domain. The procedure to condemn property shall be
31 exercised in the manner set forth in sections 76-704 to 76-724. Payment

1 of the award made or any other necessary costs or expenses incident to
2 the condemnation suit shall be made by the city or village.

3 Sec. 70. Section 18-1004, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-1004 Notwithstanding any more general or special law respecting
6 sale or conveyance of real estate now or hereafter owned by cities and
7 villages in force and effect in this state, the ~~local~~ governing bodies of
8 cities and villages are ~~thereof~~ ~~are~~ hereby empowered by ordinance to
9 direct their proper officers to execute deeds for conveyance of any real
10 estate of such cities or villages without consideration to the State of
11 Nebraska for the construction of state armory buildings on such real
12 estate ~~thereon~~. Such construction shall be made without cost to such
13 cities or villages.

14 Sec. 71. Section 18-1005, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 18-1005 All cities or villages in ~~organized under the laws of the~~
17 State of Nebraska shall have the power and authority to levy a special
18 tax each year of not more than five and two-tenths cents on each one
19 hundred dollars upon the taxable value of all the taxable property in
20 such city or village for the acquisition of real estate by agreement with
21 the owner or owners or by condemnation as provided in sections 18-1002
22 and 18-1003 to be used for state armory sites. Such special levy shall be
23 made by the same ~~local~~ governing body and shall be levied in the same
24 manner as in the case of general city or village taxes. The proceeds of
25 such levy shall ~~inure and~~ be credited to the state armory site fund
26 created by the ~~which the local~~ governing body as provided in section
27 18-1006 ~~is hereby authorized to create and manage~~. Revenue raised by such
28 special levy shall be used only for the purpose of acquiring real estate
29 for a state armory site within the corporate limits of such city or
30 village or in the payment of warrants as authorized by section 18-1006.

31 Sec. 72. Section 18-1006, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-1006 Any city or village may anticipate the collection of a
3 special ~~such~~ tax collected as provided in section 18-1005 to be budgeted
4 and levied in its adopted budget statement and for that purpose may issue
5 its warrants, in a sum amounting to eighty-five percent of the tax to be
6 levied, as provided in section 18-1005 ~~aforsaid~~, for the amount of any
7 award issued in condemnation and for the costs and expenses incident
8 thereto, as provided in section 18-1003. Warrants so issued shall be
9 secured by such tax which shall be assessed and levied, as provided by
10 law, and shall be payable only out of funds derived from such tax. In any
11 case in which warrants are issued, as provided in this section ~~herein~~
12 ~~authorized~~, it shall be the duty of such city or village, on receipt of
13 such tax when paid, to hold the same as a separate fund, to be known as
14 the state armory site fund, to the amount of the warrants so issued, and
15 the interest thereon, for the purpose of paying or redeeming such
16 warrants.

17 Sec. 73. Section 18-1101, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-1101 The mayor and city ~~council~~ of any city or the chairperson
20 ~~chairman~~ and village ~~board~~ of trustees of any village of the State of
21 Nebraska, which has issued valid pledge warrants, revenue bonds, revenue
22 notes, or revenue debentures, which instruments are outstanding and
23 unpaid, may take up and pay off any such outstanding instruments whenever
24 the same can be done by lawful means by the issue and sale, or the issue
25 and exchange therefor, of other pledge warrants, revenue bonds, revenue
26 notes, or revenue debentures. Such instruments shall not be general
27 obligations of such city or village ~~the municipality~~. Any city or village
28 which has issued and has outstanding valid pledge warrants, revenue
29 bonds, revenue notes, or revenue debentures which are unpaid, some of
30 which are secured by the pledge of the revenue and earnings of one public
31 utility and others are secured by the pledge of the revenue and earnings

1 of another public utility, may take up and pay off all such outstanding
2 instruments by the issuance and sale of its combined revenue bonds or
3 revenue notes which may be secured by the pledge of the revenue and
4 earnings of any two or more of such public utilities. Any ~~;~~ ~~such a city~~
5 or village may enter into such a contract or contracts in connection with
6 such instruments ~~therewith~~ as may be proper and necessary.

7 Sec. 74. Section 18-1102, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-1102 Whenever it is desired to issue pledge warrants, revenue
10 bonds, or revenue debentures under section 18-1101, the city council or
11 village board of trustees ~~corporate authorities described therein~~ shall,
12 by resolution recorded ~~entered~~ in the minutes of its ~~their~~ proceedings,
13 provide for the issuance and sale or exchange of the refunding
14 instruments.

15 Sec. 75. Section 18-1201, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1201 All cities and villages in ~~organized under the laws of the~~
18 State of Nebraska may levy a special tax each year of not more than five
19 cents on each one hundred dollars upon the taxable value of all the
20 taxable property in such city or village for the special purposes set
21 forth in this section. Such special levy shall be made by the same
22 officers or board and be levied in the same manner as general city or
23 village taxes. Revenue raised by such a special levy may be used for
24 purchasing and maintaining public safety equipment, including, but not
25 limited to, vehicles or rescue or emergency first-aid equipment for a
26 fire or police department of such city or village, for purchasing real
27 estate for fire or police station quarters or facilities, for erecting,
28 building, altering, or repairing fire or police station quarters or
29 facilities, for purchasing, installing, and equipping an emergency alarm
30 or communication system, or for paying off bonds authorized by section
31 18-1202. Such revenue may be accumulated in a sinking fund or sinking

1 funds to be used for any such purpose.

2 Sec. 76. Section 18-1202, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-1202 Any city or village which has levied or intends to levy a
5 tax as authorized by section 18-1201 for the purposes stated in such
6 section may anticipate the collection of such taxes, including the
7 anticipation of collections from levies to be made in future years, and
8 for such purpose may issue tax anticipation bonds which shall be payable
9 in not exceeding twenty years and may bear interest, payable annually or
10 semiannually, at such rate or rates as the mayor and city council or
11 chairperson and village board of trustees may determine. The total of
12 principal and interest payable on such bonds in any calendar year shall
13 not exceed ninety percent of the anticipated tax collection for such
14 calendar year on the assumption that the taxable valuation for such city
15 or village in all succeeding years shall be the same as the taxable
16 valuation most recently determined prior to passage of the ordinance
17 authorizing such bonds and applying the tax levy made or agreed to be
18 made by the city or village, but not exceeding five cents on each one
19 hundred dollars, and using tax due and delinquency dates in effect at the
20 time of passage of the bond ordinance. The city or village may agree in
21 such bond ordinance to make and to continue to make a levy under section
22 18-1201 until such bonds and interest thereon are fully paid. Such bonds
23 shall be secured by such tax so assessed and levied and shall be payable
24 only out of the funds derived from such tax. It shall be the duty of such
25 city or village on receipt of such taxes to hold the same as a separate
26 fund to the amount of the bonds so issued and the interest thereon for
27 the purpose of paying or redeeming such bonds.

28 Sec. 77. Section 18-1203, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-1203 All ~~incorporated~~ cities and villages within the State of
31 Nebraska are hereby expressly authorized, upon a three-fourths vote of

1 all of the members elected to the city council or village board of
2 trustees, to levy not to exceed two and one-tenth cents on each one
3 hundred dollars upon the taxable value of all the taxable property in
4 such cities or villages each year to establish and maintain a vocal,
5 instrumental, or amusement organization for the purpose of rendering free
6 public concerts, music festivals, and entertainments within such city or
7 village limits for the people of such city or village ~~and locality~~. When
8 such vote has been ~~so~~ made and recorded by the city council or village
9 board of trustees, a tax of not to exceed two and one-tenth cents on each
10 one hundred dollars of the taxable value of all the taxable property of
11 such city or village shall be levied by such city or village, in addition
12 to all other general and special taxes, for the support, maintenance, and
13 necessary expenses of such vocal, instrumental, or amusement
14 organization. Any ~~incorporated~~ city or village may levy each year a tax
15 of not exceeding three and five-tenths cents on each one hundred dollars
16 upon the taxable value of all the taxable property in such municipality
17 for the maintenance of a municipal band or other vocal, instrumental, or
18 amusement organization for the purpose of rendering free public concerts,
19 music festivals, and entertainments when a petition signed by ten percent
20 of the legal voters of such ~~an incorporated~~ city or village, as shown by
21 the last regular municipal election, is filed with the city clerk ~~of the~~
22 ~~city~~ or village clerk and requests the following question to be submitted
23 to the voters of the city or village: Shall a tax of not
24 exceeding cents on each one hundred dollars upon the
25 taxable value of all the taxable property of, Nebraska,
26 be levied each year for the purpose of providing a fund for the
27 maintenance of a municipal band or other vocal, instrumental, or
28 amusement organization for the purpose of rendering free public concerts,
29 music festivals, and entertainments? When such petition is filed, the
30 city council or village board of trustees, ~~council, or city commission~~
31 shall cause the question to be submitted to the voters of the city or

1 village at the next general municipal election, and if a majority of the
2 votes cast at the election favor such proposition, the city council or
3 village board of trustees, ~~council, or city commission~~ shall then levy
4 such tax to maintain such municipal band or other vocal, instrumental, or
5 amusement organization for the purposes enumerated in this section.

6 Sec. 78. Section 18-1204, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-1204 When a petition signed by ten percent of the legal voters of
9 a ~~such incorporated~~ city or village, as shown by the last regular
10 municipal election, is filed with the city clerk ~~of the city~~ or village
11 clerk requesting that the question be submitted to the voters of
12 withdrawing the authority to tax under section 18-1203, the city council
13 or village board of trustees ~~or city council or commissioners~~ shall
14 submit the question of withdrawal at the next general municipal election.
15 The question on the ballot shall be as follows: Shall the power
16 previously ~~heretofore~~ granted in, Nebraska, to levy a tax
17 of cents on each one hundred dollars upon the taxable value
18 of all the taxable property of such city or village for the purpose of
19 providing a fund for the maintenance of a municipal band or other vocal,
20 instrumental, or amusement organization for the purpose of rendering free
21 public concerts, music festivals, and entertainments be withdrawn? If a
22 majority of the votes cast favor such withdrawal, no further levy for the
23 purpose shall thereafter be made until the proposition is again
24 resubmitted to the people. After the proposition for withdrawing the
25 right to tax has carried, no further submission of a proposition to levy
26 the tax shall be made for at least two years.

27 Sec. 79. Section 18-1205, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-1205 When a ~~any incorporated~~ city or village has voted as
30 required by section 18-1203 to establish and maintain a vocal,
31 instrumental, or amusement organization, there shall thereafter be

1 included in the annual estimate of expenses of such ~~the~~ city or village a
2 levy of not to exceed two and one-tenth cents or three and five-tenths
3 cents on each one hundred dollars, as the case may be, upon the taxable
4 value of the taxable property of such city or village for each year for
5 such ~~the~~ purpose. The levy so made shall be included in the appropriation
6 ordinance.

7 Sec. 80. Section 18-1206, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-1206 Every ~~such~~ vocal, instrumental, or amusement organization
10 established under sections 18-1201 to 18-1207 herein contemplated shall
11 be under the instruction and guidance of a leader, who may be nominated
12 in the first instance by the organization or association but whose
13 nomination, term of employment, and compensation shall be subject to the
14 approval of the city council ~~of said city~~ or village board of trustees of
15 the city or village that established the organization of said village.

16 Sec. 81. Section 18-1207, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 18-1207 The city council of each ~~such~~ city, or village board of
19 trustees of each ~~such~~ village, making provision for any vocal,
20 instrumental, or amusement organization as provided in sections 18-1201
21 to 18-1207, shall make and adopt all suitable and necessary rules,
22 regulations, and bylaws concerning the government, organization,
23 expenditures, and other necessary matters pertaining to such
24 organization, and for that purpose shall appoint and designate three
25 members of the city council or village board of trustees as a committee
26 on municipal amusements and entertainments.

27 Sec. 82. Section 18-1215, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-1215 Whenever a municipality has enacted an ordinance creating a
30 special assessment district, it shall be the duty of such municipality to
31 file a copy of such ordinance in the office of the register of deeds of

1 the county in which such municipality is located.

2 Sec. 83. Section 18-1216, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-1216 (1) Any municipality ~~city of the metropolitan, primary,~~
5 ~~first, or second class or any village~~ shall have authority to collect the
6 special assessments which it levies and to perform all other necessary
7 functions related thereto including foreclosure. The governing body of
8 any municipality ~~city or village~~ collecting its own special assessments
9 shall direct that notice that special assessments are due shall be mailed
10 or otherwise delivered to the last-known address of the person against
11 whom such special assessments are assessed or to the lending institution
12 or other party responsible for paying such special assessments. Failure
13 to receive such notice shall not relieve the taxpayer from any liability
14 to pay such special assessments and any interest or penalties accrued
15 thereon.

16 (2) A city of the second class or village collecting its own
17 assessments under this section shall (a) file notice of the assessments
18 and the amount of assessment being levied for each lot or tract of land
19 to the register of deeds of the county in which the municipality is
20 located and (b) file a release of assessment upon final payment of each
21 assessment with the register of deeds. Such register of deeds shall index
22 the assessment against the individual lots and tracts of land and have
23 such information available to the public.

24 Sec. 84. Section 18-1501, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-1501 Any city or village in ~~within~~ the State of Nebraska, ~~is~~
27 ~~hereby~~ authorized to acquire by lease, for a term not to exceed twenty-
28 five years, purchase, condemnation, or otherwise, the necessary land
29 within or without such city or village for the purpose of establishing an
30 aviation field and to erect thereon such buildings and make such
31 improvements, as may be necessary for the purpose of adapting the field

1 to the use of aerial traffic, and may, from time to time, fix and
2 establish a schedule of charges for the use of such field thereof, which
3 charges shall be used in connection with the maintenance and operation of
4 any such field and the activities thereof. The procedure to condemn
5 property shall be exercised in the manner set forth in sections 76-704 to
6 76-724.

7 Sec. 85. Section 18-1502, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-1502 For the purpose of acquiring and improving an aviation field
10 as authorized in section 18-1501, any city or village may issue and sell
11 bonds of such city or village to be designated aviation field bonds to
12 provide the necessary funds for such aviation field ~~therefor~~ in an amount
13 not to exceed seven-tenths of one percent of the taxable valuation of all
14 the taxable property in such city or village. Such bonds shall become due
15 in not to exceed twenty years from the date of issuance and shall draw
16 interest payable semiannually or annually. Such bonds may not be sold for
17 less than par and in no case without the proposition of issuing the same
18 having first been submitted to the legal electors of such city or village
19 at a general or special election held in such city or village ~~therein~~ and
20 a majority of the votes cast upon the question of issuing the bonds being
21 in favor thereof. The authority to sell such bonds shall not be limited
22 by any other ~~or special~~ provision of law ~~found elsewhere outside of~~
23 ~~sections 18-1501 to 18-1509.~~

24 Sec. 86. Section 18-1503, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-1503 For the purpose of acquiring and improving an ~~the~~ aviation
27 field as provided in section 18-1501, ~~a~~ ~~the~~ city or village may, in lieu
28 of issuing and selling bonds, levy an annual tax of not to exceed seven
29 cents on each one hundred dollars upon the taxable value of all the
30 taxable property within the corporate limits of such city or village,
31 which tax shall not be levied or collected until the proposition of

1 levying such tax ~~the same~~ has first been submitted to the legal electors
2 of such city or village at a general or special election held in such
3 city or village ~~therein~~ and the majority of votes cast upon the question
4 of levying such tax are in favor thereof. Such levy shall be authorized
5 for a term not exceeding ten years, and the proposition submitted to the
6 electors shall specify the number of years for which it is proposed to
7 levy such tax. If funds for such purposes are raised by the levy of tax,
8 no part of the funds so accruing shall be used for any other purpose.

9 Sec. 87. Section 18-1504, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-1504 It shall not be necessary, in order for a city or village to
12 acquire the necessary land for an aviation field by lease, to submit the
13 proposition of such acquisition by lease to the legal voters of such city
14 or village.

15 Sec. 88. Section 18-1508, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1508 The governing body ~~legislative body~~ of any city or village
18 shall have power to make and enforce such ordinances, rules, and
19 regulations as shall lawfully be made, for the control and supervision of
20 any airport, landing field, or airdrome acquired, established, or
21 operated by such city or village ~~it~~, and for the control of aircraft and
22 airmen, but such ordinances, rules, and regulations shall not conflict
23 with the rules and regulations for the navigation of aircraft promulgated
24 by the United States Government. This power shall extend to the space
25 above the lands and waters included within the corporate limits of such
26 city or village, and to the space above any airport, landing field, or
27 airdrome outside such ~~its~~ limits.

28 Sec. 89. Section 18-1509, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-1509 The governing body of any city or village, authorized by
31 section 18-1501 to acquire an aviation field, shall have power to lease

1 or dispose of such aviation field ~~the same~~ or any portion thereof when
2 doing so will not damage the public need for such airfield ~~will not~~
3 ~~thereby be injured.~~

4 Sec. 90. Section 18-1701, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-1701 All cities and villages may ~~are empowered~~ to provide for the
7 disposition or destruction of public records when such ~~the~~ records have
8 been determined to be of no further legal, administrative, fiscal, or
9 historical value by the State Records Administrator pursuant to the
10 Records Management Act. This sections 84-1201 to 84-1220; Provided, the
11 ~~provisions of this~~ section shall not apply to the minutes of the city
12 clerk or village clerk, ~~and~~ the permanent ordinance and resolution books,
13 or any other record classified as permanent by the State Records
14 Administrator.

15 Sec. 91. Section 18-1702, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1702 Any city or village, in the State of Nebraska may ~~is~~
18 ~~hereby authorized and empowered~~ to pay from municipal funds the cost of
19 training and the expenses of trainees, designated by its governing body,
20 to attend the Nebraska Law Enforcement Training Center ~~law enforcement~~
21 ~~institute jointly sponsored by the Police Officers Association of~~
22 ~~Nebraska and the Extension Division of the University of Nebraska and~~
23 ~~held periodically at the University of Nebraska at Lincoln, Nebraska.~~

24 Sec. 92. Section 18-1705, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-1705 Whenever any city or village shall need any additional land
27 for the purpose of avoiding a menace to travel by caving, sliding,
28 washing, or otherwise or for the purpose of improving, maintaining, or
29 changing any road, street, alley, or other public highway, such city or
30 village may acquire such needed land or an easement therein by purchase,
31 gift, or eminent domain proceedings. Such land may be so acquired

1 regardless of whether the land ~~it~~ is contiguous or noncontiguous to such
2 road, street, alley, or highway, or within or without the corporate
3 limits of such city or village. In case of eminent domain proceedings,
4 the procedure to condemn property shall be exercised in the manner set
5 forth in sections 76-704 to 76-724.

6 Sec. 93. Section 18-1706, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-1706 Any city or village may by resolution authorize its fire
9 department or police department ~~departments~~ or any portion thereof to
10 provide fire, police, and emergency service outside of the limits of such
11 city or village ~~the municipality~~ either within or without the state.

12 Sec. 94. Section 18-1707, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 18-1707 Any city or village shall have the authority to contract
15 with other political subdivisions, government agencies, public
16 corporations, private persons, or groups for (1) compensation for
17 services rendered by such city or village ~~it~~ or (2) the use of vehicles
18 and equipment of the city or village. Such ~~The~~ services shall be of a
19 type which the city or village is empowered to perform and the vehicles
20 or equipment shall be of a type which the city or village is empowered to
21 use, as otherwise provided by law. Any person performing such ~~the~~
22 services shall have completed any training requirements of his or her
23 profession as required by law. The compensation agreed upon shall be a
24 legal charge and collectible by the entity rendering such services in any
25 court of competent jurisdiction.

26 Sec. 95. Section 18-1708, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-1708 All city or village ~~municipal~~ employees serving outside the
29 corporate limits of the city or village ~~municipality~~ as authorized in
30 sections 18-1706 to 18-1709 shall be considered and held as serving in
31 their regular line of duties as fully as if they were serving within the

1 corporate limits of the city or village which employs them ~~their own~~
2 ~~municipality~~.

3 Sec. 96. Section 18-1709, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-1709 Any city or village ~~Each and every municipality~~ of this
6 state ~~may is hereby authorized and empowered to~~ make arrangements and
7 contracts with any other city or village ~~municipality~~ for the purpose of
8 fire protection and for the use of fire apparatus and emergency vehicles
9 and equipment.

10 Sec. 97. Section 18-1712, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-1712 Any city or village in the State of Nebraska may pay from
13 city or village ~~municipal~~ funds the cost of training and the expenses of
14 such members of the city or village fire department ~~from each fire~~
15 ~~company~~ as designated by the its governing body of the city or village to
16 attend the fire training school ~~jointly~~ sponsored by the ~~Nebraska State~~
17 ~~Volunteer Firefighter's Association,~~ the State Fire Marshal, ~~the Nebraska~~
18 ~~Forest Service Fire Control,~~ a division of the University of Nebraska
19 ~~Institute of Agriculture and Natural Resources,~~ and the Nebraska
20 Emergency Management Agency ~~and held periodically at the state fire~~
21 ~~training school~~.

22 Sec. 98. Section 18-1713, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-1713 Any city or village in the State of Nebraska ~~may shall be~~
25 ~~authorized and empowered to~~ enter into a contract with a fire department
26 of any city of the primary or metropolitan class or city of the primary
27 class that maintains a fire training school for its own firefighters
28 ~~firemen,~~ to train such firefighters ~~firemen~~ as such city or village it
29 might designate and may pay from city or village ~~municipal~~ funds the cost
30 of such training and all of the expenses of such designated trainees
31 during the time that they are undergoing such training.

1 Sec. 99. Section 18-1714, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-1714 Any city or village in the State of Nebraska may ~~is hereby~~
4 ~~authorized to~~ send any person or persons designated by its governing body
5 to attend any fire training school operating within the State of Nebraska
6 and that has been approved as a proper fire department training school
7 for such purposes by the State Fire Marshal and the Nebraska Emergency
8 Management Agency.

9 Sec. 100. Section 18-1716, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-1716 Any regulation of any municipality pertaining to any area
12 outside of its corporate limits shall be subject to any lawful and
13 existing regulation of another municipality pertaining to that same area
14 except as otherwise provided by an agreement entered into pursuant to the
15 Interlocal Cooperation Act or Joint Public Agency Act. However, any area
16 annexed by any municipality shall only be subject to the ordinances of
17 such annexing municipality after such annexation.

18 Sec. 101. Section 18-1718, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 18-1718 Any action or proceeding of any kind or nature, whether
21 legal or equitable, which is brought to contest any annexation of
22 property made ~~after April 29, 1967,~~ by any city or village, shall ~~must~~ be
23 brought within one year from the effective date of such ~~the~~ annexation or
24 such action or proceeding ~~the same~~ shall be forever barred. The period of
25 time prescribed by this section for bringing an action shall not be
26 tolled or extended by nonresidence or disability.

27 Sec. 102. Section 18-1719, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 18-1719 Any city or village may provide for the destruction and
30 removal of specified portions of weeds and worthless vegetation within
31 the right-of-way of all railroads within the corporate limits of ~~any~~ such

1 city or village, and ~~it~~ may require the owner or owners of such right-of-
2 way to destroy and remove the weeds or vegetation from such right-of-way
3 ~~therefrom~~. If such owner or owners fail, neglect, or refuse, after ten
4 days' written notice to remove the weeds or vegetation, such city or
5 village, by its proper officers, shall destroy and remove the weeds or
6 vegetation or cause the weeds or vegetation to be destroyed or removed
7 and shall assess the cost thereof against such property as a special
8 assessment. No city or village shall destroy or remove or otherwise treat
9 such specified portions until after the time has passed in which the
10 railroad company is required to destroy or remove such vegetation.

11 Sec. 103. Section 18-1720, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 18-1720 (1) All cities and villages in this state may ~~are hereby~~
14 ~~granted power and authority~~ by ordinance ~~to~~ define, regulate, suppress,
15 and prevent nuisances, ~~and to~~ declare what constitutes ~~shall constitute~~ a
16 nuisance, and ~~to~~ abate and remove such nuisances ~~the same~~. Every city and
17 village may ~~is authorized to~~ exercise such power and authority within its
18 corporate limits and extraterritorial zoning jurisdiction.

19 (2) Any city or village may enter into an interlocal agreement
20 pursuant to the Interlocal Cooperation Act with a county in which the
21 extraterritorial zoning jurisdiction of the city or village is located to
22 provide for joint and cooperative action to abate, remove, or prevent
23 nuisances within such extraterritorial zoning jurisdiction. The governing
24 body of such city or village and the county board of such county shall
25 first approve such interlocal agreement by ordinance or resolution.

26 Sec. 104. Section 18-1721, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-1721 In order to lessen congestion on the streets and to
29 facilitate adequate provisions for community utilities and facilities
30 such as transportation, any city or village which has a comprehensive
31 zoning ordinance is authorized to require that no building or structure

1 shall be erected or enlarged upon any lot in any zoning district unless
2 the half of the street adjacent to such lot has been dedicated to its
3 comprehensive plan width. The maximum area of land required to be so
4 dedicated shall not exceed twenty-five percent of the area of any such
5 lot and the dedication shall not reduce such a lot below a width of fifty
6 feet or an area of five thousand square feet. Any owner of such a lot may
7 submit an application for a variance and the city or village municipality
8 shall provide a procedure for such application to prevent unreasonable
9 hardship under the facts of each case. The authority granted in this
10 section herein is in addition to the authority of the city or village
11 municipality to require dedication of right-of-way as a condition of
12 subdivision approval.

13 Sec. 105. Section 18-1722.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 18-1722.01 Whenever the governing body of a municipality ~~of the~~
16 ~~metropolitan class~~ has decided by resolution or other ~~a municipality of~~
17 ~~any other class has made a~~ determination that a property is unsafe or
18 unfit for human occupancy because of one or more violations of its
19 minimum standard housing ordinance or has decided by resolution or other
20 determination, ~~whichever is applicable,~~ that a building is unsafe because
21 of one or more violations of its local dangerous building or construction
22 ~~code ordinance~~, it shall be the duty of such municipality to post the
23 property accordingly, and to file a copy of such resolution or other
24 ~~determination or resolution~~ in the office of the register of deeds of the
25 county to be recorded. No fee shall be charged for such recording or for
26 the release of such recording.

27 Sec. 106. Section 18-1723, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-1723 Whenever any firefighter who has served a total of five
30 years as a member of a paid fire department of any city in this state or
31 any police officer of any city or village, including any city having a

1 home rule charter, shall suffer death or disability as a result of
2 hypertension or heart or respiratory defect or disease, there shall be a
3 rebuttable presumption that such death or disability resulted from
4 accident or other cause while in the line of duty for all purposes of the
5 Police Officers Retirement Act, ~~Chapter 15, article 10,~~ sections 15-1012
6 to 15-1027 and 16-1020 to 16-1042, and any firefighter's or police
7 officer's pension plan established pursuant to any home rule charter, the
8 Legislature specifically finding the subject of this section to be a
9 matter of general statewide concern. The rebuttable presumption shall
10 apply to death or disability as a result of hypertension or heart or
11 respiratory defect or disease after the firefighter or police officer
12 separates from his or her applicable employment if the death or
13 disability occurs within three months after such separation. Such
14 rebuttable presumption shall apply in any action or proceeding arising
15 out of death or disability incurred prior to December 25, 1969, and which
16 has not been processed to final administrative or judicial conclusion
17 prior to such date.

18 Sec. 107. Section 18-1724, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 18-1724 Notwithstanding any other provision of law ~~or laws~~
21 ~~heretofore enacted~~, all cities and villages in this state shall have the
22 power by ordinance to define, regulate, suppress, and prevent
23 discrimination on the basis of race, color, creed, religion, ancestry,
24 sex, marital status, national origin, familial status as defined in
25 section 20-311, handicap as defined in section 20-313, age, or disability
26 in employment, public accommodation, and housing and may provide for the
27 enforcement of such ordinances by providing appropriate penalties for the
28 violation thereof. It shall not be an unlawful employment practice to
29 refuse employment based on a policy of not employing both spouses ~~husband~~
30 ~~and wife~~ if such policy is equally applied to both sexes.

31 Sec. 108. Section 18-1729, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-1729 Any ~~incorporated~~ city or village may, by ordinance,
3 establish a violations bureau for the collection of penalties for
4 nonmoving traffic violations within such city or village. Such violations
5 shall not be subject to prosecution in the courts except when payment of
6 the penalty is not made within the time prescribed by ordinance. When
7 payment is not made within such time, the violations may be prosecuted in
8 the same manner as other ordinance violations.

9 Sec. 109. Section 18-1741.03, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 18-1741.03 To ensure ~~insure~~ uniformity, the Supreme Court may
12 prescribe the form of the handicapped parking citation to be used for
13 handicapped parking infractions. The handicapped parking citation shall
14 include a description of the handicapped parking infraction, the time and
15 place at which the person cited is to appear, a warning that failure to
16 appear in accordance with the command of the citation is a punishable
17 offense, and such other matter as the Supreme Court deems appropriate,
18 but shall not include a place for the cited person's social security
19 number. The handicapped parking citation shall provide space for an
20 affidavit by a peace officer certifying that the recipient of the
21 citation is the lawful possessor in his or her own right of a handicapped
22 or disabled parking permit and that the peace officer has personally
23 viewed the permit. The Supreme Court may provide that a copy of the
24 handicapped parking citation constitutes the complaint filed in the trial
25 court.

26 Sec. 110. Section 18-1743, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-1743 Any city or village which requires that a building permit be
29 issued for the erection, alteration, or repair of any building within its
30 corporate limits or extraterritorial zoning jurisdiction shall, if the
31 improvement is two thousand five hundred dollars or more, issue a

1 duplicate of such permit to the county assessor.

2 Sec. 111. Section 18-1748, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-1748 (1) Any city or village may require the owner of any
5 property which is within such city or village and connected to the public
6 sewers or drains to repair or replace any connection line which serves
7 the owner's property and is broken, clogged, or otherwise in need of
8 repair or replacement. The property owner's duty to repair or replace
9 such a connection line shall include those portions upon the owner's
10 property and those portions upon public property or easements up to and
11 including the point of junction with the public main.

12 (2) Any city or village may require the owner of property served by
13 a driveway approach constructed or maintained upon the street right-of-
14 way to repair or replace any such driveway approach which is cracked,
15 broken, or otherwise deteriorated to the extent that it is causing or is
16 likely to cause damage to or interfere with any street structure
17 including pavement or sidewalks.

18 (3) The city or village shall give the property owner notice by
19 registered letter or certified mail, directed to the last-known address
20 of such owner or the agent of such owner, directing the repair or
21 replacement of such connection line or driveway approach. If within
22 thirty days of mailing such notice the property owner fails or neglects
23 to cause such repairs or replacements to be made, the city or village may
24 cause such work to be done and assess the cost upon the property served
25 by such connection or approach.

26 Sec. 112. Section 18-1750, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-1750 (1) Municipalities may issue notes up to seventy percent of
29 the unexpended balance of total anticipated receipts for the current year
30 and the following year. Total anticipated receipts for the current year
31 and the following year shall mean a sum equal to the anticipated receipts

1 from the current existing total levy multiplied by two.

2 (2) Municipalities may execute and deliver in evidence of such
3 anticipated receipts thereof their promissory notes, which they may are
4 ~~hereby authorized and empowered~~ to make and negotiate, bearing a rate of
5 interest set by the city council or village board of trustees and
6 maturing not more than two years from the date thereof. Such notes,
7 before they are negotiated, shall be presented to the city treasurer or
8 village treasurer ~~of the municipality~~ and registered by him or her and
9 shall be payable out of the funds collected by such municipality in the
10 order of their registration after the payment of prior registered
11 warrants, but prior to the payment of any warrant subsequently
12 registered, except that if both warrants and notes are registered, the
13 total of such registered notes and warrants shall not exceed one hundred
14 percent of the unexpended balance of the total anticipated receipts of
15 such municipality for the current year and the following year. For the
16 purpose of making such calculation, such total anticipated receipts shall
17 not include any anticipated receipts against which the municipality has
18 issued notes pursuant to this section in either the current or the
19 immediately preceding year.

20 (3) ~~(2)~~ In addition to the provisions of subsections ~~subsection~~ (1)
21 and (2) of this section, municipalities may accept interest-free or low-
22 interest loans from the federal government and may execute and deliver in
23 evidence thereof their promissory notes maturing not more than twenty
24 years from the date of execution.

25 Sec. 113. Section 18-1751, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 18-1751 All cities and villages may create a special improvement
28 district for the purpose of replacing, reconstructing, or repairing an
29 existing street, alley, water line, or sewer line, or any other such
30 improvement. Except as provided in sections 19-2428 to 19-2431, the city
31 council or village board of trustees may levy a special assessment, to

1 the extent of such special benefits, for the costs of such improvements
2 upon the properties found specially benefited thereby, whether or not
3 such properties were previously assessed for the same general purpose. In
4 creating such special improvement district, the city council or village
5 board of trustees shall follow procedures applicable to the creation and
6 assessment of the same type of improvement district as otherwise provided
7 by law.

8 Sec. 114. Section 18-1752, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-1752 (1) Any city or village may provide for the collection and
11 removal of garbage or refuse found upon any lot or land within its
12 corporate limits or extraterritorial zoning jurisdiction or upon the
13 streets, roads, or alleys abutting such lot or land which constitutes a
14 public nuisance. The city or village may require the owner, duly
15 authorized agent, or tenant of such lot or land to remove the garbage or
16 refuse from such lot, ~~or~~ land, ~~and~~ streets, roads, or alleys.

17 (2) Notice that removal of garbage or refuse is necessary shall be
18 given to each owner or owner's duly authorized agent and to the tenant if
19 any. Such notice shall be provided by personal service or by certified
20 mail. After providing such notice, the city or village ~~through its proper~~
21 ~~offices~~ shall, in addition to other proper remedies, remove the garbage
22 or refuse, or cause it to be removed, from such lot, ~~or~~ land, ~~and~~
23 streets, roads, or alleys.

24 (3) If the mayor or city manager of such city or chairperson of the
25 village board of trustees of such village declares that the accumulation
26 of such garbage or refuse upon any lot or land constitutes an immediate
27 nuisance and hazard to public health and safety, the city or village
28 shall remove the garbage or refuse, or cause it to be removed, from such
29 lot or land within forty-eight hours after notice by personal service or
30 following receipt of a certified letter in accordance with subsection (2)
31 of this section if such garbage or refuse has not been removed.

1 (4) Whenever any city or village removes any garbage or refuse, or
2 causes it to be removed, from any lot or land pursuant to this section,
3 such city or village ~~it~~ shall, after a hearing conducted by the city
4 council or village board of trustees ~~its governing board~~, assess the cost
5 of the removal against such lot or land.

6 Sec. 115. Section 18-1754, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-1754 The Tax Commissioner shall review the report of the annexing
9 city or village issued pursuant to section 18-1753 and its calculations
10 as to the new population of the city or village as the result of the
11 annexation. The Tax Commissioner ~~He or she~~ shall determine if the
12 methodology employed in determining such calculations has been made in
13 conformity with section 18-1753 and shall, within sixty days of his or
14 her receipt of a complete report from the annexing city or village,
15 certify the total new population of the city or village following the
16 annexation. The Tax Commissioner shall adopt and promulgate rules and
17 regulations to carry out this section and section 18-1753.

18 Sec. 116. Section 18-1755, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 18-1755 A city ~~of the metropolitan, primary, first, or second class~~
21 or village acquiring an interest in real property by purchase or eminent
22 domain shall do so only after the governing body of such city or village
23 has authorized the acquisition by action taken in a public meeting after
24 notice and public hearing. The city or village shall provide to the
25 public a right of access for recreational use to the real property
26 acquired for public recreational purposes. Such access shall be at
27 designated access points and shall be equal to the right of access for
28 recreational use held by adjacent landowners. The right of access granted
29 to the public for recreational use shall meet or exceed such right held
30 by a private landowner adjacent to the real property.

31 Sec. 117. Section 18-1757, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-1757 (1) The fire chief or head official of the fire department,
3 fire inspectors as may be designated by such fire chief or head official,
4 or inspectors charged with the enforcement of fire, health, ~~or~~ safety,
5 and building or construction codes and constructional technical codes of
6 a city of the metropolitan ~~first~~ class, city of the primary class, or
7 city of the first ~~metropolitan~~ class shall have the authority, after
8 being trained by a certified law enforcement officer in the policies and
9 procedures for issuance of citations, to issue citations for violations
10 of fire, health, ~~and~~ safety, and building or construction codes and
11 constructional technical codes (a) that constitute infractions or
12 violations of city ordinances, (b) that are violations of the fire,
13 health, ~~or~~ safety, or building or construction code or constructional
14 ~~technical~~ code that the official or inspector issuing the citation is
15 charged with enforcing, and (c) in which the circumstances do not pose a
16 danger to the official or inspector.

17 (2) If a city of the second class or village has adopted and is
18 enforcing a fire, health, safety, or building or construction
19 ~~constructional technical~~ code, the fire chief or head official of the
20 fire department, fire inspectors designated by such fire chief or head
21 official, or such inspectors charged with the enforcement of the fire,
22 health, safety, or building or construction ~~constructional technical~~ code
23 shall have the authority, after being trained by a certified law
24 enforcement officer in the policies and procedures for issuance of
25 citations, to issue citations for violations of fire, health, safety, or
26 building or construction ~~constructional technical~~ codes (a) that
27 constitute infractions or violations of city or village ordinances, (b)
28 that are violations of the fire, health, safety, or building or
29 construction ~~constructional technical~~ code that the official or inspector
30 issuing the citation is charged with enforcing, and (c) where the
31 circumstances do not pose a danger to the official or inspector.

1 (3) A citation issued under this section shall be equivalent to and
2 have the same legal effect as a citation issued in lieu of arrest or
3 continued custody by a peace officer if the citation and procedures
4 utilized meet the requirements of sections 29-422 to 29-429. The citation
5 shall be on the same form prescribed under section 29-423. Failure to
6 appear or comply with a citation issued under this section shall be
7 punishable in the same manner as provided in section 29-426. An official
8 or inspector issuing a citation under this section shall not have
9 authority to take a person into custody or detain a person under this
10 section or section 29-427.

11 Sec. 118. Section 18-1801, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 18-1801 Whenever any city or village is authorized to issue bonds
14 that would constitute a general obligation of the city or village and
15 such ~~the~~ city or village has taken all preliminary steps required for the
16 issuance of two or more issuances of such bonds, except the enactment of
17 an ordinance or resolution prescribing the form of such bonds thereof,
18 the city or village may combine all such proposed bonds into a single
19 issue in the total amount of the aggregate of the proposed separate
20 issues and issue and sell such bonds at not less than par. The bonds
21 shall be known as Various Purpose Bonds of the City (or Village)
22 of

23 Sec. 119. Section 18-1802, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-1802 Any ~~The~~ various purpose bonds issued under section 18-1801
26 shall be authorized by an ordinance enacted by a majority vote of the
27 governing body of the city or village. The ordinance shall state the
28 various proposed bonds and the amount of each proposed issue which have
29 been combined in the various purpose bonds. The various purpose bonds may
30 mature and bear interest as the governing body may determine but the
31 amount of each proposed separate issue included therein shall mature and

1 bear interest within the maturity and interest limitations which would be
2 applicable to such separate issue as if it were issued independently. The
3 proceeds received from the sale of such bonds shall be allocated and
4 applied to the same purposes as the proceeds of the separate bond issues
5 would have been applied if issued. All money collected from special
6 assessments or other special funds which might have been applied on the
7 payment of any bonds if issued separately shall be kept in a special
8 account and used to pay the principal and interest on the various purpose
9 bonds of the city or village.

10 Sec. 120. Section 18-1803, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-1803 Any city or village shall have the power to issue revenue
13 bonds for the purpose of acquiring, constructing, reconstructing,
14 improving, extending, equipping, or furnishing any revenue-producing
15 facility within or without its corporate limits that the city or village
16 ~~municipality~~ has power to acquire, construct, reconstruct, extend, equip,
17 improve, or operate and for any purpose necessary or incidental to any
18 such purpose of the foregoing and for the purpose of refunding any such
19 bonds and for the purpose of refunding general obligation bonds of the
20 city or village issued to construct part or all of such revenue-producing
21 facilities including refunding any general obligation bonds which may
22 have been issued to refund any bonds issued to construct part or all of
23 such revenue-producing facilities. Cities of the primary class may also
24 issue revenue bonds for any public purpose in connection with or related
25 to any such revenue-producing facility. For the purposes of sections
26 18-1803 to 18-1805, bonds shall mean and include bonds, notes, warrants,
27 or debentures, including notes issued pending permanent revenue bond
28 financing. For the purposes of sections 18-1803 to 18-1805, facility
29 means and includes, but is not shall mean and include, but not be limited
30 to, all or part of a revenue-producing undertaking, such as a health care
31 facility, waterworks plant, water system, sanitary sewer system, sewage

1 disposal plant, gas plant, electric light and power plant, electric
2 distribution system, or airport facility, including an ownership interest
3 in any such undertaking, or any combination of two or more such
4 undertakings or an interest or interests therein.

5 Sec. 121. Section 18-1804, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-1804 General provisions relating to the form, sale, issuance, and
8 other matters concerning revenue bonds issued by municipalities shall be
9 as follows:

10 (1) The form, denominations, and other features of such bond issues
11 shall be as prescribed by the governing body in the ordinance authorizing
12 the issuance of such bonds. The official designated shall be responsible
13 for the sale and issuance of such bonds, for their delivery, for promptly
14 and properly depositing the proceeds from such bonds ~~therefrom~~, and for
15 other ministerial acts relating to bonds;

16 (2) Revenue bonds shall be issued for such terms as the ordinance
17 authorizing such bonds ~~them~~ shall prescribe but shall not mature later
18 than fifty years after the date of issuance thereof and may be issued
19 with or without an option of redemption as shall be determined by the
20 governing body;

21 (3) Revenue bonds shall be sold for such price, bear interest at
22 such rate or rates, and be payable as to principal and interest at such
23 time or times and at such place or places within or without the state as
24 shall be determined by the governing body;

25 (4) Any ordinance authorizing revenue bonds may contain such
26 covenants and provisions to protect and safeguard the security of the
27 holders of such bonds as shall be deemed necessary to assure the prompt
28 payment of the principal thereof and the interest thereon. Such covenants
29 and provisions may establish or provide for, but shall not be limited to,
30 (a) the payment of interest on such bonds from the proceeds thereof for
31 such period as the governing body deems advisable, the creation of

1 reserve funds from bond proceeds, revenue of the facility for or with
2 respect to which the bonds were issued or other available money, the
3 creation of trust funds, and the appointment of trustees for the purpose
4 of receiving and disbursing bond proceeds or the collection and
5 disbursement of revenue from the facility for or with respect to which
6 the bonds were issued, (b) ÷ the limitations or conditions upon the
7 issuance of additional bonds payable from the revenue of the facility for
8 or with respect to which the bonds were issued, (c) ÷ the operation,
9 maintenance, management, accounting, and auditing procedures to be
10 followed in the operation of the facility, ÷ and (d) the conditions under
11 which any trustee or bondholders committee shall be entitled to the
12 appointment of a receiver to take possession of the facility, to manage
13 it, and to receive and apply revenue from the facility;

14 (5) The provisions of this section and any ordinances authorizing
15 the issuance of revenue bonds pursuant to this section shall constitute a
16 contract of the municipality with every holder of such bonds and shall be
17 enforceable by any bondholder by mandamus or other appropriate action at
18 law or in equity in any court of competent jurisdiction;

19 (6) Bonds issued pursuant to this section shall not be a debt of the
20 municipality within the meaning of any constitutional, statutory, or
21 charter limitation upon the creation of general obligation indebtedness
22 of the municipality, and the municipality shall not be liable for the
23 payment of such bonds ~~thereof~~ out of any money of the municipality other
24 than the revenue pledged to the payment thereof, and all bonds issued
25 pursuant to this section shall contain a recital to that effect. The
26 holders of all revenue bonds shall have a lien on the revenue of the
27 facility for or with respect to which they are issued subject to
28 conditions provided in the ordinance authorizing the issuance of such
29 bonds;

30 (7) Whenever the governing body shall have issued any revenue bonds,
31 the governing body ~~it~~ shall establish, maintain, revise, and collect

1 charges and rates throughout the life of the bonds at least sufficient to
2 provide for all costs associated with the ownership, operation,
3 maintenance, renewal, and replacement of the facility for or with respect
4 to which the bonds were issued and ~~,~~ the payment of the principal and
5 interest on all indebtedness incurred with respect thereto and to provide
6 adequate reserves therefor, to maintain such coverage for the payment of
7 such indebtedness as the governing body may deem advisable, to maintain
8 such other reserves as provided in the ordinances authorizing the
9 issuance of such bonds, and to carry out the provisions of such
10 ordinances; and

11 (8) Bonds issued pursuant to this section ~~Such bonds~~ shall be signed
12 by the mayor or chairperson of the village board of trustees and
13 countersigned by the official designated. Signatures upon such bonds and
14 coupons shall be in such form as the governing body may prescribe in the
15 bond ordinance concerned. At least one manual signature shall be affixed
16 to each bond, but other required signatures may be affixed as facsimile
17 signatures. The use on bonds and coupons of a printed facsimile of the
18 municipal seal is also authorized.

19 Sec. 122. Section 18-1902, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 18-1902 The plumbing board shall organize by selecting one member as
22 chairperson. The plumbing inspector shall be the secretary of the board.
23 It shall be the duty of the secretary to keep full, true, and correct
24 minutes and records of all licenses issued by the plumbing board ~~it~~,
25 together with their kinds and dates, and the names of the persons to whom
26 issued, in books to be provided by such city or village for that purpose,
27 which books and records shall be open for free inspection by all persons
28 during business hours.

29 Sec. 123. Section 18-1905, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-1905 The assistant inspectors shall receive a salary in an amount

1 to be determined by the city council or village chairman and board of
2 trustees. The members of the plumbing board, not ex officio members,
3 shall be paid an amount to be determined by the city council or village
4 ~~chairman~~ and board of trustees. No meeting of the plumbing board shall be
5 held at any time, except on the call of the chairperson ~~chairman~~ of such
6 board. All salaries shall be paid out of the general fund of the city or
7 village, where the plumbing board is located, the same as other city or
8 village officers are paid. Vouchers for the same shall be duly certified
9 by the chairperson ~~chairman~~ and secretary of such plumbing board to the
10 city council, city manager, or village chairman and board of trustees.

11 Sec. 124. Section 18-1907, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 18-1907 Any person desiring to do any plumbing, or to work at the
14 business of plumbing, in any ~~such~~ city or village which has established a
15 plumbing board, shall make written application to the plumbing board for
16 examination for a license, which examination shall be made at the next
17 meeting of the plumbing board, or at an adjourned meeting. ~~If the~~
18 ~~applicant is an individual, the application shall include the applicant's~~
19 ~~social security number.~~ The plumbing board shall examine the applicant as
20 to his or her practical knowledge of plumbing, house drainage,
21 ventilation, and sanitation, which examination shall be practical as well
22 as theoretical, ~~÷~~ and if the applicant has shown himself or herself
23 competent, the plumbing board shall cause its chairperson and secretary
24 to execute and deliver to the applicant a license authorizing him or her
25 to do plumbing in such city or village and also within the area of
26 extraterritorial ~~the zoning jurisdiction outside the corporate limits~~ of
27 cities of the metropolitan class.

28 Sec. 125. Section 18-1909, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-1909 All original and renewal plumbing licenses shall be good for
31 one year or two years from the date of issuance as determined by the

1 plumbing board, except that any license may be revoked or suspended by
2 the plumbing board at any time upon a hearing upon sufficient written,
3 sworn charges filed with the plumbing board showing the holder of the
4 license to be incompetent or guilty of a willful breach of the rules,
5 regulations, or requirements of the plumbing board or of the laws or
6 ordinances relating thereto or of other causes sufficient for the
7 revocation or suspension of his or her license, of which charges and
8 hearing the holder of such license shall have written notice.

9 Sec. 126. Section 18-1910, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-1910 It shall be unlawful for any person to do any plumbing in
12 any ~~such~~ city or village, or within the area of extraterritorial ~~the~~
13 zoning jurisdiction ~~outside the corporate limits~~ of cities of the
14 metropolitan class, which has established a plumbing board unless the
15 person ~~he~~ holds a proper license. It shall be unlawful for any person to
16 make any connection to water mains extended from within and beyond the
17 extraterritorial zoning jurisdiction of a city of the metropolitan class
18 which has established a plumbing board, unless the person ~~he~~ complies
19 with the applicable plumbing codes of the city of the metropolitan class
20 ~~city~~ and holds a proper license as required by such city. ~~The thereby;~~
21 ~~Provided, that the~~ requirements of this section shall not apply to
22 employees of the water utility of such city or village acting within the
23 scope of their employment.

24 Sec. 127. Section 18-1912, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-1912 The city or village plumbing inspector shall inspect all
27 plumbing work in process of construction, alteration, or repair within
28 the inspector's ~~his~~ respective jurisdiction, and for which a permit
29 either has or has not been granted, and shall report to the plumbing ~~said~~
30 board all violations of any law, or ordinance, or rule or regulation of
31 the plumbing board, in connection with the plumbing work being done, and

1 ~~also~~ shall perform such other appropriate duties as may be required of
2 such inspector ~~him~~ by the plumbing ~~said~~ board. If necessary, the mayor,
3 by the consent of the city council, the city manager, or the chairperson
4 of the village ~~chairman~~ and board of trustees, shall employ one or more
5 assistant inspectors, who shall be ~~practical~~ licensed plumbers, to assist
6 in the performance of the duties of the plumbing inspector.

7 Sec. 128. Section 18-1913, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-1913 The plumbing inspector shall be required to stop any
10 plumbing work not being done in accordance with the requirements of the
11 rules and regulations of the plumbing board. ~~The ; and the~~ plumbing board
12 shall have the power to cause plumbing to be removed, if, after notice to
13 the owner or plumber doing the work, the plumbing board shall find the
14 work or any part thereof to be defective.

15 Sec. 129. Section 18-1915, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1915 The State of Nebraska shall permit cities and villages to
18 collect permit fees and inspect all sanitary plumbing installed or
19 repaired, except for a single-family dwelling or a farm or ranch
20 structure, within the State of Nebraska outside of the corporate limits
21 or extraterritorial zoning jurisdiction of cities and villages. The city
22 or village nearest the construction site shall have jurisdiction to
23 collect such permit fees and conduct the inspection of the sanitary
24 plumbing. If such ~~the~~ city or village has a plumbing ordinance in force
25 and effect, such ordinance will govern the installation of the sanitary
26 plumbing. If there is no plumbing city ordinance in effect for such city
27 or village, the 2009 Uniform Plumbing Code accredited by the American
28 National Standards Institute shall apply to all buildings except single-
29 family dwellings and farm and ranch structures.

30 ~~Any code or ordinance enacted by a city or village which is at least~~
31 ~~equal to the 2009 Uniform Plumbing Code accredited by the American~~

1 ~~National Standards Institute shall take preference over the provisions of~~
2 ~~the immediately preceding sentence.~~

3 Sec. 130. Section 18-1919, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-1919 Nothing in sections 18-1915 to 18-1919 shall be construed to
6 require an employee working for a single employer as part of such
7 employer's full-time staff and not holding himself or herself out to the
8 public for hire to hold a license while acting within the scope of his
9 employment for such employer.

10 Sec. 131. Section 18-2003, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-2003 In order to defray the costs and expenses of the
13 improvements authorized by sections 18-2001 and 18-2002, the mayor and
14 city council or chairperson ~~chairman~~ and village board of trustees, as
15 the case may be, may levy and collect special taxes and assessments upon
16 the lots and parcels of real estate adjacent to or abutting upon the
17 portion of the street or alley ~~thus~~ improved, or which may be specially
18 benefited by such improvements, notwithstanding that such lots and
19 parcels ~~the same~~ may be unplatted and not subdivided. The ~~;~~ ~~and the~~
20 method of levying, equalizing, and collecting such special assessments,
21 and generally financing such improvements by bond issues and other means,
22 shall be as provided by law for paving and street improvements in such
23 city or village ~~municipality~~. For the purpose of paying the cost of
24 street improvements as provided in section 18-2001, the mayor and city
25 council or chairperson ~~chairman~~ and village board of trustees, as the
26 case may be, shall have the power, after the improvements have been
27 completed and accepted, to issue negotiable bonds of such city or village
28 to be called Paving Bonds, payable in not exceeding fifteen years and
29 bearing interest payable annually or semiannually, which may be sold by
30 the city or village for not less than the par value of such bonds
31 ~~thereof~~. For the purpose of making partial payments as the work

1 progresses, warrants bearing interest may be issued by the city council
2 or village board of trustees governing body of the city or village upon
3 certificates of the engineer in charge showing the amount of work
4 completed and materials necessarily purchased and delivered for the
5 orderly and proper continuation of the project, in a sum not exceeding
6 ninety-five percent of the cost thereof until the work has been completed
7 and accepted by the city or village, at which time a warrant for the
8 balance of the amount may be issued, which warrants shall be redeemed and
9 paid upon the sale of the bonds or from any other funds available. The
10 city or village shall pay to the contractor interest at the rate of eight
11 percent per annum on the amounts due on partial and final payments
12 beginning forty-five days after the certification of the amounts due by
13 the engineer in charge and approval by the city council or village board
14 of trustees governing body, and running until the date that the warrant
15 is tendered to the contractor. All special assessments which may be
16 levied upon property specially benefited by such work or improvements
17 shall, when collected, be set aside and constitute a sinking fund for the
18 payment of the interest and principal of such bonds. There shall be
19 levied annually upon all taxable property in such city or village a tax
20 which, together with such sinking fund derived from special assessments,
21 shall be sufficient to meet payments of interest and principal as the
22 same become due.

23 Sec. 132. Section 18-2004, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-2004 Nothing in sections 18-2001 to 18-2004 shall be construed to
26 repeal or amend any statutes except those hereinafter specifically
27 repealed, and sections 18-2001 to 18-2004 shall be supplemental to and in
28 addition to any other laws of the State of Nebraska related to street
29 improvements construed as an independent and complete act. Other statutes
30 may be relied upon, if need be, to supplement and effectuate the purposes
31 of sections 18-2001 to 18-2004.

1 Sec. 133. Section 18-2005, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-2005 The city council ~~governing body~~ of any city shall have
4 concurrent and joint jurisdiction with the county board of any county and
5 the governing body of any other municipality over any street which is
6 contiguous to and forms a common boundary between such city and ~~any~~
7 county or municipality. The city council ~~governing body~~ of such any city
8 shall have the right and authority to exercise all powers over such
9 street as it may over streets within its corporate limits with the
10 cooperation and concurrence of the county board or the governing body of
11 any other municipality. Nothing in this section ~~herein~~ shall be construed
12 as granting any power of annexation which is not otherwise granted by
13 law.

14 Sec. 134. Section 18-2123, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 18-2123 Upon a determination, by resolution, of the governing body
17 of the city in which such land is located, that the acquisition and
18 development of undeveloped vacant land, not within a substandard and ~~or~~
19 blighted area, is essential to the proper clearance or redevelopment of
20 substandard and ~~or~~ blighted areas or a necessary part of the general
21 community redevelopment program of the city, or that the acquisition and
22 development of land outside the city, but within a radius of three miles
23 thereof, is necessary or convenient to the proper clearance or
24 redevelopment of one or more substandard and ~~or~~ blighted areas within the
25 city or is a necessary adjunct to the general community redevelopment
26 program of the city, the acquisition, planning, and preparation for
27 development or disposal of such land shall constitute a redevelopment
28 project which may be undertaken by the authority in the manner provided
29 in the Community Development Law ~~foregoing sections~~.

30 Sec. 135. Section 18-2124, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-2124 An authority may issue bonds from time to time in its
2 discretion for any of its corporate purposes, including the payment of
3 principal and interest upon any advances for surveys and plans for
4 redevelopment projects. An authority may also issue refunding bonds for
5 the purpose of paying, retiring, or otherwise refinancing or in exchange
6 for any or all of the principal or interest upon bonds previously issued
7 by the authority. An authority may issue such types of bonds as it may
8 determine, including, without limiting the generality of the foregoing,
9 bonds on which the principal and interest are payable: (1) Exclusively
10 from the income, proceeds, and revenue of the redevelopment project
11 financed with proceeds of such bonds; (2) exclusively from the income,
12 proceeds, and revenue of any of its redevelopment projects whether or not
13 they are financed in whole or in part with the proceeds of such bonds;
14 (3) exclusively from its revenue and income, including any special
15 assessment levied pursuant to section 18-1722 and such tax revenue or
16 receipts as may be ~~herein~~ authorized under the Community Development Law,
17 including those which may be pledged under section 18-2150, and from such
18 grants and loans as may be received; or (4) from all or part of the
19 income, proceeds, and revenue enumerated in subdivisions (1), (2), and
20 (3) of this section. Any such bonds may be additionally secured by a
21 pledge of any loan, grant, or contributions, or parts thereof, from the
22 federal government or other source or a mortgage of any redevelopment
23 project or projects of the authority. The authority shall not pledge the
24 credit or taxing power of the state or any political subdivision thereof,
25 except such tax receipts as may be authorized under this section or
26 pledged under section 18-2150, or place any lien or encumbrance on any
27 property owned by the state, county, or city used by the authority.

28 Sec. 136. Section 18-2131, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-2131 An authority ~~may will have power~~ by its resolution, trust
31 indenture, mortgage, lease, or other instrument ~~contract~~ to confer upon

1 any obligee holding or representing a specified amount in bonds, the
2 right, in addition to all rights that may otherwise be conferred, upon
3 the happening of an event of default as defined in such resolution or
4 instruments, by suit, action, or proceeding in any court of competent
5 jurisdiction: (1) To cause possession of any redevelopment project or any
6 part thereof, title to which is in the authority, to be surrendered to
7 any such obligee; (2) to obtain the appointment of a receiver of any
8 redevelopment project of such ~~said~~ authority or any part thereof, title
9 to which is in the authority, and of the rents and profits therefrom. If
10 such receiver be appointed, the receiver ~~he~~ may enter and take possession
11 of, carry out, operate, and maintain such project or any part thereof and
12 collect and receive all fees, rents, revenue, or other charges thereafter
13 arising from such project ~~therefrom~~, and shall keep such money in a
14 separate account or accounts and apply the same in accordance with the
15 obligations of such ~~said~~ authority as the court shall direct; and (3) to
16 require the authority and the members, officers, agents, and employees
17 thereof to account as if it and they were the trustees of an express
18 trust.

19 Sec. 137. Section 18-2133, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 18-2133 An obligee of an authority shall have the right in addition
22 to all other rights which may be conferred upon such obligee, subject
23 only to any contractual restrictions binding upon such obligee:

24 (1) By mandamus, suit, action, or proceeding at law or in equity to
25 compel such ~~said~~ authority and the members, officers, agents, or
26 employees thereof to perform each and every term, provision, and covenant
27 contained in any contract of such ~~said~~ authority with or for the benefit
28 of such obligee, and to require the carrying out of any or all such
29 covenants and agreements to the authority and the fulfillment of all
30 duties imposed upon the authority by the Community Development Law; and

31 (2) By suit, action, or proceeding in equity to enjoin any acts or

1 things which may be unlawful, or the violation of any of the rights of
2 such obligee of the authority.

3 Sec. 138. Section 18-2135, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-2135 In any contract for financial assistance with the federal
6 government, an ~~the~~ authority may obligate itself, which obligation shall
7 be specifically enforceable and shall not constitute a mortgage,
8 notwithstanding any other laws, to convey to the federal government
9 possession of or title to a ~~the~~ redevelopment project and land therein to
10 which such contract relates which is owned by the authority, upon the
11 occurrence of a substantial default, as defined in such contract, with
12 respect to the covenants or conditions to which the authority is subject.
13 Such ~~;/ such~~ contract may further provide that in case of such conveyance,
14 the federal government may complete, operate, manage, lease, convey, or
15 otherwise deal with the redevelopment project in accordance with the
16 terms of such contract, if ~~;/ Provided, that~~ the contract requires that,
17 as soon as practicable after the federal government is satisfied that all
18 defaults with respect to the redevelopment project have been cured and
19 that the redevelopment project will thereafter be operated in accordance
20 with the terms of the contract, the federal government shall reconvey to
21 the authority the redevelopment project as then constituted.

22 Sec. 139. Section 18-2136, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-2136 All property including funds of an authority shall be exempt
25 from levy and sale by virtue of an execution, and no execution or other
26 judicial process shall issue against such property ~~the same~~ nor shall
27 judgment against an authority be a charge or lien upon its property.
28 The ~~;/ Provided, that~~ the provisions of this section shall not apply to or
29 limit the right of obligees to foreclose or otherwise enforce any
30 mortgage of an authority or the right of obligees to pursue any remedies
31 for the enforcement of any pledge or lien given by an authority on its

1 rents, fees, grants, or revenue.

2 Sec. 140. Section 18-2201, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-2201 The Legislature hereby finds and declares that the ~~The~~
5 furnishing of community antenna television service is ~~hereby declared to~~
6 ~~be~~ a business affected with such a public interest that it must be
7 regulated locally. All municipalities in Nebraska are hereby authorized
8 and empowered, by ordinance, to regulate, ~~to~~ prohibit, and ~~to~~ consent to
9 the construction, installation, operation, and maintenance within their
10 corporate limits of all persons or entities furnishing community antenna
11 television service. All municipalities, acting through the mayor and city
12 council or village board of trustees, shall have power to require every
13 individual or entity offering such service, subject to reasonable rules
14 and regulations, to furnish any person applying therefor along the lines
15 of its wires, cables, or other conduits, with television and radio
16 service. The mayor and city council or village board of trustees shall
17 have power to prescribe reasonable quality standards for such service and
18 shall regulate rate increases so as to provide reasonable and
19 compensatory rents or rates for such service including installation
20 charges. In the regulation of rate increases the procedure provided in
21 section 18-2206 shall be used in any franchise granted or renewed after
22 May 23, 1979. Such person or entity furnishing community antenna
23 television service shall be required to carry all broadcast signals as
24 prescribed by franchise and permitted to be carried by Federal
25 Communications Commission regulations during the full period of the
26 broadcast day of its stations.

27 Sec. 141. Section 18-2202, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-2202 It shall be unlawful for any person, firm, or corporation to
30 construct, install, operate, or maintain in or along the streets, alleys,
31 and public ways, or elsewhere within the corporate limits of any

1 municipality, a community antenna television service without first
2 obtaining, from such municipality involved, a franchise authorizing the
3 community antenna television service. The same; and the governing bodies
4 of such municipalities are hereby authorized to grant such a franchise
5 and such franchise shall be effective and binding without submission to
6 the electors and approval by a majority vote thereof, notwithstanding any
7 other law or home rule charter, for a term of not to exceed twenty-five
8 years upon such reasonable conditions as the circumstances may require.

9 Sec. 142. Section 18-2203, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-2203 Municipalities may by ordinance require the filing with the
12 city clerk or village clerk by the person, firm, or corporation
13 constructing, installing, operating, or maintaining ~~such~~ community
14 antenna television service of a proper map showing the exact location of
15 all underground cables and equipment, together with a statement showing
16 the exact nature of such cables and equipment ~~the same~~.

17 Sec. 143. Section 18-2204, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-2204 Municipalities may, by appropriate ordinance, levy an annual
20 occupation tax against any person, firm, or corporation ~~now~~ maintaining
21 and operating any community antenna television service within its
22 boundaries; and may levy an annual occupation tax against any persons,
23 firms, or corporations ~~hereafter~~ constructing, installing, operating, or
24 maintaining ~~such~~ community antenna television service. Any such
25 occupation tax so levied shall be due and payable on May 1 of each year
26 to the city treasurer or village treasurer ~~of such city or village~~.

27 Sec. 144. Section 18-2206, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-2206 (1) Approval of a rate increase for a person or entity
30 furnishing community antenna television service shall be required and
31 shall be made by the city council or village board of trustees which

1 granted the franchise to such person or entity. Such approval shall be
2 made by ordinance or resolution.

3 (2) Prior to voting on a rate increase the city council or village
4 board of trustees shall hold at least two public meetings at which the
5 ratepayers and the franchisee may comment on the programming content and
6 rates of such franchisee.

7 (3) At least thirty days prior to the first public meeting held to
8 examine programming content and rates, each ratepayer or subscriber shall
9 be notified by a billing statement or other written notice when and where
10 such public meeting shall be held. Such notice shall also provide
11 information as to what rates are proposed by the franchisee for
12 consideration by the city council or village board of trustees.

13 Sec. 145. Section 18-2301, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-2301 For purposes of ~~As used in~~ sections 18-2301 to 18-2315,
16 unless the context otherwise requires:

17 (1) Air conditioning air distribution means ~~shall mean~~ the control
18 of any one or more of the following factors affecting both physical and
19 chemical conditions of the atmosphere within a structure: Temperature,
20 humidity, movement and purity;

21 (2) Furnace means ~~shall mean~~ a self-contained, flue-connected or
22 vented, appliance intended primarily to supply heated air through ducts
23 to spaces remote from or adjacent to the appliance location as well as to
24 the space in which it is located;

25 (3) Contractor means ~~shall mean~~ a holder of a valid certificate of
26 competency for air conditioning air distribution;

27 (4) Ventilating system means ~~shall mean~~ each process of removing air
28 by natural gravity exhauster or mechanical exhaust fan from any space;
29 and

30 (5) Kitchen exhaust system means ~~shall mean~~ a duct system or air
31 passageway for removal of kitchen air contaminates by mechanical means.

1 Sec. 146. Section 18-2302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-2302 In any city or village, there may be a board for the
4 examination of air conditioning air distribution contractors for the
5 issuance of certificates of competency and for such other duties and
6 responsibilities as may be prescribed by sections 18-2301 to 18-2315.
7 Such board shall consist of not more than five members all of whom shall
8 be appointed by the mayor, the chairperson ~~chairman~~ of the village board
9 of trustees, or the city manager with the approval of the city council or
10 village board of trustees. All vacancies occurring on the air
11 conditioning air distribution board by reason of death, disability, or
12 inability of a member to serve shall be filled in the same manner as the
13 original appointment. The qualifications for members of the air
14 conditioning air distribution board may be prescribed by the city council
15 or ~~in the case of a village, by the~~ board of trustees.

16 Sec. 147. Section 18-2303, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 18-2303 Members of ~~The persons who compose~~ the air conditioning air
19 distribution board shall, within ten days after their appointments, meet
20 in their respective city or village building or place designated by the
21 city council, city manager, or village ~~chairman~~ and board of trustees and
22 organize by the selection of one of their members as chairperson
23 ~~chairman~~, one as vice-chairperson ~~vice-chairman~~, and one as secretary. It
24 shall be the duty of the secretary to keep full, true, and correct
25 minutes and records of all meetings, applications for examinations,
26 examinations given and results thereof, and certificates issued, which
27 records shall be open for free inspection by all persons during business
28 hours.

29 Sec. 148. Section 18-2304, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-2304 The appointment of the air conditioning air distribution

1 board shall be for staggered terms of three years as provided by the city
2 council or village board of trustees ~~of the respective city or village~~
3 with the appointments to be made in December of each year. Compensation
4 shall be determined by the city council or village ~~chairman and~~ board of
5 trustees.

6 Sec. 149. Section 18-2305, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-2305 The air conditioning air distribution board shall meet at
9 least once a month at a fixed time as determined by the city council or
10 village ~~chairman and~~ board of trustees. The board shall adopt rules for
11 the examination at such times and places of all persons who desire a
12 certificate of competency to engage in the business of designing,
13 installing, altering, repairing, cleaning, or adding to any air
14 conditioning air distribution system, furnace, restaurant appliance hood
15 and duct system, or other exhaust or intake ventilating system within the
16 city or village and also within the area of extraterritorial zoning
17 jurisdiction ~~outside the corporate limits~~ of cities of the metropolitan
18 class.

19 Sec. 150. Section 18-2306, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-2306 The air conditioning air distribution board, subject to the
22 approval of the city council or village board of trustees, may adopt
23 rules and regulations, not inconsistent with the laws of the state or the
24 ordinances of the city or village, for the designing, installing,
25 altering, inspecting, or repairing of an air conditioning air
26 distribution and ventilating system placed in or in connection with any
27 building in such city or village or within the area of extraterritorial
28 zoning jurisdiction ~~outside the corporate limits~~ of cities of the
29 metropolitan class describing the kind and size of materials to be used
30 in such systems and the manner in which such work shall be done. All
31 plans and specifications for any such system to be placed in a building

1 shall be first submitted to the board or other body designated by the
2 city council or village chairman ~~and~~ board of trustees for its approval
3 before such system ~~it~~ shall be installed.

4 Sec. 151. Section 18-2307, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-2307 (1) Any person desiring to engage in business as an air
7 conditioning air distribution contractor in a city or village which has
8 established an air conditioning air distribution board or within the
9 extraterritorial area ~~of zoning jurisdiction outside the corporate limits~~
10 of cities of the metropolitan class if such city ~~it~~ has such a board,
11 shall secure a certificate of competency. Any ~~;~~ ~~and~~ any person desiring
12 to engage in the business, or to proceed to install, alter, repair,
13 clean, or add to or change in any manner any air conditioning air
14 distribution system or any furnace, restaurant appliance hood and duct
15 system, or other exhaust or intake ventilating system within such city or
16 village or within the extraterritorial area ~~of zoning jurisdiction~~
17 ~~outside the corporate limits~~ of cities of the metropolitan class shall be
18 the holder of a certificate of competency or in the direct employ of a
19 person, firm, or corporation holding such certificate.

20 (2) The air conditioning air distribution board shall, upon written
21 application, examine the applicant at its next meeting or at an adjourned
22 meeting as to his or her practical and theoretical knowledge of the
23 designing and installing of residential, commercial, and industrial air
24 conditioning air distribution and ventilating systems and, if found
25 competent, deliver to the applicant a certificate of competency. ~~If the~~
26 ~~applicant is an individual, the application for a certificate of~~
27 ~~competency shall include the applicant's social security number.~~

28 Sec. 152. Section 18-2308, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-2308 Nothing contained in sections 18-2301 to 18-2315 shall be
31 construed to prohibit a homeowner from personally performing air

1 conditioning air distribution work on the property in which the homeowner
2 ~~he~~ resides, and the homeowner ~~he~~ will not be required to have a
3 certificate of competency to do such work, but the work must conform to
4 the rules and regulations set forth by the city council or village
5 ~~chairman~~ and board of trustees for such work as provided by the
6 ~~provisions of~~ sections 18-2301 to 18-2315.

7 Sec. 153. Section 18-2309, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-2309 All applicants who have successfully passed an the
10 examination may, prior to receiving a certificate of competency, be
11 required by the air conditioning air distribution board to furnish a
12 corporate surety bond in the penal sum of not more than ten thousand
13 dollars conditioned that the applicant shall, in all material furnished
14 by the applicant ~~him furnished~~ and in all work performed by the applicant
15 ~~him done~~ and performed within the city or village or within the
16 extraterritorial area of zoning jurisdiction ~~outside the corporate limits~~
17 of cities of the metropolitan class, in installing, altering, and
18 repairing any air conditioning air distribution system or ventilating
19 system, strictly comply with all regulations of the air conditioning air
20 distribution board and ordinances of the city or village related thereto.

21 Sec. 154. Section 18-2310, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-2310 All original certificates of competency may be renewed and
24 all renewed certificates of competency may be renewed by the air
25 conditioning air distribution board before the dates of their expiration.
26 Such renewal certificates shall be granted without a reexamination upon
27 the written application of the certificate holder filed with the board
28 and showing that the certificate holder's ~~his~~ purposes and condition
29 remain unchanged unless it is made to appear by affidavit before the
30 board that the certificate holder is no longer competent or entitled to
31 such renewal certificate, in which event the renewal certificate shall

1 not be granted until the applicant has undergone the examination required
2 by section 18-2307.

3 Sec. 155. Section 18-2311, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 18-2311 All original and renewal certificates shall be good for one
6 year from their dates, but any certificate may be revoked by the air
7 conditioning air distribution board at any time after a hearing upon
8 sufficient notice after sworn charges are filed with the board showing
9 the holder of the certificate to be then incompetent, guilty of willful
10 breach of the rules, regulations, or requirements of the board, or of the
11 laws or ordinances relating thereto, or of other causes sufficient for
12 the revocation of the certificate as determined by the city council or
13 village chairman and board of trustees of each city or village of which
14 charges and hearing the holder of such certificate shall have written
15 notice.

16 Sec. 156. Section 18-2312, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 18-2312 It shall be unlawful for any person to engage in business as
19 an air conditioning air distribution contractor or to engage in the
20 business of installing, altering, repairing, cleaning, adding to, or
21 changing in any manner any air conditioning air distribution system or
22 any furnace, any restaurant appliance hood or its duct system, or any
23 other exhaust or intake ventilating system within a city or village
24 having an air conditioning air distribution board or within the
25 extraterritorial area of zoning jurisdiction ~~outside the corporate limits~~
26 of cities of the metropolitan class having such a board unless such
27 person ~~he~~ holds a certificate or is employed by a person, firm, or
28 corporation holding such a certificate.

29 Sec. 157. Section 18-2313, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-2313 Fees for the original certificates, renewal certificates,

1 and permits shall be fixed by the city council or village chairman and
2 board of trustees of each city or village having an air conditioning air
3 distribution board. The fee for the original or renewal certificate shall
4 in no event be more than fifty dollars.

5 Sec. 158. Section 18-2314, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-2314 Any city or village having an air conditioning air
8 distribution board shall be authorized to employ inspectors who shall
9 inspect all parts of any air conditioning air distribution system or
10 ventilating or exhaust system in process of construction, alteration, or
11 repair within the respective jurisdiction of such city or village. Any
12 such system found not to comply with the regulations of the air
13 conditioning air distribution board or ordinances of the city or village
14 shall be reported to the board and if not corrected in accordance with
15 requirements of the rules and regulations of the board and ordinances of
16 the city or village shall be removed, if, after notice to the owner or
17 contractor or certificate holder doing the work, the board shall find the
18 work or any part of such work thereof to be defective or not in
19 compliance with such rules and regulations or ordinances.

20 Sec. 159. Section 18-2315, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 18-2315 Any person violating ~~any of the provisions of~~ sections
23 18-2301 to 18-2315 or ~~of~~ any rules or regulations adopted or ordinances
24 passed pursuant to such sections ~~lawful ordinance~~ shall be deemed guilty
25 of a misdemeanor and shall, upon conviction thereof, be fined not more
26 than five hundred dollars, or be imprisoned not more than six months, or
27 be both so fined and imprisoned, and as a part of such punishment such
28 person's ~~their~~ license may be revoked.

29 Sec. 160. Section 18-2402, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-2402 The Legislature hereby finds and declares (1) It is

1 ~~declared~~ that cooperative action by municipalities ~~cities and villages~~ of
2 this state in the fields of the supplying, treatment, and distribution of
3 water, the generation, transmission, and distribution of electric power
4 and energy, and the collection, treatment, and disposal of sewerage and
5 solid waste is in the public interest; (2) that there is a need in order
6 to insure the stability and continued viability of such systems to
7 provide for a means by which municipalities may cooperate with one
8 another in the financing, acquisition, and operation of such facilities
9 and interests therein and rights thereto in all ways possible; (3) that
10 the creation of agencies through which the municipalities of this state
11 may act cooperatively is in the best interest of this state and the
12 inhabitants thereof and is for a public use and public purpose; and (4)
13 that the necessity in the public interest for the provisions included in
14 the Municipal Cooperative Financing Act sections 18-2401 to 18-2485 is
15 declared as a matter of legislative determination. It is further declared
16 that the intent of the act sections 18-2401 to 18-2485 is to replace
17 competition between participating municipalities in connection with the
18 projects described in the act sections 18-2401 to 18-2485 by allowing
19 such municipalities to combine and cooperate in connection with the
20 acquisition, construction, operation, financing, and all other functions
21 authorized by the act sections 18-2401 to 18-2485 with respect to such
22 projects.

23 Sec. 161. Section 18-2409, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 18-2409 Governing body shall mean the city council in the case of a
26 city, the village board of trustees in the case of a village, the
27 equivalent body in the case of a municipality incorporated under the laws
28 of another state, and the board in the case of an agency primarily
29 comprised of municipalities.

30 Sec. 162. Section 18-2443, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-2443 Prior to advertisement for sealed bids, plans and
2 specifications for the proposed work or materials shall be prepared and
3 filed at the principal office or place of business of the agency. Such
4 advertisement shall be made in three issues, not less than seven days
5 between issues, in one or more legal newspapers in or of general
6 circulation in the municipality or county where the principal office or
7 place of business of the agency is located, ~~or if no newspaper is so~~
8 ~~published then in a newspaper qualified to carry legal notices having~~
9 ~~general circulation therein,~~ and in such additional newspapers or trade
10 or technical periodicals as may be selected by the board in order to give
11 proper notice of the receiving of bids. Such advertisement shall
12 designate the nature of the work proposed to be done or materials
13 proposed to be purchased and , that the plans and specifications therefor
14 may be inspected at the office of the agency, giving the location
15 thereof, and shall designate the time within which bids shall be filed,
16 and the date, hour, and place such bids ~~the same~~ shall be opened.

17 Sec. 163. Section 18-2476, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-2476 The board may provide for the publication of any resolution
20 or other proceeding adopted by it pursuant to the Municipal Cooperative
21 Financing Act sections 18-2401 to 18-2485, in a legal newspaper published
22 in or of general circulation ~~published~~ in the municipality or county
23 where the principal office or place of business of the agency is located,
24 ~~or if no newspaper is so published, then in a newspaper qualified to~~
25 ~~carry legal notices having general circulation therein.~~

26 Sec. 164. Section 18-2501, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-2501 (1) Sections 18-2501 to 18-2538 and section 166 of this act
29 shall be known and may be cited as the Municipal Initiative and
30 Referendum Act.

31 (2) ~~(1)~~ The powers of initiative and referendum are hereby reserved

1 to the qualified electors of each municipality ~~municipal subdivision~~ in
2 the state. The Municipal Initiative and Referendum Act Sections 18-2501
3 ~~to 18-2537~~ shall govern the use of initiative to enact, and the use of
4 referendum to amend or repeal measures affecting the governance of all
5 municipalities ~~municipal subdivisions~~ in the state, except those
6 operating under home rule charter and as specified in section 18-2537.

7 (3) (2) Cities operating under home rule charter shall provide, by
8 charter provision or ordinance, for the exercise of the powers of
9 initiative and referendum within such ~~the~~ cities. Nothing in the
10 Municipal Initiative and Referendum Act sections 18-2501 to 18-2537 shall
11 be construed to prevent such cities from adopting any or all of the
12 provisions of the act sections 18-2501 to 18-2537.

13 Sec. 165. Section 18-2502, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-2502 For purposes of the Municipal Initiative and Referendum Act
16 ~~sections 18-2501 to 18-2538~~, the definitions in sections 18-2503 to
17 18-2511 and section 166 of this act, unless the context otherwise
18 requires, shall apply.

19 Sec. 166. Chief executive officer means the mayor, the city
20 manager, or the chairperson of the board of trustees of a municipality.

21 Sec. 167. Section 18-2504, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-2504 City clerk means ~~shall mean~~ the city clerk, or village
24 clerk, or other ~~the~~ municipal official in charge of elections.

25 Sec. 168. Section 18-2505, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-2505 Governing body means ~~shall mean~~ the city council or village
28 board of trustees legislative authority of any municipality ~~municipal~~
29 ~~subdivision~~ subject to the Municipal Initiative and Referendum Act
30 ~~sections 18-2501 to 18-2537~~.

31 Sec. 169. Section 18-2506, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-2506 Measure means an ordinance, charter provision, or resolution
3 which is within the legislative authority of the governing body of a
4 municipality ~~municipal subdivision~~ to pass and which is not excluded from
5 the operation of referendum by the exceptions in section 18-2528. Measure
6 does not include any action permitted by the Nebraska Advantage
7 Transformational Tourism and Redevelopment Act.

8 Sec. 170. Section 18-2507, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 18-2507 Municipality means ~~Municipal subdivision shall mean~~ all
11 cities and villages, not operating under home rule charters, ~~of~~
12 ~~metropolitan, primary, first, and second classes~~, including those
13 functioning under the commission and city manager plans of government,
14 ~~and villages.~~

15 Sec. 171. Section 18-2518, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-2518 (1) Signed petitions shall be filed with the city clerk for
18 signature verification. Upon the filing of a petition, a municipality
19 ~~city~~, upon passage of a resolution by the governing body of such
20 municipality ~~city~~, and the county clerk or election commissioner of the
21 county in which such municipality ~~city~~ is located may by mutual agreement
22 provide that the county clerk or election commissioner shall ascertain
23 whether the petition is signed by the requisite number of voters. The
24 municipality ~~city~~ shall reimburse the county for any costs incurred by
25 the county clerk or election commissioner. When the verifying official
26 has determined that one hundred percent of the necessary signatures
27 required by the Municipal Initiative and Referendum Act ~~sections 18-2501~~
28 ~~to 18-2537~~ have been obtained, he or she shall notify the ~~municipal~~
29 ~~subdivision's~~ governing body of the municipality of that fact, and shall
30 immediately forward to the governing body a copy of the petition.

31 (2) In order for an initiative or referendum proposal to be

1 submitted to the governing body and the voters, the necessary signatures
2 shall be on file with the city clerk within six months from the date the
3 prospective petition was authorized for circulation. If the necessary
4 signatures are not obtained by such date, the petition shall be void.

5 Sec. 172. Section 18-2520, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-2520 (1) Except as provided in subsection (2) of this section,
8 the chief executive officer and governing body of a municipality
9 ~~municipal subdivision~~ may at any time, by resolution, provide for the
10 submission to a direct vote of the electors of any measure pending before
11 it, passed by it, including an override of any veto, if necessary, or
12 enacted by the electors under the Municipal Initiative and Referendum Act
13 ~~sections 18-2501 to 18-2538~~ and may provide in such resolution that such
14 measure shall be submitted at a special election or the next regularly
15 scheduled primary or general election. Immediately upon the passage of
16 any such resolution for submission, the city clerk shall cause such
17 measure to be submitted to a direct vote of the electors, at the time
18 specified in such resolution and in the manner provided in the Municipal
19 Initiative and Referendum Act ~~sections 18-2501 to 18-2538~~ for submission
20 of measures upon proposals and petitions filed by voters. Such matter
21 shall become law if approved by a majority of the votes cast.

22 (2) The chief executive officer and governing body of a municipality
23 ~~municipal subdivision~~ shall not submit to a direct vote of the electors
24 the question of whether the municipality ~~municipal subdivision~~ should
25 initiate proceedings for the condemnation of a natural gas system.

26 Sec. 173. Section 18-2521, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-2521 Elections under the Municipal Initiative and Referendum Act
29 ~~sections 18-2501 to 18-2538~~, either at a special election or regularly
30 scheduled primary or general election, shall be called by the city clerk.
31 Any special election to be conducted by the election commissioner or

1 county clerk shall be subject to section 32-405.

2 The city clerk shall cause notice of every such election to be
3 printed in one or more legal newspapers in or of general circulation in
4 such municipality ~~municipal subdivision~~ at least once not less than
5 thirty days prior to such election and also posted in the office of the
6 city clerk and in at least three conspicuous places in such municipality
7 ~~municipal subdivision~~ at least thirty days prior to such election. ~~The~~
8 ~~notice shall be substantially as follows:~~

9 Notice ~~is hereby given that on Tuesday, the~~ day
10 of 20....., at (identify polling place or precinct) of the
11 city (or village) of, Nebraska, an election will
12 be held at which there will be submitted to the electors of the
13 municipality for their approval or rejection, the following measures,
14 propositions, _____ or
15 issues:
16 (naming
17 measures, propositions, or issues), which election will be open at 8 a.m.
18 and will continue open until 8 p.m., of the same day.

19 Dated this day of 20.....
20

21 City (or Village) Clerk of the City (or Village) of
22, Nebraska.

23 The city clerk shall make available for photocopying a copy in
24 pamphlet form of measures initiated or referred. Such notice provided in
25 this section shall designate where such a copy in pamphlet form may be
26 obtained.

27 Sec. 174. Section 18-2522, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 18-2522 All ballots for use in special elections under the Municipal
30 Initiative and Referendum Act ~~sections 18-2501 to 18-2538~~ shall be
31 prepared by the city clerk and furnished by the governing body, unless

1 the governing body contracts with the county for such service, and shall
2 be in form the same as provided by law for election of the chief
3 executive officer and governing body of such municipality ~~municipal~~
4 ~~subdivision~~. When ordinances under the Municipal Initiative and
5 Referendum Act ~~such sections~~ are submitted to the electors at a regularly
6 scheduled primary or general election, they shall be placed upon the
7 official ballots as provided in the Municipal Initiative and Referendum
8 Act ~~sections 18-2501 to 18-2538~~.

9 Sec. 175. Section 18-2523, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-2523 (1) The power of initiative allows citizens the right to
12 enact measures affecting the governance of each municipality ~~municipal~~
13 ~~subdivision~~ in the state. An initiative proposal shall not have as its
14 primary or sole purpose the repeal or modification of existing law except
15 if such repeal or modification is ancillary to and necessary for the
16 adoption and effective operation of the initiative measure.

17 (2) An initiative shall not be effective if the direct or indirect
18 effect of the passage of such initiative measure shall be to repeal or
19 alter an existing law, or portion thereof, which is not subject to
20 referendum or subject only to limited referendum pursuant to section
21 18-2528.

22 (3) The power of initiative shall extend to a measure to provide for
23 the condemnation of an investor-owned natural gas system by a
24 municipality ~~municipal subdivision~~ when the condemnation would, if
25 initiated by the governing body of the municipality ~~municipal~~
26 ~~subdivision~~, be governed by the provisions of the Municipal Natural Gas
27 System Condemnation Act.

28 (4) An initiative measure to provide for the condemnation of an
29 investor-owned natural gas system by a municipality ~~municipal subdivision~~
30 shall be a measure to require the municipality ~~municipal subdivision~~ to
31 initiate and pursue condemnation proceedings subject to the provisions of

1 the Municipal Natural Gas System Condemnation Act.

2 Sec. 176. Section 18-2524, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-2524 Whenever an initiative petition bearing signatures equal in
5 number to at least fifteen percent of the qualified electors of a
6 municipality ~~municipal subdivision~~ has been filed with the city clerk and
7 verified pursuant to section 18-2518, it shall be the duty of the
8 ~~municipal subdivision's~~ governing body of such municipality to consider
9 passage of the measure contained in the petition, including an override
10 of any veto, if necessary. If the governing body fails to pass the
11 measure without amendment, including an override of any veto, if
12 necessary, within thirty days from the date it received notification
13 pursuant to section 18-2518, the city clerk shall cause the measure to be
14 submitted to a vote of the people at the next regularly scheduled primary
15 or general election held within the municipality ~~municipal subdivision~~.
16 If the governing body desires to submit the measure to a vote of the
17 people at a special election prior to the next regularly scheduled
18 primary or general election held within the municipality ~~municipal~~
19 ~~subdivision~~, the governing body shall, by resolution, direct the city
20 clerk to cause the measure to be submitted at a special election. Such
21 resolution shall not be subject to referendum or limited referendum.

22 Sec. 177. Section 18-2525, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 18-2525 Whenever an initiative petition bearing signatures equal in
25 number to at least twenty percent of the qualified electors of a
26 municipality ~~municipal subdivision~~, which petition requests that a
27 special election be called to submit the initiative measure to a vote of
28 the people, has been filed with the city clerk and verified pursuant to
29 section 18-2518, it shall be the duty of the ~~municipal subdivision's~~
30 governing body of such municipality to consider passage of the measure
31 contained in the petition, including an override of any veto, if

1 necessary. If the governing body fails to pass the measure, without
2 amendment, including an override of any veto, if necessary, within thirty
3 days from the date it received notification pursuant to section 18-2518,
4 the city clerk shall cause the measure to be submitted to a vote of the
5 people at a special election called for such purpose. Subject to the
6 provisions of section 18-2521, the date of such election shall be set
7 during the first available month that complies with sections 32-405 and
8 32-559 not be less than thirty nor more than sixty days from the date the
9 governing body received notification pursuant to section 18-2518.

10 Sec. 178. Section 18-2526, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 18-2526 If a majority of the voters voting on an ~~the~~ initiative
13 measure pursuant to the Municipal Initiative and Referendum Act shall
14 vote in favor of such measure, it shall become a valid and binding
15 measure of the municipality ~~municipal subdivision~~ thirty days after
16 certification of the election results, unless the governing body by
17 resolution orders an earlier effective date or the measure itself
18 provides for a later effective date, which resolution shall not be
19 subject to referendum or limited referendum. A measure passed by such
20 method shall not be amended or repealed except by two-thirds majority of
21 the members of the governing body. No such attempt to amend or repeal
22 shall be made within one year from the passage of the measure by the
23 electors.

24 Sec. 179. Section 18-2527, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 18-2527 The power of referendum allows citizens the right to repeal
27 or amend existing measures, or portions thereof, affecting the governance
28 of each municipality ~~municipal subdivision~~ in the state.

29 Sec. 180. Section 18-2528, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-2528 (1) The following measures shall not be subject to

1 referendum or limited referendum:

2 (a) Measures necessary to carry out contractual obligations,
3 including, but not limited to, those relating to the issuance of or
4 provided for in bonds, notes, warrants, or other evidences of
5 indebtedness, for projects previously approved by a measure which was, or
6 is, subject to referendum or limited referendum or previously approved by
7 a measure adopted prior to July 17, 1982;

8 (b) Measures relating to any industrial development projects,
9 subsequent to measures giving initial approval to such projects;

10 (c) Measures adopting proposed budget statements following
11 compliance with procedures set forth in the Nebraska Budget Act;

12 (d) Measures relating to the immediate preservation of the public
13 peace, health, or safety which have been designated as urgent measures by
14 unanimous vote of those present and voting of the ~~municipal subdivision's~~
15 governing body of the municipality and approved by its chief executive
16 officer;

17 (e) Measures relating to projects for which notice has been given as
18 provided for in subsection (4) of this section and for which a sufficient
19 referendum petition was not filed within the time limit stated in such
20 notice or which received voter approval after the filing of such
21 petition;

22 (f) Resolutions directing the city clerk to cause measures to be
23 submitted to a vote of the people at a special election as provided in
24 sections 18-2524 and 18-2529;

25 (g) Resolutions ordering an earlier effective date for measures
26 enacted by initiative as provided in section 18-2526;

27 (h) Measures relating to any facility or system adopted or enacted
28 pursuant to the Integrated Solid Waste Management Act by municipalities
29 and which are necessary to carry out contractual obligations provided for
30 in previously issued bonds, notes, warrants, or other evidence of
31 indebtedness;

1 (i) Measures that amend, supplement, change, modify, or repeal a
2 zoning regulation, restriction, or boundary and are subject to protest as
3 provided in section 14-405 or 19-905;

4 (j) Measures relating to personnel issues, including, but not
5 limited to, establishment, modification, or elimination of any personnel
6 position, policy, salary, or benefit and any hiring, promotion, demotion,
7 or termination of personnel; and

8 (k) Measures relating to matters subject to the provisions of the
9 Municipal Natural Gas System Condemnation Act.

10 (2) The following measures shall be subject to limited referendum:

11 (a) Measures in furtherance of a policy of the municipality
12 ~~municipal subdivision~~ or relating to projects previously approved by a
13 measure which was subject to referendum or which was enacted by
14 initiative or has been approved by the voters at an election, except that
15 such measures shall not be subject to referendum or limited referendum
16 for a period of one year after any such policy or project was approved at
17 a referendum election, enacted by initiative, or approved by the voters
18 at an election;

19 (b) Measures relating to the acquisition, construction,
20 installation, improvement, or enlargement, including the financing or
21 refinancing of the costs, of public ways, public property, utility
22 systems, and other capital projects and measures giving initial approval
23 for industrial development projects;

24 (c) Measures setting utility system rates and charges, except for
25 measures necessary to carry out contractual obligations provided for in
26 previously issued bonds, notes, warrants, or other evidences of
27 indebtedness, and pay rates and salaries for municipal ~~subdivision~~
28 employees other than the members of the governing body and the chief
29 executive officer; and

30 (d) Measures relating to any facility or system adopted or enacted
31 pursuant to the Integrated Solid Waste Management Act by municipalities

1 except for measures necessary to carry out contractual obligations
2 provided for in previously issued bonds, notes, warrants, or other
3 evidence of indebtedness.

4 (3) Measures subject to limited referendum shall ordinarily take
5 effect thirty days after their passage by the governing body, including
6 an override of any veto, if necessary. Referendum petitions directed at
7 measures subject to limited referendum shall be filed for signature
8 verification pursuant to section 18-2518 within thirty days after such
9 measure's passage by the governing body, including an override of any
10 veto, if necessary, or after notice is first published pursuant to
11 subdivision (4)(c) of this section. If the necessary number of signatures
12 as provided in section 18-2529 or 18-2530 has been obtained within the
13 time limitation, the effectiveness of the measure shall be suspended
14 unless approved by the voters.

15 (4) For any measure relating to the acquisition, construction,
16 installation, improvement, or enlargement of public ways, public
17 property, utility systems, or other capital projects or any measure
18 relating to any facility or system adopted or enacted pursuant to the
19 Integrated Solid Waste Management Act, a municipality may exempt all
20 subsequent measures relating to the same project from the referendum and
21 limited referendum procedures provided for in the Municipal Initiative
22 and Referendum Act ~~sections 18-2501 to 18-2537~~ by the following
23 procedure:

24 (a) By holding a public hearing on the project, the time and place
25 of such hearing being published at least once not less than five days
26 prior to the date set for hearing in a legal newspaper in or of general
27 circulation within the municipality governing body's jurisdiction;

28 (b) By passage of a measure approving the project, including an
29 override of a veto if necessary, at a meeting held on any date subsequent
30 to the date of hearing; and

31 (c) After passage of such measure, including an override of a veto

1 if necessary, by giving notice as follows: (i) For those projects for
2 which applicable statutes require an ordinance or resolution of
3 necessity, creating a district or otherwise establishing the project,
4 notice shall be given for such project by including either as part of
5 such ordinance or resolution or as part of any publicized notice
6 concerning such ordinance or resolution a statement that the project as
7 described in the ordinance or resolution is subject to limited referendum
8 for a period of thirty days after the first publication of such notice
9 and that, after such thirty-day period, the project and measures related
10 to it will not be subject to any further right of referendum; and (ii)
11 for projects for which applicable statutes do not require an ordinance or
12 resolution of necessity, notice shall be given by publication of a notice
13 concerning such projects stating in general terms the nature of the
14 project and the engineer's estimate of costs of such project and stating
15 that the project described in the notice is subject to limited referendum
16 for a period of thirty days after the first publication of such notice
17 and that, after such thirty-day period, the project and measures related
18 to it will not be subject to any further right of referendum. The notice
19 required by subdivision (c)(ii) of this subsection shall be published in
20 at least one legal newspaper in or of general circulation within the
21 municipality ~~municipal subdivision~~ and shall be published not later than
22 fifteen days after passage by the governing body, including an override
23 of a veto, if necessary, of a measure approving the project.

24 The right of a municipality ~~municipal subdivision~~ to hold such a
25 hearing prior to passage of the measure by the governing body and give
26 such notice after passage of such measure by the governing body to obtain
27 exemption for any particular project in a manner described in this
28 subsection is optional, and no municipality ~~municipal subdivision~~ shall
29 be required to hold such a hearing or give such notice for any particular
30 project.

31 (5) Nothing in subsections (2) and (4) of this section shall be

1 construed as subjecting to limited referendum any measure related to
2 matters subject to the provisions of the Municipal Natural Gas System
3 Condemnation Act.

4 (6) All measures, except as provided in subsections (1), (2), and
5 (4) of this section, shall be subject to the referendum procedure at any
6 time after such measure has been passed by the governing body, including
7 an override of a veto, if necessary, or enacted by the voters by
8 initiative.

9 Sec. 181. Section 18-2529, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-2529 Whenever a referendum petition bearing signatures equal in
12 number to at least fifteen percent of the qualified electors of a
13 municipality ~~municipal subdivision~~ has been filed with the city clerk and
14 verified pursuant to section 18-2518, it shall be the duty of the
15 ~~municipal subdivision's~~ governing body of the municipality to reconsider
16 the measure or portion of such measure which is the object of the
17 referendum. If the governing body fails to repeal or amend the measure or
18 portion thereof in the manner proposed by the referendum, including an
19 override of any veto, if necessary, within thirty days from the date the
20 governing body receives notification pursuant to section 18-2518, the
21 city clerk shall cause the measure to be submitted to a vote of the
22 people at the next regularly scheduled primary or general election held
23 within the municipality ~~municipal subdivision~~. If the governing body
24 desires to submit the measure to a vote of the people at a special
25 election prior to the next regularly scheduled primary or general
26 election held within the municipality ~~municipal subdivision~~, the
27 governing body shall, by resolution, direct the city clerk to cause the
28 measure to be submitted at a special election. Such resolution shall not
29 be subject to referendum or limited referendum.

30 Sec. 182. Section 18-2530, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-2530 Whenever a referendum petition bearing signatures equal in
2 number to at least twenty percent of the qualified voters of a
3 municipality ~~municipal subdivision~~, which petition requests that a
4 special election be called to submit the referendum measure to a vote of
5 the people, has been filed with the city clerk and verified pursuant to
6 section 18-2518, it shall be the duty of the ~~municipal subdivision's~~
7 governing body of the municipality to reconsider the measure or portion
8 of such measure which is the object of the referendum. If the governing
9 body fails to repeal or amend the measure or portion thereof, in the
10 manner proposed by the referendum, including an override of any veto, if
11 necessary, the city clerk shall cause the measure to be submitted to a
12 vote of the people at a special election called for such purpose within
13 thirty days from the date the governing body received notification
14 pursuant to section 18-2518. Subject to the provisions of section
15 18-2521, the date of such special election shall be set during the first
16 available month that complies with sections 32-405 and 32-559 ~~not be less~~
17 ~~than thirty nor more than sixty days from the date the governing body~~
18 ~~received notification pursuant to section 18-2518.~~

19 Sec. 183. Section 18-2532, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-2532 Whoever knowingly or willfully makes a false affidavit or
22 takes a false oath regarding the qualifications of any person to sign
23 petitions under the Municipal Initiative and Referendum Act ~~sections~~
24 ~~18-2501 to 18-2531~~ shall be guilty of a Class I misdemeanor with a fine
25 not to exceed limit of three hundred dollars ~~on the fine.~~

26 Sec. 184. Section 18-2533, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 18-2533 Whoever falsely makes or willfully destroys a petition or
29 any part thereof, or signs a false name thereto, or signs or files any
30 petition knowing the same or any part thereof to be falsely made, or
31 suppresses any petition, or any part thereof, which has been duly filed,

1 pursuant to the Municipal Initiative and Referendum Act sections 18-2501
2 to 18-2531 shall be guilty of a Class I misdemeanor with a fine not to
3 exceed limit of five hundred dollars ~~on the fine~~.

4 Sec. 185. Section 18-2534, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-2534 Whoever signs any petition under the Municipal Initiative
7 and Referendum Act sections 18-2501 to 18-2533, knowing that he or she is
8 not a registered voter in the place where such petition is made, aids or
9 abets any other person in doing any of the acts mentioned in this
10 section, bribes or gives or pays any money or thing of value to any
11 person directly or indirectly to induce him or her to sign such petition,
12 or engages in any deceptive practice intended to induce any person to
13 sign a petition, shall be guilty of a Class I misdemeanor with a fine not
14 to exceed limit of three hundred dollars ~~on the fine~~.

15 Sec. 186. Section 18-2535, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-2535 Any city clerk who willfully refuses to comply with the
18 Municipal Initiative and Referendum Act provisions of sections 18-2501 to
19 18-2531 and 18-2538 or who willfully causes unreasonable delay in the
20 execution of his or her duties under the Municipal Initiative and
21 Referendum Act such sections shall be guilty of a Class I misdemeanor,
22 but imprisonment shall not be included as part of the punishment.

23 Sec. 187. Section 18-2536, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-2536 The Election Act, so far as applicable and when not in
26 conflict with the Municipal Initiative and Referendum Act sections
27 18-2501 to 18-2531, shall apply to voting on ordinances by the registered
28 voters pursuant to the Municipal Initiative and Referendum Act such
29 sections.

30 Sec. 188. Section 18-2537, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-2537 Nothing in the Municipal Initiative and Referendum Act
2 ~~sections 18-2501 to 18-2536~~ shall apply to procedures for initiatives or
3 referendums provided in sections 14-210 to 14-212 relating to cities of
4 the metropolitan class ~~metropolitan-class cities~~, sections 18-412 and
5 18-412.02 relating to municipal light and power plants, sections 70-504
6 and 70-650.01 relating to public power districts, and sections 80-203 to
7 80-205 relating to soldiers and sailors monuments.

8 Sec. 189. Section 18-2538, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 18-2538 The municipality or any chief petitioner may seek a
11 declaratory judgment regarding any questions arising under the Municipal
12 Initiative and Referendum Act ~~Chapter 18, article 25~~, as it may be from
13 time to time amended, including, but not limited to, determining whether
14 a measure is subject to referendum or limited referendum or whether a
15 measure may be enacted by initiative. If a chief petitioner seeks a
16 declaratory judgment, the municipality shall be served as provided in
17 section 25-510.02. If the municipality seeks a declaratory judgment, only
18 the chief petitioner or chief petitioners shall be required to be served.
19 Any action brought for declaratory judgment for purposes of determining
20 whether a measure is subject to limited referendum or referendum, or
21 whether a measure may be enacted by initiative, may be filed in the
22 district court at any time after the filing of a referendum or initiative
23 petition with the city clerk for signature verification until forty days
24 from the date the governing body received notification pursuant to
25 section 18-2518. If the municipality does not bring an action for
26 declaratory judgment to determine whether the measure is subject to
27 limited referendum or referendum, or whether the measure may be enacted
28 by initiative until after it has received notification pursuant to
29 section 18-2518, it shall be required to proceed with the initiative or
30 referendum election in accordance with the Municipal Initiative and
31 Referendum Act ~~sections 18-2501 to 18-2537 and this section~~. If the

1 municipality does file such an action prior to receiving notification
2 pursuant to section 18-2518, it shall not be required to proceed to hold
3 such election until a final decision has been rendered in the action. Any
4 action for a declaratory judgment shall be governed generally by sections
5 25-21,149 to 25-21,164, as amended from time to time, except that only
6 the municipality and each chief petitioner shall be required to be made
7 parties. The municipality, city clerk, governing body, or any other
8 officers of the municipality ~~municipality's officers~~ shall be entitled to
9 rely on any order rendered by the court in any such proceeding. Any
10 action brought for declaratory judgment pursuant to this section shall be
11 given priority in scheduling hearings and in disposition as determined by
12 the court. When an action is brought to determine whether the measure is
13 subject to limited referendum or referendum, or whether a measure may be
14 enacted by initiative, a decision shall be rendered by the court no later
15 than five days prior to the election. The provisions of this section
16 relating to declaratory judgments shall not be construed as limiting, but
17 construed as supplemental and additional to other rights and remedies
18 conferred by law.

19 Sec. 190. Section 18-2705, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 18-2705 (1) Economic development program means any project or
22 program utilizing funds derived from local sources of revenue for the
23 purpose of providing direct or indirect financial assistance to a
24 qualifying business or the payment of related costs and expenses or both,
25 without regard to whether that business is identified at the time the
26 project or program is initiated or is to be determined by specified means
27 at some time in the future.

28 (2) An economic development program may include, but shall not be
29 limited to, the following activities: Direct loans or grants to
30 qualifying businesses for fixed assets or working capital or both; loan
31 guarantees for qualifying businesses; grants for public works

1 improvements which are essential to the location or expansion of, or the
2 provision of new services by, a qualifying business; grants or loans to
3 qualifying businesses for job training; the purchase of real estate,
4 options for such purchases, and the renewal or extension of such options;
5 grants or loans to qualifying businesses to provide relocation incentives
6 for new residents; the issuance of bonds as provided for in the Local
7 Option Municipal Economic Development Act; and payments for salaries and
8 support of city staff to implement the economic development program or
9 the contracting of such to an outside entity.

10 (3) For cities of the first class, cities of the second class, and
11 villages, an economic development program may also include:

12 (a) Grants ~~grants~~ or loans for the construction or rehabilitation
13 for sale or lease of housing for persons of low or moderate income; -

14 (b) Grants ~~(4) For cities of the first class, cities of the second~~
15 ~~class, and villages, an economic development program may also include~~
16 ~~grants, loans, or funds for rural infrastructure development as defined~~
17 ~~in section 66-2102; -~~

18 (c) Grants ~~(5) For cities of the first class, cities of the second~~
19 ~~class, and villages, an economic development program may also include~~
20 ~~grants or loans for the construction or rehabilitation for sale or lease~~
21 ~~of housing as part of a workforce housing plan; or -~~

22 (d) Grants ~~(6) For cities of the first class, cities of the second~~
23 ~~class, and villages, an economic development program may also include~~
24 ~~grants, loans, or funds for early childhood infrastructure development.~~

25 (4) ~~(7)~~ An economic development program may be conducted jointly by
26 two or more cities after the approval of the program by the voters of
27 each participating city.

28 Sec. 191. Section 18-2708, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 18-2708 Local sources of revenue means the city's property tax, the
31 city's local option sales tax, or any other general tax levied by the

1 city or generated from municipally owned utilities or grants, donations,
2 or state and federal funds received by the city subject to any
3 restrictions of the grantor, donor, or state or federal law. Funds
4 generated from municipally owned utilities shall be used for utility-
5 related purposes or activities associated with the economic development
6 program as determined by the governing body ~~city council~~, including, but
7 not limited to, load management, energy efficiency, energy conservation,
8 incentives for load growth, line extensions, land purchase, site
9 development, and demand side management measures.

10 Sec. 192. Section 18-2709, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

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

23 (2) Qualifying business also means:

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

27 (b) In cities of the first class, cities of the second class, and
28 villages, a business that derives its principal source of income from
29 early childhood care and education programs;

30 (c) A business that derives its principal source of income from
31 retail trade, except that no more than forty percent of the total revenue

1 generated pursuant to the Local Option Municipal Economic Development Act
2 for an economic development program in any twelve-month period and no
3 more than twenty percent of the total revenue generated pursuant to the
4 act for an economic development program in any five-year period,
5 commencing from the date of municipal approval of an economic development
6 program, shall be used by the city for or devoted to the use of retail
7 trade businesses. For purposes of this subdivision, retail trade means a
8 business which is principally engaged in the sale of goods or commodities
9 to ultimate consumers for their own use or consumption and not for
10 resale; and

11 (d) In cities with a population of two thousand five hundred
12 inhabitants or less as determined by the most recent federal decennial
13 census or the most recent revised certified count by the United States
14 Bureau of the Census, a business shall be a qualifying business even
15 though it derives its principal source of income from activities other
16 than those set out in this section.

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

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

29 (5) Qualifying business does not include a political subdivision, a
30 state agency, or any other governmental entity, except as allowed for
31 cities of the first class, cities of the second class, and villages for

1 rural infrastructure development as provided for in subdivision (3)(b)
2 ~~subsection (4)~~ of section 18-2705.

3 Sec. 193. Section 18-2717, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 18-2717 (1) No city of the metropolitan class or primary class shall
6 appropriate from funds derived directly from local sources of revenue
7 more than five million dollars for all approved economic development
8 programs in any one year, no city of the first class shall appropriate
9 from funds derived directly from local sources of revenue more than four
10 million dollars for all approved economic development programs in any one
11 year, and no city of the second class or village shall appropriate from
12 funds derived directly from local sources of revenue more than three
13 million dollars for all approved economic development programs in any one
14 year.

15 (2) Notwithstanding the provisions of subsection (1) of this
16 section, no city shall appropriate from funds derived directly from local
17 sources of revenue an amount for an economic development program in
18 excess of the total amount approved by the voters at the election or
19 elections in which the economic development program was submitted or
20 amended.

21 (3) The restrictions on the appropriation of funds from local
22 sources of revenue as set out in subsections (1) and (2) of this section
23 shall apply only to the appropriation of funds derived directly from
24 local sources of revenue. Sales tax collections in excess of the amount
25 which may be appropriated as a result of the restrictions set out in such
26 subsections shall be deposited in the city's economic development fund
27 and invested as provided for in section 18-2718. Any funds in the city's
28 economic development fund not otherwise restricted from appropriation by
29 reason of the city's ordinance governing the economic development program
30 or this section may be appropriated and spent for the purposes of the
31 economic development program in any amount and at any time at the

1 discretion of the governing body of the city subject only to section
2 18-2716.

3 (4) The restrictions on the appropriation of funds from local
4 sources of revenue shall not apply to the reappropriation of funds which
5 were appropriated but not expended during previous fiscal years.

6 Sec. 194. Section 18-2722, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-2722 (1) The registered voters of any city that has established
9 an economic development program shall, at any time after one year
10 following the original vote on the program, have the right to vote on the
11 continuation of the economic development program. The question shall be
12 submitted to the voters whenever petitions calling for its submission,
13 signed by registered voters of the city in number equal to at least
14 twenty percent of the number of persons voting in the city at the last
15 preceding general election, are presented to the governing body of the
16 city.

17 (2) Upon the receipt of the petitions, the governing body of the
18 city shall submit the question at a special election to be held not less
19 than thirty days nor more than forty-five days after receipt of the
20 petitions, except that if any other election is to be held in such city
21 within ninety days of the receipt of the petitions, the governing body
22 may provide for holding the election on the same date.

23 (3) Notwithstanding the provisions of subsection (2) of this
24 section, if two-thirds of the members of the governing body of the city
25 vote to repeal the ordinance establishing the economic development
26 program within fifteen days of the receipt of the petitions for an
27 election, the economic development program shall end and the election
28 shall not be held.

29 (4) The governing body shall give notice of the submission of the
30 question of whether to continue the economic development program not more
31 than twenty days nor less than ten days prior to the election by

1 publication one time in one or more legal newspapers published in or of
2 ~~having~~ a general circulation in the city in which the question is to be
3 submitted. Such notice shall be in addition to any other notice required
4 by the election laws of the state.

5 (5) The question on the ballot shall generally set out the basic
6 terms and provisions of the economic development program as required for
7 the initial submission, except that the question shall be: "Shall the
8 city of (name of the city) continue its economic development program?".

9 (6) A majority of the registered voters voting on the question at
10 the election shall determine the question. The final vote shall be
11 binding on the city, and the governing body of the city shall act within
12 sixty days of the certification of the vote by the county clerk or the
13 election commissioner to repeal the ordinance establishing the economic
14 development program if a majority of the voters voting on the question
15 vote to discontinue the program.

16 (7) The repeal of the ordinance and the discontinuation of the
17 economic development program shall be subject only to the provisions of
18 any contracts related to the economic development program and the rights
19 of any third parties arising from those contracts existing on the date of
20 the election. Any funds collected by the city under the economic
21 development program and unexpended for that program on the date of its
22 repeal and any funds received by the city on account of the operation of
23 the economic development program thereafter shall be deposited in the
24 general fund of the city.

25 Sec. 195. Section 18-2737, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-2737 (1) Any city which has received voter approval to conduct an
28 economic development program pursuant to the Local Option Municipal
29 Economic Development Act prior to June 1, 1993, may, subject to
30 subsection (2) of this section, issue bonds as provided by the act even
31 though the proposed plan prepared pursuant to section 18-2710 did not

1 contemplate or provide for the issuance of bonds and the question on the
2 ballot approved by the voters did not set out that the city proposed to
3 issue bonds to provide funds to carry out the economic development
4 program.

5 (2) The governing body of any city proposing to issue bonds pursuant
6 to the authority granted by subsection (1) of this section shall adopt a
7 resolution expressing the intent of the city to issue bonds from time to
8 time pursuant to the act to provide funds to carry out the economic
9 development program. Such resolution shall set a date for a public
10 hearing on the issue of exercising such authority, and notice of such
11 hearing shall be published in a legal newspaper in or of general
12 circulation in the city at least seven days prior to the date of such
13 hearing. Following such hearing, the governing body of the city shall
14 amend or incorporate into the ordinance adopted pursuant to section
15 18-2714 a provision authorizing the governing body to exercise, in the
16 manner set forth in the act, the authority granted by the act to issue
17 bonds to provide funds to carry out the economic development program.

18 (3) Any city desiring to exercise the authority granted by this
19 section which complies with the provisions of subsection (2) of this
20 section may exercise the authority to issue bonds as provided in the act.

21 Sec. 196. Section 18-2803, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-2803 For purposes of the Municipal Proprietary Function Act:

24 (1) Fiscal year shall mean the twelve-month period established by
25 each governing body for each proprietary function of municipal government
26 for determining and carrying on its financial affairs for each
27 proprietary function;

28 (2) Governing body shall mean the city council in the case of a city
29 of any class, including any city with a home rule charter, and the
30 village board of trustees in the case of a village ~~and shall include any~~
31 ~~city with a home rule charter~~;

1 (3) Municipal budget statement shall mean a budget statement adopted
2 by a governing body for nonproprietary functions of the municipality
3 under the Nebraska Budget Act;

4 (4) Proprietary budget statement shall mean a budget adopted by a
5 governing body for each proprietary function pursuant to the Municipal
6 Proprietary Function Act; and

7 (5) Proprietary function shall mean a water supply or distribution
8 utility, a wastewater collection or treatment utility, an electric
9 generation, transmission, or distribution utility, a gas supply,
10 transmission, or distribution utility, an integrated solid waste
11 management collection, disposal, or handling utility, or a hospital or a
12 nursing home owned by a municipality.

13 Sec. 197. Section 18-2806, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 18-2806 (1) After a proposed proprietary budget statement is filed
16 with the municipal clerk, the governing body shall conduct a public
17 hearing on such statement. Notice of the time and place of the hearing, a
18 summary of the proposed proprietary budget statement, and notice that the
19 full proposed proprietary budget statement is available for public review
20 with the municipal clerk during normal business hours shall be published
21 one time at least five days prior to the hearing in a legal newspaper in
22 or of general circulation within the governing body's jurisdiction or by
23 mailing to each resident within the governing body's jurisdiction.

24 (2) After such hearing, the proposed proprietary budget statement
25 shall be adopted or amended and adopted as amended, and a written record
26 shall be kept of such hearing. If the adopted proprietary budget
27 statement reflects a change from the proposed proprietary budget
28 statement presented at the hearing, a copy of the adopted proprietary
29 budget statement shall be filed with the municipal clerk within twenty
30 days after its adoption and published in a legal newspaper in or of
31 general circulation within the governing body's jurisdiction or by

1 mailing to each resident within the governing body's jurisdiction.

2 Sec. 198. Section 18-2807, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-2807 If the actual expenditures for a proprietary function exceed
5 the estimated expenditures in the proprietary budget statement during its
6 fiscal year, the governing body shall adopt a proprietary function
7 reconciliation statement within ninety days after the end of such fiscal
8 year which reflects any difference between the adopted proprietary budget
9 statement for the previous fiscal year and the actual expenditures and
10 revenue for such fiscal year. After adoption of a proprietary function
11 reconciliation statement, it shall be filed with the municipal clerk and
12 published in a legal newspaper in or of general circulation within the
13 governing body's jurisdiction or by mailing to each resident within the
14 governing body's jurisdiction. If the difference between the adopted
15 proprietary budget for the previous fiscal year and the actual
16 expenditures and revenue for such fiscal year is greater than ten
17 percent, the proprietary function reconciliation statement shall only be
18 adopted following a public hearing.

19 Sec. 199. Section 18-3001, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 18-3001 (1) Except as provided in subsection (5) of this section and
22 notwithstanding any provisions of Chapter 14, article 4, Chapter 15,
23 article 9, or Chapter 19, article 9, or of any home rule charter to the
24 contrary, every city or village may include within its zoning ordinance
25 provisions authorizing and regulating planned unit developments within
26 such city or village or within the extraterritorial zoning jurisdiction
27 of such city or village, ~~except such cities or villages shall not have~~
28 ~~authority to impose such power over other organized cities or villages~~
29 ~~within the zoning jurisdiction of such cities or villages.~~ As used in
30 this section, planned unit development includes any development of a
31 parcel of land or an aggregation of contiguous parcels of land to be

1 developed as a single project which proposes density transfers, density
2 increases, and mixing of land uses, or any combination thereof, based
3 upon the application of site planning criteria. The purpose of such
4 ordinance shall be to permit flexibility in the regulation of land
5 development, to encourage innovation in land use and variety in design,
6 layout, and type of structures constructed, to achieve economy and
7 efficiency in the use of land, natural resources, and energy and the
8 provision of public services and utilities, to encourage the preservation
9 and provision of useful open space, and to provide improved housing,
10 employment, or shopping opportunities particularly suited to the needs of
11 an area.

12 (2) An ordinance authorizing and regulating planned unit
13 developments shall establish criteria relating to the review of proposed
14 planned unit developments to ensure that the land use or activity
15 proposed through a planned unit development shall be compatible with
16 adjacent uses of land and the capacities of public services and utilities
17 affected by such planned unit development and to ensure that the approval
18 of such planned unit development is consistent with the public health,
19 safety, and general welfare of the city or village and is in accordance
20 with the comprehensive plan.

21 (3) Within a planned unit development, regulations relating to the
22 use of land, including permitted uses, lot sizes, setbacks, height
23 limits, required facilities, buffers, open spaces, roadway and parking
24 design, and land-use density shall be determined in accordance with the
25 planned unit development regulations specified in the zoning ordinance.
26 The planned unit development regulations need not be uniform with regard
27 to each type of land use.

28 (4) The approval of planned unit developments, as authorized under a
29 planned unit development ordinance, shall be generally similar to the
30 procedures established for the approval of zone changes. In approving any
31 planned unit development, a city or village may, either as a condition of

1 the ordinance approving a planned unit development, by covenant, by
2 separate agreement, or otherwise, impose reasonable conditions as deemed
3 necessary to ensure that a planned unit development shall be compatible
4 with adjacent uses of land, will not overburden public services and
5 facilities, and will not be detrimental to the public health, safety, and
6 welfare. Such conditions or agreements may provide for dedications of
7 land for public purposes.

8 (5) Except as provided in subsection (6) of this section, a city of
9 the second class or village located in a county that has adopted a
10 comprehensive development plan which meets the requirements of section
11 23-114.02 and is enforcing subdivision regulations shall not finally
12 approve a planned unit development upon property located outside of the
13 corporate boundaries of the city or village until the plans for the
14 planned unit development have been submitted to, reviewed, and approved
15 by the county's planning commission pursuant to subsection (4) of section
16 17-1002.

17 (6) A city of the second class or village located in whole or in
18 part within the boundaries of a county having a population in excess of
19 one hundred thousand inhabitants but less than two hundred fifty thousand
20 inhabitants as determined by the most recent federal decennial census or
21 the most recent revised certified count by the United States Bureau of
22 the Census that has adopted a comprehensive development plan which meets
23 the requirements of section 23-114.02 and is enforcing subdivision
24 regulations shall not finally approve a planned unit development upon
25 property located outside of the corporate boundaries of the city or
26 village until the plans for the planned unit development have been
27 submitted to the county's planning department and public works department
28 for review.

29 Sec. 200. Section 71-3305, Reissue Revised Statutes of Nebraska, is
30 amended to read:

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

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

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

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

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

1 with the city or village to assume such responsibilities.

2 Sec. 201. Original sections 18-131, 18-305, 18-306, 18-307, 18-308,
3 18-309, 18-310, 18-311, 18-401, 18-402, 18-403, 18-404, 18-405, 18-407,
4 18-408, 18-409, 18-410, 18-411, 18-412, 18-412.02, 18-412.07, 18-412.08,
5 18-412.09, 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505,
6 18-506, 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512,
7 18-602, 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618,
8 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626, 18-627,
9 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003, 18-1004,
10 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202, 18-1203, 18-1204,
11 18-1205, 18-1206, 18-1207, 18-1215, 18-1216, 18-1501, 18-1502, 18-1503,
12 18-1504, 18-1508, 18-1509, 18-1701, 18-1702, 18-1705, 18-1706, 18-1707,
13 18-1708, 18-1709, 18-1712, 18-1713, 18-1714, 18-1716, 18-1718, 18-1721,
14 18-1722.01, 18-1723, 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748,
15 18-1750, 18-1752, 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803,
16 18-1804, 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915,
17 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131, 18-2135,
18 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206, 18-2301, 18-2302,
19 18-2303, 18-2304, 18-2305, 18-2306, 18-2307, 18-2308, 18-2309, 18-2310,
20 18-2311, 18-2312, 18-2313, 18-2314, 18-2315, 18-2402, 18-2443, 18-2476,
21 18-2501, 18-2502, 18-2504, 18-2505, 18-2506, 18-2518, 18-2520, 18-2521,
22 18-2522, 18-2523, 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529,
23 18-2530, 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538,
24 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, and 71-3305,
25 Reissue Revised Statutes of Nebraska, and sections 16-6,108, 18-132,
26 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902,
27 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, and 18-3001,
28 Revised Statutes Cumulative Supplement, 2020, are repealed.